



STAFF REPORT

Planning Commission

CASE #S-755-23			
PC Date:	April 18, 2023	Case Planner:	Stacy Wasinger
CC Date:	May 15, 2023		
Location:	3741 and 3801 E. 64 th Ave. (north of E. 64 th Ave, west of Colorado Blvd)		
Applicant:	Same as owner	Owner:	Hampton Yard 8, LLC
Address:		Address:	3200 Cherry Creek Dr. STE 630 Denver, CO 80209

Case Summary	
Request:	Consolidation Plat
Project Description:	Hampton Yard 8, LLC is requesting a Consolidation Plat to consolidate two existing parcels into one industrial lot and dedicate right-of-way. The property is approx. 20.49 acres in size and is located at the northeast corner of E. 64th Avenue and Monroe Street.
Issues/Concerns:	<ul style="list-style-type: none"> • Former landfill site limits development • Future Development Plan to bring site into compliance • Concurrent zone change requests
Key Approval Criteria:	<ul style="list-style-type: none"> • Land Development Code (LDC) Consolidation Plat Criteria
Development Review Team (DRT) Recommendation:	Approval
Current Zone District:	Heavy-Intensity Industrial (I-3) with conditions and Agricultural (AG)
Comp Plan Designation:	General Industrial

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

- Vicinity Map
- Applicant's Narrative
- Agency Review Comments

Background Information

Site Information

Site Size:	Approx. 20.49 acres total
Current Conditions:	Industrial and outdoor storage, with existing structures
Existing Right-of-Way:	E 64 th Avenue to the south, Colorado Boulevard to the east
Neighborhood:	Fernald/Frei Crossing
Existing Buildings:	Seven existing structures, six to be reused as offices associated with the four storage yards. One structure will be removed.
Buildings to Remain?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
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	Storage yards, contractor's yards	I-1, I-3
East	Industrial	Multi-use industrial, storage yards	I-3
South	Industrial	Industrial/distribution, storage yards	I-3, AG
West	Industrial	Storage yards, contractor's yards	I-3, AG

Case History

The Agricultural (AG) zoning for this site was established through Commerce Town incorporation in 1955 and remained Agricultural with incorporation into Commerce City in 1962. A portion of the property, encompassing approx. 20.08 acres, was rezoned as part of a larger area west of Colorado Blvd and north of E. 64th Ave. from AG to I-3 with conditions in 1991. The remaining 0.41 acre parcel remained zoned AG.

A portion of the site, primarily the north and west portions, was used as an informal landfill from approximately June through December 1975. A Phase 1 Environmental Site Assessment (ESA) conducted by Palmetto Environmental Group, LLC identified this previous use and findings. This is not a Superfund site and is not subject to environmental covenants or restrictions. Per the ESA, recommendations include limiting building and impervious surface and monitoring methane levels. The current application and proposed future development complies with these recommendations.

The consolidation plat request is being brought concurrently for review with the zone change requests due to the connected nature of the applications. The parcels cannot be consolidated without both zone change applications because the LDC prohibits the creation of a split-zoned parcel. If the zone change requests are not approved, the plat application would not be able to be approved.

Applicant's Request

Hampton Yard 8 LLC, which recently acquired the subject property, requests a Consolidation Plat to combine a 20.08 acre parcel and a 0.41 acre parcel into one lot. This plat will include the dedication of approximately 30 feet of ROW for Monroe Street to the west. Zoning cases Z-544-91-94-23 and Z-994-23 to request I-3 zoning for the whole site are being processed concurrently. In addition, a development plan (D-409-23) is under administrative review. The development plan cannot be finalized until action has occurred on the rezoning and consolidation plat requests. The overall development is proposed to contain six (6) existing buildings reused for office buildings and four storage leasing yard areas. Each storage yard will have an associated office building, as required by the Land Development Code.

The applicant narrative states *"The Leeper Industrial Park is conveniently located to provide excellent access to the surrounding area and needed services to commercial and industrial users in the community. The Leeper Industrial Park will support its current users, which include a crane company, a towing service, and a business that leases mobile storage containers, while marketing sites within the 20-acre property for other uses permitted in the I-3 zone district. The capped landfill on the west side of the property limits potential development but will safely support outdoor storage and the staging of heavy construction equipment, both of which are allowed uses in the I-3 zone district. All outdoor storage uses will be incidental and directly related to a primary business on the property. Businesses will be located within the two existing structures along E. 64th Avenue which will be upgraded to commercial and office use standards."* The consolidated lot would allow the overall development to proceed, and site improvements to occur.

Development Review Team Analysis

Site Overview:

The requested Consolidation Plat is for approximately 20.49 acres in two parcels, generally bound by E. 64th Avenue to the south and Monroe Street to the west. The property contains a flag access approximately 60 feet wide to Colorado Blvd to the east. If the zone change and consolidation plat are approved, the associated development plan will bring the site into code conformance for issues including storage yard surfacing and screening, landscaping, looped water line, and drainage improvements.

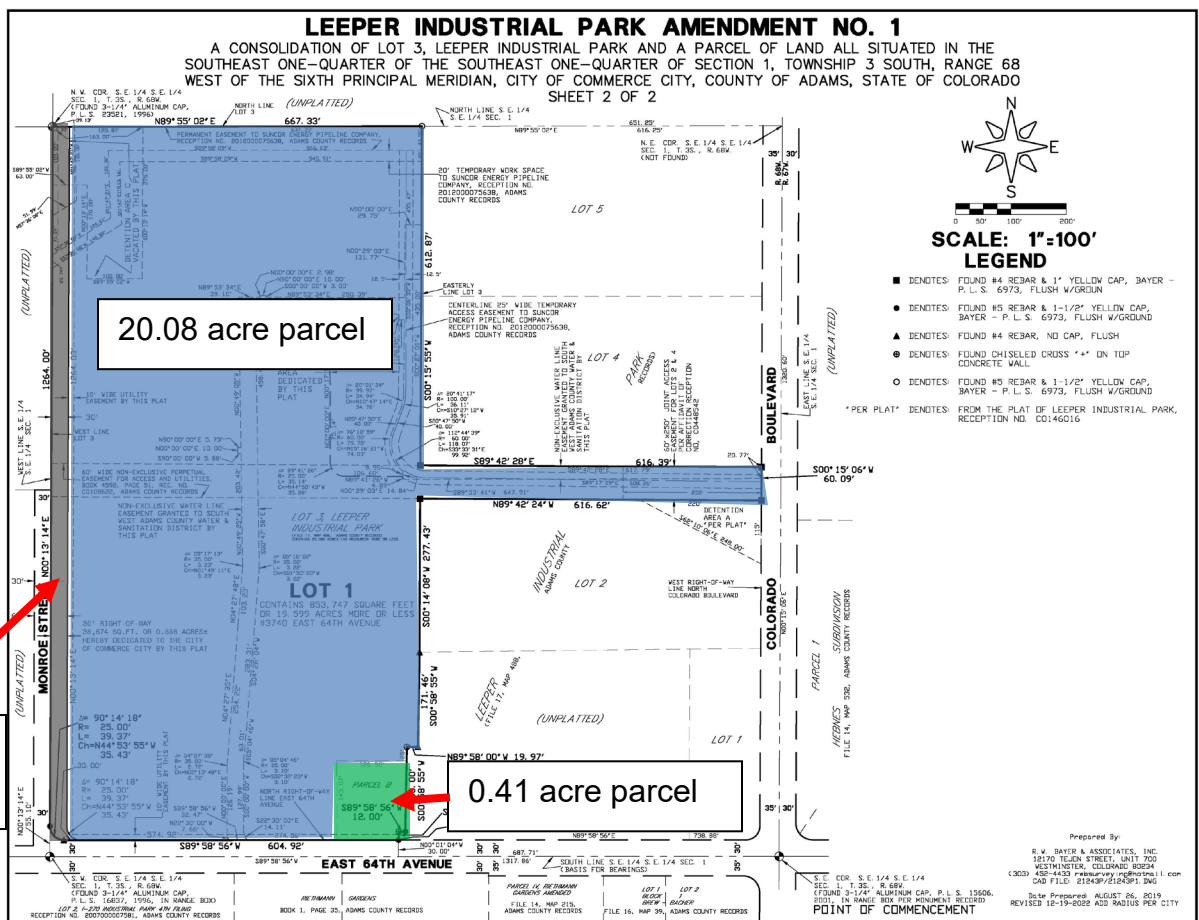
A concurrent development plan (D-409-23) is under administrative review. The proposed development plan is compatible with the existing uses and industrial development in the area. To finalize the development plan, the rezoning of both the parcels considered in this cases Z-544-91-94-23 and Z-994-23 is necessary. In addition, the two parcels will have to be consolidated through this case, S-755-23, prior to finalizing the development plan, and before any on-site improvements can be completed.

Through analysis and review, staff finds that the area is appropriately industrial and surrounding uses will not be adversely impacted by the consolidation of two parcels. This plat will also dedicate required ROW for Monroe Street. The plat will allow site improvements to occur and the site to be utilized for industrial development. There is a Development Agreement for public improvements associated with the 1991 rezoning of the larger property. Per Commerce City Public Works review, an updated Development Agreement is not required because a traffic study is not required and no additional off-site improvements are required. The E. 64th Ave. corridor is a potential future capital improvement project. Monroe Street will have limited improvements at this time, due to the current development and the former landfill site. Per Public Works, no improvements to Monroe Street that would disturb the landfill site will be proposed. The plat in conjunction with the zone change will also allow the developer to continue to work with code enforcement and address any code violations by providing required improvements to the site to bring it into compliance with all regulations. With the improvements and uses proposed, further investment and redevelopment in the area may follow the redevelopment of this site.

Image A: Current Site Photos



Image B: Proposed Consolidation Plat



The applicant held a virtual neighborhood meeting on May 31, 2022 (meeting summary attached). The applicant team and a Commerce City planning representative were present. No neighboring property owners or tenants attended.

Outside Agency Review:

Staff referred this application to several departments in the city as well as outside agencies. All of the responses that were received indicated that the proposed consolidation plat would not create conflicts with their regulations and no objections were received regarding the plat. Initial comments from Tri-County Health Department (TCHD) did express concern regarding the methane mitigation and disturbance of former landfill site; with additional information on the remediation status and discussion with the applicant regarding current and future conditions, TCHD removed their objection to the rezone. The correspondence documents are attached to this staff report. A memo from Dr. Rosemarie Russo, Commerce City environmental planner, concurring with the TCHD review is also attached.

As part of the full development plan and future site improvements, the site will include a looped water line and fire access lanes. These improvements will address South Adams County Water and Sanitation District and South Adams County Fire Department comments and regulations. However, due to the current zoning conditions and lack of parcel consolidation, no site improvements can be made until the rezone and plat are complete for the subject property.

Summary:

In summary, the DRT has determined that the request meets the approval criteria for a consolidation plat outlined in the LDC as provided below, the proposal meets the Comprehensive Plan goals, and the proposal is appropriate given the surrounding industrial area. The proposed consolidation plat will facilitate redevelopment of an underutilized parcel and allow continued investment into the neighborhood. After performing this analysis, the DRT recommends that the Planning Commission forward a recommendation for **approval** to City Council.

Comprehensive Plan Analysis

In reviewing the requested Consolidation Plat, the DRT reviewed the request’s compatibility with the City’s Comprehensive Plan. That analysis is provided in the following table.

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

Section	Goal	Description
Land Use and Growth Strategies	LU 2	Phase Growth in an Orderly, Compact Manner
Analysis:	The proposed consolidation of two parcels, in conjunction with the zone change requests, will allow and promote infill development in an under-utilized parcel	

Section	Goal	Description
Public Facilities and Infrastructure Strategies	PF 1	Coordinated utilities and infrastructure/future growth
Analysis:	The proposed development that this plat will help facilitate would utilize an existing developed industrial area and bring new improvements and site uses to the area.	

LDC Consolidation Plat Approval Criteria Analysis

The DRT recommendation for this case is based on the following LDC criteria, from Sec. 21-3243(3):

Approval Criteria. A consolidation plat may be approved only if:

Criteria (a): The subdivision is consistent with any approved rezoning, concept plan or PUD Zone Document;

Analysis: The proposed consolidation of two parcels is consistent with the I-3 zone and proposed zone change for these parcels. The associated zone change cases and consolidation plat are concurrent and consistent requests.

Staff finds this application meets this criterion.

Criteria (b): The subdivision is consistent with and implements the intent of the specific zoning district in which it is located;

Analysis: The consolidation of the two parcels is consistent with the I-3 zone and will allow the development of this property in a manner consistent with the area and the Land Development Code.

Staff finds this application meets this criterion.

Criteria (c): There is no evidence to suggest that the subdivision violates any state, federal, or local laws, regulations, or requirements;

Analysis: There is no evidence to suggest that the consolidation plat will violate any state, federal, or local laws, regulations, or requirements.

Staff finds this application meets this criterion.

Criteria (d): The general layout of lots, roads, driveways, utilities, drainage facilities, and other services within the proposed subdivision is designed in a way that minimizes the amount of land disturbance, maximizes the amount of open space in the development, preserves existing trees/vegetation and riparian areas, and otherwise accomplishes the purposes and intent of this land development code;

Analysis: The proposed plat will create one lot and dedicate ROW on the west side of the property. The layout is logical and consistent with the overall pattern of development in the area.

Staff finds this application meets this criterion.

Criteria (e): The subdivision complies with all applicable city standards and does not unnecessarily create lots or patterns of lots that make compliance with such standards difficult or infeasible;

Analysis: The proposed plat does not create lots or a layout that would affect city standards or make the implementation of any standards difficult.

*Staff finds this application **meets this criterion.***

Criteria (f): The subdivision:

Criteria (f)(i): Will not result in a substantial or undue adverse effect on adjacent properties, traffic conditions, parking, public improvements, either as they presently exist or as they may in the future exist as a result of the implementation of provisions and policies of the comprehensive plan, this land development code, or any other plan, program or ordinance adopted by the city; or;

Analysis: The proposed plat is consistent with the industrial nature of the surrounding area and will implement the Comprehensive Plan goal. It will also allow the applicant to continue to work with code enforcement, improve the site, and bring the site into conformance with standards.

*Staff finds this application **meets this criterion.***

Criteria (f)(ii): Any adverse effect has been or will be mitigated to the maximum extent feasible.

Analysis: Surrounding uses are primarily industrial and no adverse impacts are expected for those properties. Future development will effectively mitigate environmental impacts and aid in remediation of the former landfill site.

*Staff finds this application **meets this criterion.***

Criteria (g): Adequate and sufficient public safety, transportation, utility facilities and services, recreation facilities, parks, and schools are available to serve the subject property, while maintaining sufficient levels of service to existing development;

Analysis: Adequate facilities and services exist in the area to serve this site. Site improvements associated with the development plan will utilize existing services and upgrade the site.

*Staff finds this application **meets this criterion.***

Criteria (h): A development agreement between the city and the applicant has been executed and addresses the construction of all required public improvements shown on the consolidation plat documents; and

Analysis: A development agreement for public improvements exists associated with the 1991 zone change. Per Commerce City Public Works, no update to the previous development agreement or new development agreement is required for this request.

*Staff finds this application **meets this criterion.***

Criteria (i): As applicable, the proposed phasing plan for development of the subdivision is rational in terms of available infrastructure capacity.

Analysis: No phasing is proposed for this consolidation plat and all improvements associated with the development plan will be installed in a rational manner.

*Staff finds this application **meets this criterion.***

Development Review Team Recommendation

The DRT discussed this case, S-755-23, in a meeting on March 2, 2023. There were no significant issues, comments, or concerns, therefore the DRT made an official recommendation of approval.

Based upon the analysis above, the Development Review Team believes that the application meets the criteria for a Consolidation Plat set forth in the Land Development Code and recommends that the Planning Commission forward the Consolidation Plat 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 Consolidation Plat for the property located **generally at 3741 and 3801 E. 64th Avenue** contained in case **S-755-23** meets the criteria of the Land Development Code and based upon such finding, recommend that the City Council approve the Consolidation Plat.

Alternative Motions

To recommend approval with conditions:

I move that the Planning Commission enter a finding that the requested Consolidation Plat for the property located **generally at 3741 and 3801 E. 64th Avenue** contained in case **S-755-23** meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Consolidation Plat, subject to the following conditions:

Insert conditions

To recommend denial:

I move that the Planning Commission enter a finding that the requested Consolidation Plat for the property located **generally at 3741 and 3801 E. 64th Avenue** contained in case **S-755-23** fails to meet the following criteria of the Land Development Code:

List the criteria not met

I further move that based upon this finding that the Planning Commission recommend that the City Council deny the Consolidation Plat.

To continue the case:

I move that the Planning Commission continue the requested Consolidation Plat for the property located **generally at 3741 and 3801 E. 64th Avenue** contained in case **S-755-23** to a future Planning Commission agenda.