



# STAFF REPORT

## Planning Commission

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### CASE #D-305-17

<b>PC Date:</b>	March 7, 2017	<b>Case Planner:</b>	Robin Kerns
<b>CC Date:</b>	March 20, 2017		
<b>Location:</b>	10251 Newark Street, South of 104th Ave. and West of Hwy 2		
<b>Applicant:</b>	Crown Enterprises Inc.	<b>Owner:</b>	Same as applicant
<b>Address:</b>	12225 Stephens Warren, MI 48089	<b>Address:</b>	Same as applicant

### Case Summary

<b>Request:</b>	Development Plan for a Transportation Terminal
<b>Project Description:</b>	The subject property is vacant. The applicant is proposing to develop a 65,130 sq.ft. Transportation Terminal with a 11,200 sq.ft. Shop.
<b>Issues/Concerns:</b>	<ul style="list-style-type: none"><li>• Access</li><li>• Landscaping</li></ul>
<b>Key Approval Criteria:</b>	<ul style="list-style-type: none"><li>• Compliance with Development Plan conditions of approval</li></ul>
<b>Staff Recommendation:</b>	Approval
<b>Current Zone District:</b>	I-2 (Medium Intensity Industrial District)
<b>Comp Plan Designation:</b>	Industrial/Distribution

#### 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 Plan              |  |

## Background Information

### Site Information

Site Size:	21.72 acres
Current Conditions:	Vacant
Existing Right-of-Way:	Newark St. & Lima St. (Neither is Constructed)
Neighborhood:	First Creek
Existing Buildings:	None
Buildings to Remain?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No – N/A
Site in Floodplain	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

### Surrounding Properties

Existing Land Use		Occupant	Zoning
North	Public/Utility	United Power& Xcel - Silver Saddle Substation	AG
South	Undeveloped	Same as Applicant	I-2
East	Public/Utility	Burlington Northern Santa Fe RR & HWY 2	I-1
West	Public/Utility	FRICO Ditch & Commerce City	PUBLIC

### Case History

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

Case	Date	Request	Action
Z-833-05	October, 2005	Rezoning from AG to I-2 Zone District.	Approval with Conditions
S-458-05	October, 2005	Subdivide 2 parcels into 3 lots and 3 tracts	Approval

The property was originally annexed and zoned Agriculture back in 1985. The Commerce City 1985 - 2010 Comprehensive Plan designated the Future Land Use for the subject property as Industrial. Therefore, it was always the expectation that when the property was rezoned for development, that zoning would be Industrial. Records indicate that the subject property was subdivided into its current configuration and zoned I-2 in 2005. A specific condition "B" of approval associated with case Z-833-05, is the following requirement: *Prior to development of Lot 1, Block 3, a development plan must be reviewed by the Planning Commission and approved by City Council.* Because a development plan is being proposed for the applicable lot, a review by Planning Commission and City Council of the proposed development has been triggered. This condition was required because I-2 allows some uses that either may not be desirable in a commercial activity node area or near a regional park, or may require additional mitigation or enhancements.

## Applicant's Request

Crown Enterprises Inc., owner of the subject property located at 10251 Newark Street, is requesting approval of a Development Plan for a new Transportation Terminal, which will serve as the long-term regional facility for Central Transport for the purpose of providing less-than-truckload (LTL) freight services for local and nationally-based businesses. They are proposing to build a new 65,130 sq.ft. Transportation Terminal with a 11,200 sq.ft. Shop. In order to provide access, the project will require extending both Lima Street and Newark Street to the south. The project is designed to meet Commerce City Land Development Code requirements associated with an I-2 zone property and the associated Transportation Terminal use.

### Statement of Operations:

Daily operations consist of unloading and transfer of freight from trailers incoming to the facility, and direct loading to trailers outbound. Operational requirements needed to accommodate this use

include staging of empty trailers to interchange with Load-to-go (LTG) trailers awaiting drivers to haul to destination. No outdoor storage of material will be required with this operation.

- Hours of Operations: 24 hours, 7 days / week
- Number of Employees: 80 (45 Day and 35 Night)
- Number of Parking Spaces - Proposed: 134 Trailer, 9 Tractor, and 71 Automobile

## Development Review Team Analysis

### Site and Surroundings:

The subject property included within this development plan is a proposed 21 acre site located south of 104th Avenue and west of Hwy 2, at the terminous of Newark and Lima Streets. The 21 acres would be created via the associated subdivision case S-662-16, which proposes a consolidation plat to create 1 lot from 2 existing lots. The lots are currently zoned I-2 and have been located in the city since 1985. The property area is currently vacant, and is relatively flat at its center, and slopes down to the south, west and north.

Surrounding this property is the 1st Creek drainage and floodplain to the south and west. To the west is the O'Brian Canal and beyond that is the future 1<sup>st</sup> Creek Community park area. There is an existing United Power & Xcel substation to the northwest along the west side of Lima Street, and large power lines bordering the property to the north. To the east is the Burlington Northern Santa Fe RR, and beyond that is Hwy 2. Given the existing topography, the site is visible from Hwy 2, 104<sup>th</sup> Avenue, and the future park site.

### Site Plan Analysis:

As a reminder, the overall use of a Transportation Terminal is not part of this application, as it is a Use-by-right in the I-2 zone district. Crown Enterprises Inc., owner of the subject property located at 10251 Newark Street, is requesting approval of a Development Plan for a new Transportation Terminal, which will serve as the long-term regional facility for Central Transport for the purpose of providing less-than-truckload (LTL) freight services for local and nationally-based businesses. Transportation Terminals are a use by right in the I-2 zone district, and have certain supplemental regulations for the use which can be found in the Land Development Code (LDC Sec. 21-5270). These regulations require that all new businesses shall be contained within the primary structure. The project has been designed to meet Commerce City Land Development Code requirements associated with an Industrially zone property and the associated Transportation Terminal use.

The applicant is proposing to build a 65,130 sq.ft. Transportation Terminal with a 11,200 sq.ft. Shop, and associated parking areas for tractors, trailers, and automobiles. These buildings would be placed on the northern area of the property. The main terminal building and automobile parking areas will be orientated towards the Newark Street access. The architectural construction of the buildings will meet the city's architectural design requirements. In addition, the parking and circulation areas would be fully paved with concrete. The applicant has provided the required amount of landscaping. This includes addressing the visibility concerns of this development from the adjacent uses which include Hwy 2 and a future park site and trail.

#### Truck Traffic Analysis:

The applicant is proposing two access points which have connections to 104th Avenue. The primary point of ingress and egress would be via the full build out of Newark Street, which would include curb, gutter and sidewalk. Newark Street is the southern extension (south of E. 104<sup>th</sup> Avenue) of Peoria Parkway. The intersection of Newark St. and 104th Avenue will be fully signalized in the future. The secondary access point would be the continuation of Lima Street, but will function predominantly as an emergency access and not allow for through traffic. Thus, it will not be built out to full right-of-way requirements; however, it will include a turnaround at its southern terminus.

Crown Enterprises commissioned a traffic study be completed for the site which includes analysis of the short-range (2017) and long-range (2035) traffic impacts from the site development. The analyses shows that the existing roadway system generally will continue to operate at an acceptable Level of Service (LOS) upon opening the new facility and into the future, except for the southbound and northbound left turns at the intersection of 104th Avenue & Peoria Parkway will operate at a LOS "E" or "F" until a traffic signal is installed. The City undertook a traffic signal warrant study and found that, based on the existing volumes; the intersection meets warrants for installation of a traffic signal. Installation of a traffic signal at this location will be considered as part of the annual Capital Improvement Program through the City's budgeting process. Therefore, there is no defined timeline as to when a signal will be installed. Crown Enterprises will be expected to contribute towards the cost of the future traffic signal based on its pro-rata share of the traffic using the intersection. The Traffic Impact Report is included in the packet for the Planning Commission's review.

#### Approval Criteria:

Criteria Met?	Sec. 21-3212. Development Plans	Rationale
<input checked="" type="checkbox"/>	Complies with City standards;	The proposed development plan will comply with all applicable city standards, laws, and ordinances.
<input checked="" type="checkbox"/>	Is consistent with any previously approved subdivision plat, rezoning concept plan, or other plans or land use approvals;	The proposed development plan is consistent with the comprehensive plan, the zoning, and the proposed subdivision for the site.
<input checked="" type="checkbox"/>	Provides adequate mitigation for any significant adverse impacts resulting from the use; and	Drainage, truck traffic, and aesthetic concerns have all been addressed through the development plan process. Therefore, the significant adverse impacts have been adequately addressed.
<input checked="" type="checkbox"/>	Creates a positive precedent for the future cumulative development of the immediate area.	This is a strategic property along the 104 <sup>th</sup> Avenue corridor and the proposed development should add employment for the corridor.

## 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).
<b><u>Analysis:</u></b>	The Future Land Use Plan identifies the subject property for Industrial Distribution uses, which has a related zoning of I-1, and primary uses that include warehouse and distribution facilities. Although the zoning is I-2, the proposed transportation terminal aligns with the primary uses associated with the associated land use category.	
<u>Section</u>	<u>Goal</u>	<u>Description</u>
Economic Development	ED 1.3	Business-Friendly Climate: Identify and provide services and incentives that spur development and the growth of Commerce City's economy.
<b><u>Analysis:</u></b>	This transportation terminal will connect to existing utilities and the newly widened 104 <sup>th</sup> Avenue, which provide the property with the services needed to create this development.	
<u>Section</u>	<u>Goal</u>	<u>Description</u>
Fiscal Stability	FS 2.2	Core Employment Uses: Retain and strengthen the industrial and employment land base by ensuring that the new employment is consistent with the designations on the Future Land Use Plan map.
<b><u>Analysis:</u></b>	This transportation terminal will employ approximately 80 (45 Day and 35 Night) employees that will work directly at this site.	

### Summary:

Crown Enterprises Inc., owner of the subject property located at 10251 Newark Street, is requesting approval of a Development Plan for a new Transportation Terminal, which would include a new 65,130 sq.ft. Transportation Terminal with a 11,200 sq.ft. Shop. Given that the site is vacant, the proposed development is designed to meet the Land Development Code in regards to all applicable design criteria such as architecture and landscaping.

The applicant has agreed to contribute towards the cost of installation of a traffic signal at East 104th Avenue and Peoria Parkway, which the City will install at a future date to be determined.

Based on the information provided by the applicant as well as analysis of the Comprehensive Plan, the Land Development Code, and the Approval Criteria for Development Plans, the DRT recommends approval of the Development Plan.

## Development Review Team Recommendation

Based upon the analysis above, the Development Review Team believes that the application meets the criteria for a Development Plan set forth in the Land Development Code and recommends that City Council approves with one condition.

## **\*Recommended Motion\***

As Planning Commission did not make a recommendation, the following are motions for City Council.

### *To approve subject to condition(s):*

I move that the City Council enter a finding that, subject to certain conditions, the requested Development Plan for the property located at **10251 Newark Street** contained in case D-305-17 meets the criteria of the Land Development Code and, based upon such finding, approves the Development Plan subject to the following condition:

- A. *As a condition to these findings of fact and the approval of the Development Plan, the Applicant shall contribute to the costs of design and installation of a traffic signal at the intersection of East 104th Avenue and Peoria Parkway, in addition to other fees, improvements, and contributions, in an amount roughly proportional to the nature and extent of the development's impact on traffic conditions as established in the traffic study.*

## **Alternative Motions**

### *To approve:*

I move that the City Council enter a finding that the requested Development Plan for the property located at 10251 Newark Street contained in case D-305-17 meets the criteria of the Land Development Code and, based upon such finding, approve the Development Plan.

### *To deny:*

I move that the Planning Commission enter a finding that the requested Development Plan for the property located at **10251 Newark Street** contained in case D-305-17 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 City Council deny the Development Plan.

### *To continue the case:*

I move that the City Council continue the requested Development Plan for the property located at **10251 Newark Street** contained in case D-305-17 to a future City Council agenda.