



# STAFF REPORT

## Planning Commission

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### CASE #S-629-15

<b>PC Date:</b>	December 2, 2015	<b>Case Planner:</b>	Caitlin Hasenbalg Long
<b>CC Date:</b>	December 21, 2015		
<b>Location:</b>	9985 E 104th Ave, Henderson CO		
<b>Applicant:</b>	Recycling Connections	<b>Owner:</b>	RCI Investments
<b>Address:</b>	9985 E 104th Ave, Henderson CO	<b>Address:</b>	9985 E 104th Ave, Henderson CO

### Case Summary

<b>Request:</b>	Consolidate two properties into a single lot.
<b>Project Description:</b>	Recycling Connections Inc. (RCI) proposes to expand the existing metal recycling facility located at 9985 E 104 <sup>th</sup> Ave onto the adjacent vacant lot to the east. The company has acquired this adjacent property, and has submitted a consolidation plat to create one larger lot. Concurrent case #CU-108-15 will allow the expansion of the existing legal non-conforming use.
<b>Issues/Concerns:</b>	<ul style="list-style-type: none"><li>• Creation of legal and conforming lots</li></ul>
<b>Key Approval Criteria:</b>	<ul style="list-style-type: none"><li>• Compliance with the Comprehensive Plan</li><li>• Final Plat Approval Criteria</li></ul>
<b>Staff Recommendation:</b>	Approval
<b>Current Zone District:</b>	I-3 (Heavy Intensity Industrial District),
<b>Comp Plan Designation:</b>	General Industrial

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

☒ Proposed Final Plat

☒ Vicinity Map

## Background Information

### Site Information

<b>Site Size:</b>	4.77 acres
<b>Current Conditions:</b>	Existing metal recycling facility on west property; east property is vacant
<b>Existing Right-of-Way:</b>	East 104th Avenue to the south; Florence Street to the west; Havana Street to the east
<b>Neighborhood:</b>	Di Giorgio
<b>Existing Buildings:</b>	Two storage warehouses and one office structure
<b>Buildings to Remain?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Site in Floodplain</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

### Surrounding Properties

<u>Existing Land Use</u>		<u>Occupant</u>	<u>Zoning</u>
<b>North</b>	Public/Utility	South Adams County Fire Protection District, Fire Station No. 5	PUBLIC , I-3
<b>South</b>	Industrial	First Creek Business Center	I-2
<b>East</b>	Industrial	Aim High Equipment Rental & Sales	I-3
<b>West</b>	Industrial	Groendyke Transport	PUD

### Case History

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

<u>Case</u>	<u>Date</u>	<u>Request</u>	<u>Action</u>
AN-220-07	December 2007	Annexation into Commerce City	<b>Approval</b>
Z-876-08	March 2008	Annexation Zoning	<b>Approval with Conditions</b>

Prior to its incorporation into Commerce City, the subject property was subdivided into two lots in the Marathon Subdivision. It was then annexed as part of the Northern Enclave Annexation in 2007, and zoned in 2008 to I-3 to match the previous Adams County Zoning and existing use. The existing metal recycling business has been in operation as a legal non-conforming use since that time.

## Applicant's Request

The applicant is requesting a subdivision plat to consolidate two lots into a single lot. These lots were originally platted into their current configuration in the Marathon Subdivision First Amendment. The proposed final plat creates one legal and conforming lot, meeting the lot size and bulk standards for the I-3 zone district, to accommodate the proposed expansion of the recycling facility and consolidate the operations on a single property.

## 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>
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 Comprehensive Plan identifies the DiGiorgio area for future General Industrial uses. The proposed	

<u>Section</u>	<u>Goal</u>	<u>Description</u>
	consolidation plat and the expansion of the existing metal recycling facility are both consistent with the General Industrial future land use designation.	
<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.
<u>Analysis:</u>	Recycling Connections is a successful existing business in Commerce City which strives to expand its recycling facility operations onto an adjacent vacant lot. The overall use is consistent with the Future Land Use Plan. This expansion would include significant investment in the property to ensure a safe and attractive facility.	

The Development Review Team (DRT) also reviewed the application for compliance with the lot standards for the I-3 zone district (Heavy Intensity Industrial District). Specifically, the I-3 zone district requires that all lots with this zoning have a minimum lot frontage of 80 feet and have a minimum lot size of 50,000 square feet. The proposed lot has three frontages, each of which exceed the minimum 80-foot standard. The frontage along East 104<sup>th</sup> Avenue is approximately 441 feet, while the frontages along Florence Street and Havana Street are 395 feet and 165 feet, respectively. In addition, the area of the proposed lot is 207,781 square feet, which exceeds the minimum 50,000 square foot area required.

Issue	City Standard	Proposed	Meets Standard?
<b>Lot Size</b>	Min. 50,000 sf	207,781 sf	Yes
<b>Lot Frontage</b>	Min. 80 feet	441 feet; 395 feet; 165 feet	Yes
<b>Lot Access</b>	Access is required to be provided to a public street	Access from Florence Street as well as from East 104 <sup>th</sup> Avenue	Yes
<b>Street Width</b>	To dedicate and install ROW that complies with city standards	No dedication or roadway improvements are required at this time. A Public Improvements Agreement will be completed for future improvements.	Yes
<b>School Land</b>	None for industrial zoning	Land dedication or fee-in-lieu is not required for industrial zoning	N/A
<b>Comprehensive Plan</b>	General Industrial	General Industrial	Yes
<b>Parks/Open Space</b>	Land dedication on plat or fee-in-lieu to be paid at building permit issuance.	Land dedication or fee-in-lieu is not required for expansion of existing uses	Yes

The Public Works Department has reviewed the proposed plat and has no issues or objections to the existing or proposed access points, or the proposed drainage easements. A drainage study has been reviewed, as has a circulation plan as part of the Conditional Use Permit application to show how traffic conflicts will be minimized within the site and at access points onto public rights-of-way. Additional information is provided in case #CU-108-15.

Other referral agencies included Tri-County Health Department, which recommended a mosquito plan for the proposed drainage pond and proper abandonment of a well and septic located on the property, and Xcel Energy, which reminded the applicant that a high-pressure gas line runs underneath East 104<sup>th</sup> Avenue and that any grading work needs to be reviewed to ensure it will not disrupt the pipeline.

After reviewing the proposed plat and determining that the lot will meet the minimum lot requirements for the I-3 zone district, as well as analyzing the request against the specific approval criteria for a final plat as shown on the next page, the DRT is recommending that the document be approved as proposed.

Criteria Met?	Sec. 21-3241. Final Plats or Consolidation Plats	Rationale
<input checked="" type="checkbox"/>	The plat is consistent with any approved land use document;	The proposed plat is consistent with the lot standards found in the Land Development Code for property that is zoned I-3, and is consistent with the Future Land Use of General Industrial as identified in the Comprehensive Plan.
<input checked="" type="checkbox"/>	The plat is consistent with and implements the intent of the specific zoning district in which it is located;	The proposed plat will create a lot intended for industrial development, which is consistent with the existing I-3 zoning designation.
<input checked="" type="checkbox"/>	No evidence suggests that the plat violates any laws, regulations, or requirements;	No indication has been provided through the development review process that the plat violates any laws, regulations, or requirements.
<input checked="" type="checkbox"/>	The general layout of the plat minimizes land disturbance, maximizes open space, preserves existing trees/vegetation and riparian areas, and otherwise accomplishes the purposes and intent of the LDC;	The proposed layout will minimize land disturbances to the maximum extent feasible by retaining much of the original layout of the site. It also has been reviewed to ensure that it accomplishes the purpose and intent of the Land Development Code.
<input checked="" type="checkbox"/>	The plat complies with all applicable city standards and does not unnecessarily create lots that make compliance with such standards difficult or infeasible;	The plat complies with the city standards for subdivisions, creates a conforming lot in the I-3 zone district, and the proposed development will not require variances to any bulk standards as a result of this plat.
<input checked="" type="checkbox"/>	The plat: 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 are envisioned to exist in any adopted City plan, program or ordinance;	The plat will not result in substantial or undue adverse effects. The consolidation will allow for the use of the property to be spread across a greater land area, and will ensure that all access, parking, and improvements for the benefit of the existing use are located on a single lot.
<input checked="" type="checkbox"/>	Sufficient public services (utilities, safety, etc) and uses (parks, schools etc) are available to serve the subject property;	Adequate public services are currently available to serve the subject property.
<input checked="" type="checkbox"/>	A development agreement between the city and the applicant has been executed and addresses the construction of all required public improvements; and	A Public Improvements Agreement for future sidewalk improvements is being finalized and will be executed prior to the recording of the plat.
<input checked="" type="checkbox"/>	As applicable, the proposed phasing plan for development of the subdivision is rational in terms of available infrastructure capacity.	Not applicable; there is no phasing plan proposed for this project.

## Development Review Team Recommendation

Based upon the analysis above, the Development Review Team believes that the application meets the criteria for a Final Plat set forth in the Land Development Code and recommends that the Planning Commission forward the Final Plat 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 Final Plat for the property located at **9985 East 104<sup>th</sup> Avenue** contained in case **S-629-15** meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Final Plat.

### 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 Final Plat for the property located at **9985 East 104<sup>th</sup> Avenue** contained in case **S-629-15** meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Final Plat subject to the following conditions:

*A. The Public Improvements Agreement shall be executed prior to recording the approved plat.*

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#### *To recommend denial:*

I move that the Planning Commission enter a finding that the requested Final Plat for the property located at **9985 East 104<sup>th</sup> Avenue** contained in case **S-629;-15** 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 Final Plat.

#### *To continue the case:*

I move that the Planning Commission continue the requested Final Plat for the property located at **9985 East 104<sup>th</sup> Avenue** contained in case **S-629-15** to a future Planning Commission agenda.