



STAFF REPORT

Planning Commission

CASE # CU-133-23

PC Date:	March 7, 2023	Case Planner:	Omar Yusuf
CC Date:	April 17, 2023		
Location:	8780 East 93 rd Place Henderson, CO 80640		
Applicant:	Doka USA	Owner:	IOV 8780 93 rd Place, LLC
Address:	214 Gates Rd Little Ferry, NJ 07643	Address:	10 N. Martingale Rd. Suite 560 Schaumburg, IL 60173

Case Summary

Request:	Conditional Use Permit to allow for stacking of scaffolding and related equipment for up to thirty-(30) feet.
Project Description:	Doka USA is requesting the approval of a Conditional Use Permit in order to allow stacking of scaffolding and related equipment of up to thirty- (30) feet. The outdoor storage area is approximately 220,000 square feet with recycled asphalt in which items such as formwork, scaffolding, shoring, and safety equipment will be stored.
Issues/Concerns:	<ul style="list-style-type: none">• None Identified
Key Approval Criteria:	<ul style="list-style-type: none">• Compliance to the Comprehensive Plan.• Compliance to the Marty Farms PUD Zone Document• Compliance with the Land Development Code (LDC).• Conditional Use Approval Criteria
Staff Recommendation:	Approval
Current Zone District:	PUD (Planned Unit Development District) (I-3 PUD)
Comp Plan Designation:	General Industrial

Attachments for Review: *Checked if applicable to case.*

- | | |
|---|--|
| <input checked="" type="checkbox"/> Applicant's Narrative | <input checked="" type="checkbox"/> Vicinity Map |
| <input checked="" type="checkbox"/> Development Plan | |

Background Information

Site Information

Site Size:	11.875 acres
Current Conditions:	Developed
Existing Right-of-Way:	East 93rd Place to the north; Yosemite Street to the east
Neighborhood:	Marty Farms
Existing Buildings:	Yes
Buildings to Remain?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Site in Floodplain	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Surrounding Properties

<u>Existing Land Use</u>	<u>Occupant</u>	<u>Zoning</u>
North	Industrial	Airgas
South	Public/Utility	FRICO Burlington Ditch
East	Industrial	Precast Concepts
West	Industrial	FedEx

Case History

There are three relevant cases in the history of the subject property, as shown below:

<u>Case</u>	<u>Date</u>	<u>Request</u>	<u>Action</u>
Z-787-03	October 20, 2003	Approval of Marty Farms PUD	Approval
Z-787-03-06	Aug. 7, 2006	First amendment to the Marty Farms PUD Zone Document	Approval with Conditions
CU-104-14	May 19, 2014	Conditional Use Permit for FAR reduction, setback increase, and hazardous materials transportation terminal for Groendyke Transport.	Approval with Conditions
CU-118-18	August 20, 2018	Conditional Use Permit to reduce the required Floor Area Ratio (FAR) from 0.15 to 0.06 to allow for a construction of a 27,600 sq. ft. building.	Approval
Z-787-D-389-18-20	May 18, 2021	A spec 42,000 sq. ft. maintenance and repair facility is proposed.	Approval

Z-787-03:

On October 20, 2003, the City Council approved the Marty Farms PUD by amending the zoning ordinance and zoning map of the City of Commerce City, and rezoning to PUD Zoning District.

Z-787-03-06:

On August 7, 2006 the City Council approved an amendment to the originally approved Marty Farms Planned Unit Development (PUD) Zone Document with three main changes: to require a Conditional Use Permit for projects that cannot meet the bulk standards of the PUD;

- 1) Including the height of outdoor storage.
- 2) To exclude salvage yards and auto auctions from operating in the development
- 3) To revise the access off E. 96th Avenue.

The application was approved with conditions, which have been satisfied.

CU-104-14:

Groendyke Transport received approval for an FAR reduction, along with an increase to the maximum front setback and authorization for their use as a transportation terminal for hazardous materials. CUPs are granted to a specific user for a specific property, so this approval lapsed 2 years from the original date of approval due to the development proposal not moving forward. Groendyke later sold the property to the current applicant.

CU-118-18:

The applicant, Winslow Crane Service Company (WCSC), requested the approval of a Conditional Use Permit to reduce the required Floor Area Ratio (FAR) from 0.15 to 0.06 to allow for construction of a new 27,600 square foot building. Since CUPs are granted to a specific user, this CUP is no longer valid.

Z-787-D-389-18-20:

The applicant, IOV 8780 93rd Place, LLC, PUD Permit for a spec 42,000 sq. ft. maintenance and repair facility. The vision for this project has since changed and will accommodate a scaffolding and related equipment facility owned by Doka USA.

Applicant’s Request

The applicant, Doka USA, is requesting a Conditional Use Permit for stacking of thirty (30) feet for scaffolding and related equipment, which consists of formwork, shoring and safety equipment. Doka USA is a family-owned international company that operates throughout the United States. Doka USA is relocating from their Sedalia, CO location to establish their operations at the subject property to provide concrete formwork systems, safety and protection, accessory parts and materials to contractors for the purpose medium and large-scale construction projects. The subject site is a good fit for their location to accommodate their equipment, which provides screening and blends in with surrounding businesses. The 42,000 sq. ft. building is big enough to accommodate equipment that are returned for repair and the outdoor storage area of 220,000 sq. ft. is large enough to maneuver heavy equipment for loading and unloading off trucks. In conclusion, this request will result in the addition of thirty-(30) employees to provide a stronger employment sector in the area.

Development Review Team Analysis

Comprehensive Plan:

The Development Review Team (DRT) began by reviewing the Conditional Use Permit (CUP) request against the goals found in the City's Comprehensive Plan. That analysis is provided below:

Comprehensive Plan

The DRT recommendation for this case is supported by the following Comprehensive Plan Goals:

<u>Section</u>	<u>Goal</u>	<u>Description</u>
Land Use	LU 1a	Future Land Use Plan as Guide: Use the Future Land Use Plan (FLUP) to guide development patterns and mix of uses and amendments to the Land Development Code (LDC).
<u>Analysis:</u>	The Future Land Use Plan identifies the subject property for General Industrial uses, which allows a mix of medium and heavy intensity industrial uses, and generally correlates with the I-2 and I-3 zone districts. The proposed business will house offices for the site employees along with specialized work bays and storage yard space.	

<u>Section</u>	<u>Goal</u>	<u>Description</u>
Economic Development	ED 3.3	Ensure Availability of Industrial Land and Buildings: In accordance with the Future Land Use Plan, monitor and maintain the amount of land zoned for office/flex, technology, and industrial uses to preserve these areas for existing or new businesses and industry.
<u>Analysis:</u>	The Marty Farms development has provided land for new large-scale industrial development since it was originally zoned in 2005. Doka USA is an existing operational business in Colorado and is seeking to relocate to Commerce City to provide economic growth within Marty Farms by providing thirty additional employees to the city.	

Site Layout:

The subject property is located within the Marty Farms Industrial Development (generally bounded by E. 96th Avenue to the north, Yosemite Street to the east, the O’Brian Canal to the south, and the Union Pacific Railroad to the west). The site was built out in 2020 and was originally planned for a truck repair/maintenance facility. The site has a principal structure with 42,000 sq. ft. positioned at the northern part of the property that can accommodate offices and a repair area for maintenance/repair of equipment. A 10,500 sq. ft. carport positioned along the northern property line and a large outdoor area of 220,000 sq. ft. that makes up the southern portion of the lot that was intended for truck parking. The perimeter of the property contains 84 parking spaces intended for employee, customer, and trucks.

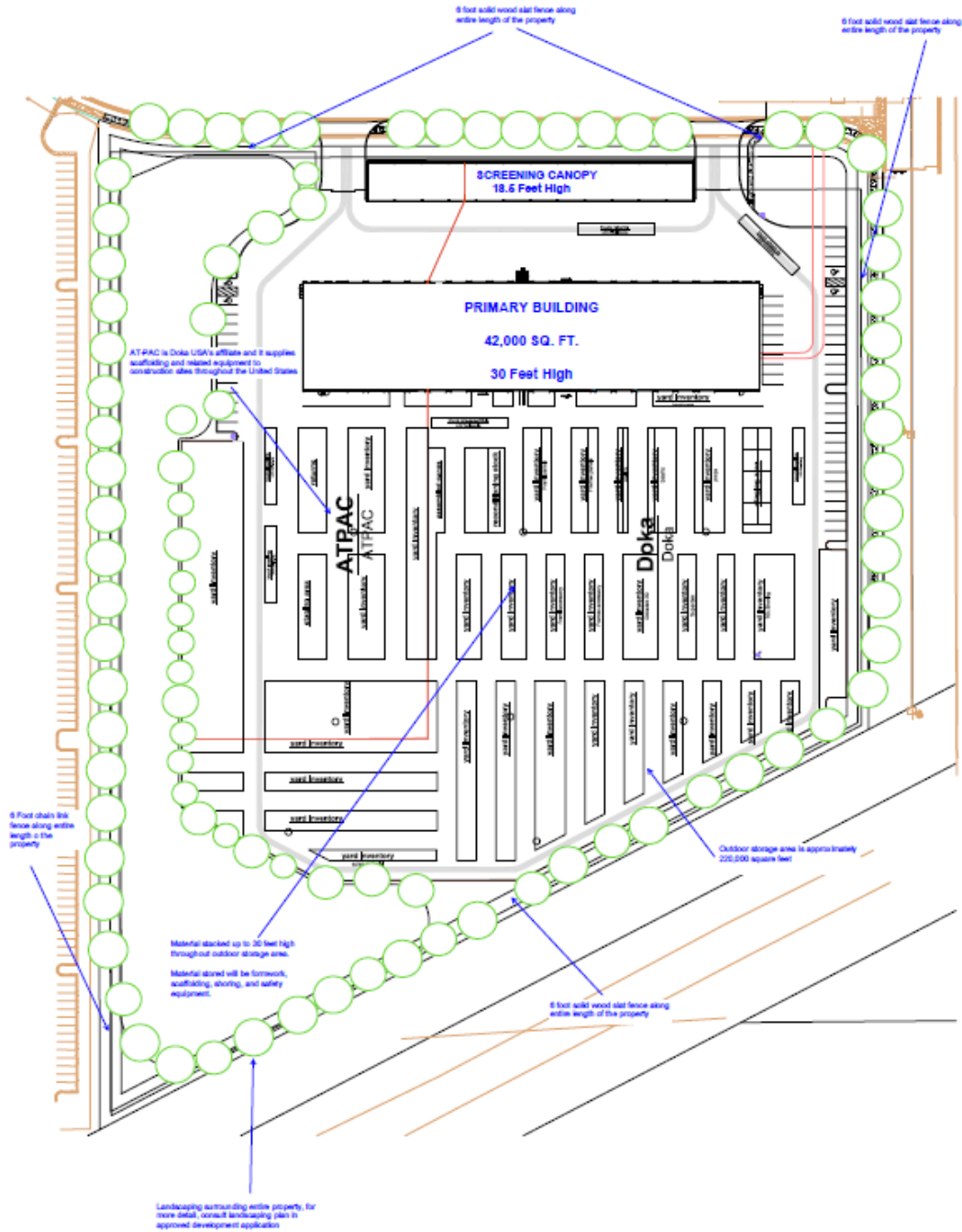
Doka USA is requesting a Conditional Use Permit to allow stacking of scaffolding related equipment, which includes concrete formworks, safety and protection systems, and accessory parts and materials to contractors that lease the equipment. The applicant chose this site due to the capacity that this site holds, with a carport where concrete formworks will be washed down, offices and work area for operations and maintenance of equipment that is used. The outdoor area will be used to accommodate the scaffolding, shoring, formworks and safety equipment.

Based on the information provided by Doka USA, the DRT determined that this Conditional Use Permit meets the approval criteria and staff recommends that the Planning Commission recommend approval to the City Council to approve this request.

Compliance to Sec. 21-5254

The LDC allows for the stacking of outdoor storage materials in the I-3 zone district. This property follows the zoning designation of (I-3) within the Marty Farms PUD. The LDC permits a maximum stacking of outdoor storage materials of 8-ft in height. The Marty Farms PUD requires a Conditional Use Permit for any bulk standard deviation (as opposed to a traditional variance or height exception request). Therefore, Doka USA is requesting a Conditional Use Permit to allow outdoor storage of thirty-(30) feet in height. The outdoor storage area is screened as required by the LDC. In addition, trees and shrubs are placed around the perimeter that is used as an additional screening method. The Marty Farms PUD states the outdoor storage shall be limited to fifty (50 %) percent of the site, in which 220, 000 sq. ft. is proposed, meaning that the applicant is only proposing 42% of the site as outdoor storage. The applicant also provided a truck circulation plan with the submittal depicting how trucks will maneuvering in between the inventory and a loading and staging area on both sides of the inventory for easy loading and unloading. The equipment on the north part of the building includes formworks and shoring, which act as support beams for scaffolding and staging areas (*See Figure 1*). The middle and southern portion of the outdoor storage area contains scaffolding, which acts as a temporary staging area for construction workers.

Figure 1



The applicant is requesting 30-ft. in height due to the nature of their materials, their operations, and their business model. The proposed stacking of material will not affect visibility to surrounding properties and does not pose a fire risk. In addition, due to the location of this site away from arterial streets the height of stacking is not highly visible nor impactful to surrounding properties. As shown in the photograph identified as Figure 2, the materials are arranged in a neat and orderly manner on site. In conclusion, the proposed use will not be detrimental to surrounding properties and will be appropriate for the Marty Farms Industrial Park.

Figure 2



Criteria Met?	Sec. 21-3230. Conditional Use Permits	Rationale
☒	The proposed use will not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, either as they presently exist or as they are envisioned to exist in any adopted City plan, program or ordinance;	The proposed stacking of materials will not result in substantial or undue adverse effect on adjacent property or the character of the neighborhood. All parking and utilities is provided through the development of the site has been reviewed by internal and external agencies in the recent approval of the PUD Development Plan. This proposal has been referred to external agencies in which no comments were provided; therefore, city concludes that this proposal does not raise any fire and law enforcement issues.
☒	Any adverse effect has been or will be mitigated to the maximum extent feasible, including but not limited to sufficient landscaping and screening to ensure harmony for adjoining uses;	The applicant will ensure that the existing landscaping around the perimeter of the property will remain and screen the proposed stacking of materials.
☒	The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features; ;	The proposed use is suitable for the site. The layout will place the building in a highly visible location at the intersection of two streets, while the rest of the site will provide for drainage and adequate space for the equipment.
☒	The proposed use will be adequately served by and will not impose an undue burden on any of the existing improvements, facilities, and services of the city or its residents or the applicant has committed to provide such improvements, facilities, utilities and services in sufficient time to serve the proposed use;	The current facility has been reviewed during the development review process to ensure that adequate public services are provided. The applicant has addressed all referral agencies' comments.
☒	The applicant has provided adequate assurances of continuing maintenance;	The applicant will ensure that each part of the property will accommodate each process of the proposed use without exceeding site capacity that can compromise continuing maintenance.

Criteria Met?	Sec. 21-3230. Conditional Use Permits	Rationale
<input checked="" type="checkbox"/>	No evidence suggests that the use violates any federal, state, or local requirements.	There is no indication that the use violates any federal, state, or local requirements.
<input checked="" type="checkbox"/>	The proposed use complies with the general purposes, goals, objectives, policies, and standards of all City plans, programs, and ordinances	The proposed use complies with all applicable regulations, requirements, and standards found in the Land Development Code and the Marty Farms PUD. It also complies with the general purposes, goals, objectives, policies, and standards of the Comprehensive Plan.

Development Review Team Recommendation

Based upon the previous analysis, the Development Review Team believes that the application meets the criteria for a Conditional Use Permit set forth in the Land Development Code and recommends that the Planning Commission forward the Conditional Use Permit request to the City Council with a recommendation for **approval**.

Recommended Motion

To recommend approval:

I move that the Planning Commission enter a finding that the requested Conditional Use Permit for the property located at 8780 East 93rd Place contained in case CU-133-23 meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Conditional Use Permit.

Alternative Motions

To recommend approval subject to condition(s):

I move that the Planning Commission enter a finding that, subject to certain conditions, the requested Conditional Use Permit for the property located at **8780 East 93rd Place** contained in case CU-133-23 meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Conditional Use Permit subject to the following condition:

List Conditions

To recommend denial:

I move that the Planning Commission enter a finding that the requested Conditional Use Permit for the property located at **8780 East 93rd Place** contained in case **CU-133-23** fails to meet the following criteria of the Land Development Code:

List the criteria not met

I further move that, based upon this finding, the Planning Commission recommend that the City Council deny the Conditional Use Permit.

To recommend continuance:

I move that the Planning Commission continue the requested Conditional Use Permit for the property located at **8780 East 93rd Place** contained in case **CU-133-23** to a future Planning Commission hearing.

Insert future Planning Commission date