



STAFF REPORT

Planning Commission

CASE #Z-902-12

PC Date:	August 7, 2012	Case Planner:	Jared Draper
CC Date:	TBD		
Location:	172121401002 and 172121005015 (Adjacent to 9101 Yosemite Street, Henderson, CO 80640)		
Applicant:	BNSF Railroad	Owner:	Same as Applicant
Address:	2650 Lou Menk Drive, Mob-1 Fort Worth, Tx 76131	Address:	Same as Applicant

Case Summary

Request:	Zone change from I-1 to I-3 to be consistent with the current zoning on the adjacent parcel owned by the applicant (172121401002 and 172121005015)
Project Description:	BNSF currently operates an automobile staging facility for the metro area. The staging facility is currently operated on a parcel that is zoned I-3. The adjacent parcels, owned by the applicant, are zoned I-1. Currently, one of the parcels is vacant and the other is used for stormwater detention. The request to rezone both the vacant parcel and the parcel used for detention to I-3 will allow for the applicant to expand the existing staging facility with the appropriate zoning designation.
Issues/Concerns:	Compatibility with surrounding properties
Key Approval Criteria:	<ul style="list-style-type: none">• Land Development Code• Comprehensive Plan
Staff Recommendation:	Approval
Current Zone District:	I-1 (Light Intensity Industrial District)
Comp Plan Designation:	General Industrial

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

- | | |
|--|---|
| <input checked="" type="checkbox"/> Applicant's Narrative Summary | <input checked="" type="checkbox"/> Vicinity Map |
| <input checked="" type="checkbox"/> Development Review Team Recommendation | <input type="checkbox"/> Neighborhood Meeting Notes |
| <input type="checkbox"/> Site Plan | <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> |

Background Information

Site Information

Site Size:	49 Acres
Current Conditions:	Automobile staging facility and rail yard
Existing Right-of-Way:	Yosemite Street to the East
Existing Roads:	Yosemite Street to the East
Existing Buildings:	Office building and guard house
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	FedEx Freight	PUD
South	Industrial	FedEx Ground Packaging & Xcaliber	I-2
East	Industrial	Birko Corporation, Canyon State Oil	I-3
West	Industrial	Distribution Plus	I-2

Case History

The subject property was annexed into the City of Commerce City as part of the northern enclave annexation. There are three parcels that are currently owned by the applicant. The northern parcel is currently used for a stormwater detention area and was zoned I-1 in case Z-874-08. The southern parcel is currently vacant and is also currently zoned I-1 based on the result from case Z-874-08. The parcel that is currently developed lies between the two I-1 parcels and is currently zoned I-3 to accommodate the use of the property as an automobile staging facility and rail yard.

In order to expand the current automobile staging operation, the applicant requested a height exception for light poles from the Board of Adjustment in June 2012. The variance was granted for twenty-feet; therefore having light poles that are a maximum of fifty-feet (50') tall. This height was requested in order to improve safety for employees as well as maximize security on the site.

<u>Case</u>	<u>Date</u>	<u>Request</u>	<u>Action</u>
Z-874-08	March 2008	Annexation zoning from a variety of Adams County zoning designations to a variety of Commerce City zoning designations, including I-1 and I-3.	Approval
AH-1708-12	June 2012	Burlington Northern Santa Fe (BNSF) Railroad company requests a twenty-foot (20') height exception for light poles on their automobile staging facility for the expansion of this use within the City.	Approval

Applicant's Request

The applicant intends to expand the existing operation of an automobile staging facility onto adjacent property currently owned by BNSF Railroad. Multiple requests have been processed and reviewed concurrently in order to bring the property into compliance with the Land Development Code (LDC). A proposed subdivision (S-588-12) will consolidate the three parcels owned by the applicant into Lot 1, Block 1 of the BNSF Irondale Automotive Facility Subdivision. This rezoning is for two parcels currently zoned I-1 to be rezoned to I-3 in order to operate the automobile staging facility and utilize

the rail spurs on site. In addition, a Conditional Use Permit (CU-98-12) is also being processed concurrently.

In an effort to ensure compatibility with the surrounding area, the applicant states:

“This proposed zone change will be consistent with the surrounding industrial park. The BNSF has committed to improving the image of the area by making landscaping improvements around the guardhouse, the area that will be seen from the public traveling on the street. The current [vacant] lot is used for dumping and is an eyesore. The new expansion of the staging lot will upgrade the look of the area giving a cleaner living plant material look surrounding the proposed I-3 area.”

According to the applicant, the rezoning of the subject parcels will not adversely impact public services. Through the expansion of the current operation, the drainage pond will be brought to current standards and will therefore not impact the drainage for the area in any negative manner.

Development Review Team Analysis

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>
LU	1a	<u>Future Land Use Plan as Guide:</u> Use the Future Land Use Plan to guide development patterns and mix of uses and amendments to the Land Development Code.
<u>Analysis:</u>	The expansion of the operation on the subject property is consistent with the use of this property as general industrial according to the Comprehensive Plan.	
<u>Section</u>	<u>Goal</u>	<u>Description</u>
LU	4a	Incentives for Industrial: Provide incentives for Irondale and Historic City new centers, potentially including rebates or reduced fee for efficient and desirable infill development or city-financed infrastructure to spur private investment.
<u>Analysis:</u>	The request to rezone this property to a higher intensity industrial use allows for the development of the site and the expansion of the existing operations in the Irondale community. The expansion of this current business can improved the site surroundings and discourage illegal dumping on vacant lots. Furthermore, the reduced fees offer an incentive to the property owner to fully develop the site.	

The proposed rezoning application is supported by the Comprehensive Plan goals that have been provided above and the application supports the Future Land Use Plan for this area because it generally allows for industrial uses and the application promotes the City’s goal to assist with decisions based upon the Future Land Use Plan.

DEVELOPMENT REVIEW TEAM ANALYSIS

In addition to the rezoning request, the applicant is requesting a consolidation plat for the three parcels in case #S-588-12 owned by BNSF Railroad at approximately 9101 Yosemite Street as well as a Conditional Use Permit in case #CU-98-12 to operate an automobile staging facility and rail yard on the site. The development of the site will expand the existing operation that unloads new vehicles and transports them to car dealerships around the greater Denver Metro area.

With the requested changes (zoning, consolidation plat, and conditional use permit), the applicant has submitted a development plan for the expanding operation. This development plan describes how the operation will expand along with detailing several site improvements. The development plan

calls for additional rail spurs and staging area which according to the LDC require both the I-3 zone district as well as a conditional use permit. During new development, the applicant indicates that the drainage area will be brought to the City's current standards and landscaping will be added to enhance the aesthetic appeal from Yosemite Street.

The applicant and the City Staff have worked together in order to process the zone change, consolidation plat, and conditional use permit requests. The applicant has also worked with Staff previously in a request for a height exception for light poles for the expansion on the site. The request was granted by the Board of Adjustment in order to improve safety for employees as well as increase security.

The Development Review Team (DRT) has concluded that the requested zone change is appropriate for the two parcels adjacent to the current operation. The applicant is requesting to utilize land that is currently under their ownership to expand a growing business. Furthermore, the consolidation and development of this property will deter any illegal dumping that has occurred in the past. Numerous improvements are proposed to be made to the site and it will benefit the area by creating an attractive industrial development.

The DRT reviewed the rezoning application against the Land Development Code approval criteria for a zone change. The following is the analysis of the DRT:

- The requested zone change is in accordance with the City's Comprehensive Plan which designates this area for industrial land uses.
- The requested zone change will allow for the expansion of the existing operation as an automobile staging facility and rail yard.
- There is a community need to clean up the sites that are being used for illegal dumping and that to update the drainage to the City's current standards.
- The proposed I-3 zoning designation will match the character of the surrounding area and will not negatively impact this property or properties in the adjacent area.
- The subject property will not require new services and currently has adequate public utilities.

In summary, Staff supports the requested zone change of these two parcels (172121401002 and 172121005015) from I-1 to I-3 because the proposal is in accordance with the Comprehensive Plan, the zone change will allow a higher and better use of the property, there are no impacts to adjacent properties, and adequate services and utilities are currently provided.

Criteria Met?	Sec. 21-3232. Rezoning or Zone Changes	Rationale
<input type="checkbox"/>	The change corrects a technical mistake by the city.	NA
OR		
<input checked="" type="checkbox"/>	The change is consistent with any City adopted plans for the area;	The rezoning is consistent with the Comprehensive Plan adopted by the City.
<input checked="" type="checkbox"/>	The change is compatible with proposed development, surrounding land uses and the natural environment;	The subject parcels are currently owned by the applicant (BNSF Railroad) and are not being utilized for industrial purposes. The surrounding area is distinctly industrial and the rezoning of the subject parcels will further solidify this area for industrial uses. The northern most parcel will be used for stormwater detention and will be upgraded to the City's current standards.
<input checked="" type="checkbox"/>	There is, or will be, adequate public services, (water, sewerage, streets, drainage, etc.);	The rezoning will not impact public services. Adequate public services will be provided for the site as the automobile staging facility is expanded.
<input checked="" type="checkbox"/>	There is, or will be, adequate public uses (parks, schools, and open space);	Adequate public uses are not applicable for the proposed property and its development.
<input checked="" type="checkbox"/>	The change is needed to provide/maintain a proper mix of uses in the area/City;	The rezoning of the subject parcels will improve the compatibility with surrounding uses in this area and bring the property into compliance with the Future Land Use Plan.
<input checked="" type="checkbox"/>	The area for which the change is requested has changed/is changing and it is in the public interest to allow a new use or density.	The expansion of the site will allow for a greater number of automobiles to be staged on-site. Increasing the number of vehicles will also increase the ability to serve our community and the metro with the services that are provided on the subject property.

Development Review Team Recommendation

Based upon the analysis above, the Development Review Team believes that the application meets the criteria for a Zone Change set forth in the Land Development Code and recommends that the Planning Commission forward the Zone Change request to the City Council with a favorable recommendation.

Recommended Motion

To recommend approval:

I move that the Planning Commission enter a finding that the requested Zone Change for the property located at **approximately 9101 Yosemite Street (PIN 172121401002 and 172121005015)** contained in case **Z-902-12** meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Zone Change.

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 Zone Change for the property located at **approximately 9101 Yosemite Street (PIN 172121401002 and 172121005015)** contained in case **Z-902-12** meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Zone Change subject to the following conditions:

Insert Condition(s)

To recommend denial:

I move that the Planning Commission enter a finding that the requested Zone Change for the property located at **approximately 9101 Yosemite Street (PIN 172121401002 and 172121005015)** contained in case **Z-902-12** 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 Zone Change.