



# STAFF REPORT

## Planning Commission

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### CASE #S-583-12

<b>PC Date:</b>	May 1, 2012	<b>Case Planner:</b>	Paul Workman
<b>CC Date:</b>	December 17, 2012		
<b>Location:</b>	5801 Brighton Boulevard, Commerce City, Colorado 80022		
<b>Applicant:</b>	Suncor Energy (USA) Inc	<b>Owner:</b>	Same as Applicant
<b>Address:</b>	5801 Brighton Boulevard	<b>Address:</b>	Same as Applicant

### Case Summary

<b>Request:</b>	Suncor Energy (USA) Inc is requesting the approval of a consolidation plat in order to plat their property generally located at 5801 Brighton Boulevard to a lot and block description.
<b>Project Description:</b>	Suncor Energy (USA) Inc has submitted a consolidation plat in order to eliminate the interior lot lines that exist on the eastern side of the petroleum refining site. The consolidation of their property will plat the site into three Blocks, each with one Lot. This consolidation plat will bring the property into compliance with the City's Subdivision Ordinance and eliminate interior lot lines that may create future problems.
<b>Issues/Concerns:</b>	<ul style="list-style-type: none"> <li>• Subdivision Ordinance</li> <li>• Facilitate E. 56<sup>th</sup> Avenue improvements</li> <li>• Existing use</li> </ul>
<b>Key Approval Criteria:</b>	<ul style="list-style-type: none"> <li>• Compliance with the Comprehensive Plan</li> <li>• Compliance with the Subdivision ordinance</li> </ul>
<b>Staff Recommendation:</b>	Approval with one condition
<b>Current Zone District:</b>	I-3 Heavy Intensity Industrial Zone District Planned Unit Development (PUD) requested via Z-897-12
<b>Comp Plan Designation:</b>	General Industrial

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

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

## Background Information

Site Information	
<b>Site Size:</b>	92 acres +/-
<b>Current Conditions:</b>	The property currently operates as a petroleum refinery
<b>Existing Right-of-Way:</b>	Brighton Boulevard (CDOT Hwy 265) & E. 56 <sup>th</sup> Avenue
<b>Existing Roads:</b>	Brighton Boulevard (CDOT Hwy 265) & E. 56 <sup>th</sup> Avenue
<b>Existing Buildings:</b>	There hundreds of existing buildings and structures on this site
<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
<b>Railroad right-of-way</b>	Burlington Northern Santa Fe Railroad, Union Pacific Railroad, & Chicago Burlington Quincy Railroad (Market St. Spur)

## Surrounding Properties

Existing Land Use		Occupant	Zoning
<b>North</b>	Industrial	I-270 and Railroad right-of-way	I-1
<b>South</b>	Industrial	Several heavy industrial users such as Colorado Asphalt & Nu Star Logistics	I-3
<b>East</b>	Industrial	Several heavy industrial users such as Rentech & the Sand Creek Business Park	I-3
<b>West</b>	Industrial	Suncor Energy (USA) Inc property	I-3

## Case History

The case history related to this property is outlined below.

Case	Date	Request	Action
A-367-78	10/17/78	Setback variance for a warehouse building	Approved
A-410-79	6/19/79	Variance for 17 temporary trailers	Approved with Conditions, which were satisfied
A-1195-94	6/7/94	Use-by-Permit for a temporary office trailer for 2 years	Approved with Conditions, which were satisfied
A-1658-08	1/9/08	Use-by-Permit to construct pedestrian connection in the floodplain	Approved
A-1695-11	2/8/11	Height exception for the Boiler Replacement Project	Approved with Conditions, which were satisfied

## Applicant's Request

Suncor Energy (USA) Inc has submitted this application to plat their existing petroleum refinery that is generally located on the east side of Brighton Boulevard and along E. 56<sup>th</sup> Avenue. The property is current zoned I-3 (Heavy-Intensity Industrial District), but rezoning application Z-897-12 has been submitted in conjunction with this plat that would rezone the entirety of the refinery property to a Planned Unit Development (PUD) designation. The general purpose of the proposed plat is to convert the eastern portion of the refinery into platted lots.

Specifically, the plat will create 3 Blocks, each with 1 Lot. Block 1 Lot 1 will be the area generally located north of E. 56<sup>th</sup> Avenue and in between the Burlington Northern Santa Fe Railroad line and the Union Pacific Railroad line. Block 2 Lot 1 will be the area generally located south of E. 56<sup>th</sup> Avenue and between the Burlington Northern Santa Fe Railroad line and the Union Pacific Railroad line. Block 3 Lot 1 will be the Suncor property that is generally located north of E. 56<sup>th</sup> Avenue and between the Union Pacific Railroad line and the Chicago Burlington Quincy Railroad (Market Street Spur).

## Development Review Team Analysis

### Since May of 2012:

On May 1, 2012, Planning Commission voted 5-0 to recommend that City Council approve Z-897-12 and S-583-12. Zoning case Z-897-12 will rezone the Suncor refining operations from the current I-3 designation to a customized PUD designation that meets the unique needs of a refinery. Subdivision case S-583-12 will consolidate the Suncor Energy property on the southeast side of Brighton Boulevard.

These cases were originally heard by Planning Commission in May of 2012 in order to accommodate some personnel changes on the Suncor legal team. The delay in bringing them to City Council was a result of an ongoing effort between the City and Suncor to work on several agreements unrelated to these cases. The plan was to package these applications with the other agreements for City Council's approval. It is necessary to move these applications forward at this time in order to minimize the operational impacts for Suncor.

### Comprehensive Plan Analysis:

The Development Review Team (DRT) began the review of this application by evaluating the request against the City's Comprehensive Plan. That analysis is as follows:

### 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	<p><b><u>Future Land Use Plan (FLUP) as a Guide:</u></b> Use the Future Land Use Plan (FLUP) to guide development patterns and mix of uses and amendments to the Land Development Code (LDC).</p>
<b><u>Analysis:</u></b>		The FLUP identifies the subject property and the surrounding area for General Industrial uses. This designation includes heavy industrial users, which is consistent with the current and continued use of the property as a refinery. The plat will have no bearing of this site's compliance with the FLUP.

<u>Section</u>	<u>Goal</u>	<u>Description</u>
Economic Development	ED3a	<p><b><u>Future Land Use Plan (FLUP) to Guide Decisions:</u></b> Use the FLUP to guide land use decisions.</p>
<b><u>Analysis:</u></b>		Rezoning and platting the subject property will allow for a refinery which is consistent with the FLUP.

<u>Section</u>	<u>Goal</u>	<u>Description</u>
Fiscal Stability	FS2a	<p><b><u>FLUP Consistency:</u></b> Retain, support, and expand the community's industrial base by approving development that is consistent with the FLUP and <i>Economic Development Strategic Plan</i> and modifying the LDC to reflect the FLUP.</p>
<b><u>Analysis:</u></b>		The approval of the requested PUD and plat is consistent with the FLUP and the applicant is an existing business in Commerce City. The approval of these applications will help to retain and support a long-time corporate citizen.

After determining that the proposal is consistent with the above Comprehensive Plan goals and the FLUP, DRT reviewed the proposal for consistency with development in the area. DRT determined that development in the area is generally heavy industrial in nature and the approval of the plat will not negatively impact the property's ability to remain consistent with the other uses in the area.

**Technical review:**

After determining that the proposed plat meets the City's Comprehensive Plan and the FLUP, DRT reviewed the application to ensure that it meets the necessary lot standards proposed in the PUD and no variances are needed as a part of the approval of this plat. It was determined that the proposed frontages and lot sizes in the plat meet the criteria in the PUD.

Specifically:

- PUD requirements are 80' for lot frontage in all areas and a minimum lot size of 50,000 square feet.
- Block 1 Lot 1 has a frontage of 868' and is 1,185,642 square feet.
- Block 2 Lot 1 has a frontage of 881' and is 809,858 square feet.
- Block 3 Lot 1 has a frontage of 454' and is 1,989,271 square feet.

**Potential benefits:**

The proposed plat has several benefits for both the property owner and the City. One of the major benefits for both parties is that the plat will eliminate interior property lines that can create problems for the issuance and review of certain permits. Another benefit is that the plat will bring this portion of the property into compliance with the City's Subdivision Ordinance that prohibits development from crossing property lines. The plat will also dedicate additional right-of-way along the south side of E.56<sup>th</sup> Avenue, which will help facilitate the future improvements along this corridor.

**Outside Agency Review:**

Staff referred this application to several outside agencies that interact with the facility. The outside agencies that responded to the referral indicated that there were not any issues with the proposed plat.

**Summary:**

Staff has reviewed the plat against the proposed PUD lot standards and referred the application to several outside agencies. After performing this review and receiving comments from outside agencies, staff has determined that the proposed plat meets the proposed standards in the PUD and there have been no conflicts identified by outside agencies. Given that the plat meets the necessary standards and there are no conflicts from outside agencies, DRT is recommending that Planning Commission forward a **favorable** recommendation for this plat to City Council.

Criteria Met?	Sec. 21-3241. Final Plats	Rationale
<input checked="" type="checkbox"/>	The plat is consistent with any approved land use document;	The proposed plat is consistent with the proposed PUD Zone Document (Z-897-12) that is the joint application to this request.
<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 is consistent with the lot requirements that are outlined in the proposed PUD Zone Document and the City's subdivision ordinance.
<input checked="" type="checkbox"/>	No evidence suggests that the plat violates any laws, regulations, or requirements;	There is no evidence that the plat violates any laws, regulations, or requirements of the City and none of the referral agencies have indicated that the plat violates any of their 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 general layout of the plat reflects the existing conditions and configuration of the site, which minimizes land disturbance and otherwise accomplishes the purposes and intent of the LDC.
<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 proposed plat meets all City standards both in the adopted LDC and in the proposed PUD. In addition, the proposed plat does not create lots that make future compliance with these standards difficult or infeasible.
<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 proposed plat is consolidating existing property into a lot and block description. This will not result in substantial or adverse effects on adjacent property, traffic conditions, parking, etc.
<input checked="" type="checkbox"/>	Sufficient public services (utilities, safety, etc) and uses (parks, schools etc) are available to serve the subject property;	The site is currently developed as a petroleum refinery and is not proposed to change. The site is currently adequately served by the necessary services and this plat will not create any additional demand.
<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 Improvement Agreement (PIA) is currently being negotiated and will be agreed to prior to any final approval for the plat.
<input type="checkbox"/>	As applicable, the proposed phasing plan for development of the subdivision is rational in terms of available infrastructure capacity.	NA. There is no phasing plan for this proposal.

## 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 **favorable** recommendation subject to one condition.

- A. The property owner shall work with Xcel to negotiate easements when necessary and provide a copy of the agreement to the City after it's recorded with the County.

## Planning Commission's Recommended Motion

I move that the City Council enter a finding that, subject to certain conditions, the requested Final Plat for the property generally located at **5801 Brighton Boulevard** contained in case **S-583-12** 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 condition:

*The property owner shall work with Xcel to negotiate easements when necessary and provide a copy of the agreement to the City after it's recorded with the County.*

## Alternative Motions

### To recommend approval:

I move that the City Council enter a finding that the requested Final Plat for the property generally located at **5801 Brighton Boulevard** contained in case **S-583-12** meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Final Plat.

### To recommend denial:

I move that the City Council enter a finding that the requested Final Plat for the property generally located at **5801 Brighton Boulevard** contained in case **S-583-12** 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 City Council deny the Final Plat.