



STAFF REPORT

Planning Commission

CASE #Z-900-12

PC Date:	June 5, 2012	Case Planner:	Paul Workman
CC Date:	July 2, 2012		
Location:	6955 & 6995 Brighton Boulevard, Commerce City, Colorado 80022		
Applicant:	Millennium Venture Group	Owner:	6950 Dahlia LLC
Address:	1509 York Street, 3 rd Floor, Denver, Colorado 80206	Address:	6950 Dahlia Street, Commerce City, Colorado 80022

Case Summary

Request:	Millennium Venture Group (MVG) is requesting approval to rezone the subject property from the current Planned Unit Development (PUD) designation to a C-3 (Regional Commercial District) designation.
Project Description:	Millennium Venture Group (MVG) has submitted applications to rezone, plat, and develop the property generally located at the intersection of E. 69 th Avenue, Dahlia Street, and Brighton Boulevard. The intent of these applications is to develop the site with a convenience store with fuel sales. The requested straight zoning will allow the development to meet the traditional standards that are found in the Land Development Code (LDC). Staff has reviewed the proposed development plan for compliance with the City's development standards and has determined that the proposal meets the necessary requirements for parking, landscaping, architecture, drainage, traffic impacts, etc.
Issues/Concerns:	<ul style="list-style-type: none">▪ Redevelopment opportunities▪ Minimizing impacts of development▪ Proximity to the old Adams City High School site
Key Approval Criteria:	<ul style="list-style-type: none">▪ Compliance with the Comprehensive Plan▪ Compliance with the rezoning approval criteria
Staff Recommendation:	Approval
Current Zone District:	PUD (Planned Unit Development District)
Comp Plan Designation:	Commercial

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

- Applicant's Narrative Summary
- Vicinity Map
- Development Plan

Background Information

Site Information	
Site Size:	1.9 acres +/-
Current Conditions:	The site is used for truck and truck trailer sales (Karst Trucking)
Existing Right-of-Way:	E. 69 th Avenue to the south, E. 70 th Avenue to the north, Dahlia Street to the west, US Hwy 85 to the east
Existing Roads:	E. 69 th Avenue to the south, E. 70 th Avenue to the north, Dahlia Street to the west, US Hwy 85 to the east
Existing Buildings:	There is a 2,418 square foot building on the property
Buildings to Remain?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Site in Floodplain	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Surrounding Properties			
Existing Land Use		Occupant	Zoning
North	Residential	Single-family detached homes	ADCO
South	Public/ROW	E. 69 th Avenue	Right-of-Way
East	Public/ROW	US Hwy 85	Right-of-Way
West	Residential & Commercial	Hair salon, office space, and single-family detached homes	R-2 and C-3

Case History

There are three cases related to the subject property.

Case	Date	Request	Action
A-655-83	June 13, 1983	Sign variances	Approved
Z-669-98	February 2, 1998	Rezoning the property from C-2 to PUD	Approved with Conditions
Z-728-02	July 1, 2002	Amend Z-669-97	Approved with Conditions
AV-1707-12	May 8, 2012	Gas canopy setback variance	Approved with Conditions

A-655-83:

In June of 1983, the Board of Adjustment approved variances for sign square footage, setback, and height. The application was approved with no conditions. The sign variances in this application were superseded when the PUD zoning was approved in 1998 and are no longer in effect.

Z-669-98:

In February of 1998, City Council approved a rezoning for the subject property from C-2 to PUD, which allowed for heavy truck sales. The PUD was approved with conditions, which were satisfied.

Z-728-02:

In July of 2002, City Council approved an amendment to the PUD that was approved in Z-669-97. This amendment allowed for more trucks on site and also allowed for the sale of trailers. This PUD was approved with conditions, which were satisfied.

AV-1707-12:

In May of 2012, the Board of Adjustment approved a variance request of 13.5 feet to reduce the location of the proposed gas canopy from the required 40-feet to the proposed 26.5-feet. The application was approved with conditions, which are pending the outcome of this case.

Applicant's Request

The applicant intends to develop a convenience store with fuel sales on what is proposed to be Lot 1 of the Dahlia Marketplace Filing No. 1 subdivision. In order to meet the needs of the proposed development, the applicant has submitted this request to rezone the property from the current PUD designation to the requested C-3 designation. This change will eliminate some of the conditions that are a part of the PUD while maintaining consistency with the City's Future Land Use Plan.

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

"The surrounding zoning and land use is almost entirely commercial, with a few residential properties existing across Dahlia Street. The area around the site is predominately developed with limited open space. The proposed zoning change is to allow for a convenience store with fuel canopy, which will enhance the site from its current use as a truck sales facility, thus the zoning change would be consistent with the surrounding land use. We have attempted to provide adequate screening and enhanced landscaping along Dahlia Street along with carefully considering all lighting standards that may impact the community. We have also incorporated 360 degree architecture of the proposed convenience building."

The applicant is hopeful that this project will help redevelopment in the area. Specifically, the applicant states:

"This immediate area of Commerce City has not changed, or experienced much redevelopment for quite some time. The closing of Adams City High School presents an opportunity for the redevelopment of the site along with the planned development of the Mile-High Greyhound Park which will facilitate additional development sites in the area. This zone change will allow much needed redevelopment and enhancement of retail services to occur for the subject site. The site is easily accessible by the pedestrians of the neighborhood as well as mass transit (RTD) along Dahlia Street and the RTD Park N' Ride on E. 72nd Avenue. Furthermore, this development will enhance the retail development for Commerce City and bolster a new retail area."

When asked to provide project specifics, the applicant has indicated:

"The new convenience store will create between 6 and 10 employees and the store will be open 24 hours a day. We anticipate 200 to 300 customer vehicles and 2 small delivery trucks per day at the development, as well as one fuel delivery tanker every two weeks."

Development Review Team Analysis

The Development Review Team (DRT) began the review of the submitted application by reviewing the request against the goals that are found in the City’s Comprehensive Plan. That analysis has been provided below.

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	LU1a	<p><u>Future Land Use Plan (FLUP) as a Guide:</u> Use the FLUP to guide development patterns and mix of uses and amendments to the Land Development Code (LDC).</p>
<u>Analysis:</u>	The FLUP identifies this site for commercial uses and rezoning the site to the requested C-3 designation aligns with the City’s Comprehensive Plan.	

<u>Section</u>	<u>Goal</u>	<u>Description</u>
Redevelopment and Reinvestment	RR2	<u>Targeted Redevelopment to Strengthen Viability, Mixed Use</u>
<u>Analysis:</u>	The redevelopment of this site is important to the City in two specific ways. First, this redevelopment is near the old Adams City High School site. This proposal will help to set the standard for redevelopment in the area and hopefully lead to interest in the old high school site. Second, the site is highly visible from US Hwy 85. The redevelopment of this site will help to improve the aesthetic of this corridor.	

<u>Section</u>	<u>Goal</u>	<u>Description</u>
Fiscal Stability	FS 2b	<p><u>Reserve land for commercial uses:</u> Ensure adequate land for commercial uses through the FLUP; preserve the opportunity for future retail development by designating locations.</p>
<u>Analysis:</u>	Rezoning the subject property to C-3 will ensure commercial development on the property at this time and preserve future opportunities for commercial development.	

After determining that the request meets the Comprehensive Plan goals outlined above, the DRT reviewed the application for the proposed use’s compatibility with the C-3 (Regional Commercial District) zoning designation. The C-3 zoning designation is the City’s most intense commercial zoning designation and allows for a variety of commercial uses. The use of property as a convenience store and fuel sales with no vehicle repair is first listed as a Use-by-Right in the C-3 zone district. Therefore, the DRT determined that the proposed C-3 zoning designation is the least intense zoning designation that would allow for the proposed use as a Use-by-Right.

Once determining that the C-3 zoning designation was appropriate for the identified use, the DRT reviewed the application to determine the potential benefits of rezoning the property to C-3 as opposed to leaving it zoned PUD. In performing this analysis, it was clear to the DRT that rezoning to C-3 was beneficial to both the City and the applicant. Specifically, the PUD has language that limits the hours of operations on the property (8-6 Monday thru Friday, 9-5 on Saturday, and no operations on Sunday) which would make the use of the property as a convenience store with fuels sales difficult. By rezoning to C-3, the property will be allowed to conduct business in the evenings and on Sundays. In terms of benefits to the City, the rezoning will remove the property’s ability to operate I-1 uses and

strictly allow for commercial uses, which is what is identified in the City's Comprehensive Plan. In addition, the City is hopeful that that the project will draw attention to this area and create interest in the old Adams City High School site.

While ensuring that the proposed application meets the City's Comprehensive Plan and the proposed development is mutually beneficial, the DRT also reviewed the application to ensure minimal impacts to adjacent property. The area that surrounds the subject property is a mix of commercial and residential uses. Therefore, the DRT felt that the surrounding area is accustomed to a mix of uses in the area and the potential commercial operations are more compatible with the surrounding area than the current industrial use of truck and truck trailer sales. In terms of development specifics, the applicant has been required to meet the landscape buffer requirements along Dahlia Street and the submitted photometric plan meets the standards outlined in the LDC. The site plan has also been reviewed in order to ensure compatibility with the City's standards for parking, access, and circulation which will all help to minimize any traffic impacts to the area. No traffic study was required for this project because the general use of the property as a commercial/industrial operation will not change. While reviewing the application, staff also explored the possibilities for the US Hwy 85 right-of-way that is directly east of the subject property. Ultimately, staff found that the US Hwy 85 corridor plan calls for a future expansion of the roadway and the existing right-of-way is necessary for the future expansion. As part of their project, the applicant will seed the right-of-way adjacent to their site with native seed in order to limit dust and to mitigate soil erosion. In addition, staff will monitor this area in order to determine if more substantial barriers are needed to limit vehicular access.

After reviewing the application against the development criteria outlined above, the DRT also reviewed the application in a larger context. Specifically, the DRT wanted to ensure that the proposed rezoning of this site would not negatively impact the potential for redevelopment on the old Adams City High School site. While reviewing the application, the DRT felt that the proposed rezoning would not create hurdles or negatively impact any future redevelopment of the old high school site. The DRT came to this conclusion based on the likely future redevelopment of the high school site. The DRT felt that it is likely that the old high school site would either develop with a majority of residential uses, which the C-3 zoning would support, or the old high school site would redevelop commercially, which the C-3 zoning would complement.

After reviewing the zone change request against the City's Comprehensive Plan, ensuring the request is mutually beneficial, and that the request would not negatively impact the adjacent properties or negatively impact the future redevelopment of the old Adams City High School site, the DRT is recommending **approval** of the request. A detailed analysis of the application's compliance with the rezoning approval criteria is provided below.

Criteria Met?	Sec. 21-3232. Rezoning or Zone Changes	Rationale
<input checked="" type="checkbox"/>	The change is consistent with any City adopted plans for the area;	The applicant has proposed to rezone the site to C-3 which is consistent with the City's Comprehensive Plan designation of commercial.
<input checked="" type="checkbox"/>	The zone change is compatible with proposed development, surrounding land uses and the natural environment;	The proposed development is for a convenience store and gas station, which is a use-by-right in the C-3 zone district. The surrounding area is a mixture of residential, commercial, and industrial uses that the convenience store is intended to support.
<input checked="" type="checkbox"/>	There is, or will be, adequate public services, (water, sewerage, streets, drainage, etc.);	All providers have indicated an ability to adequately serve the property.
<input type="checkbox"/>	There is, or will be, adequate public uses (parks, schools, and open space);	N/A. No public uses are required for this zone change and subsequent development.
<input checked="" type="checkbox"/>	The change is needed to provide/maintain a proper mix of uses in the area/City;	The proposed commercial development is intended to serve the surrounding properties. In this area, there are a limited number of commercial uses and this proposal will increase that mix.
<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 subject property has changed since the late 1990's and early 2000's (when the property was zoned PUD) in such a way that it is in the public's interest to rezone the property and facilitate commercial development in this area.

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 from the Development Review Team

To recommend approval:

I move that the Planning Commission enter a finding that the requested Zone Change for the property generally located at **6955 Brighton Boulevard and 6995 Brighton Boulevard** contained in case **Z-900-12** 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 generally located at **6955 Brighton Boulevard and 6995 Brighton Boulevard** contained in case **Z-900-12** 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 **6955 Brighton Boulevard and 6995 Brighton Boulevard** contained in case **Z-900-12** 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.