



Council Communication File Number: Z-544-91-94-23

Agenda Date: 5/15/2023

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Zoning Ordinances

Agenda Number:

Hampton Yard 8, LLC is requesting a Zone Change from Heavy-Intensity Industrial District (I-3) with conditions to Heavy-Intensity Industrial District (I-3) without any conditions for the approximately 20.08-acre parcel generally located at 3741 E. 64th Avenue.

Summary & Background

Hampton Yard 8, LLC is requesting to rezone approximately 20.08 acres from Heavy-Intensity Industrial District (I-3) with conditions to Heavy-Intensity Industrial District (I-3) with no conditions in order to utilize the industrial site.

The conditions imposed with the 1991 zoning ordinance and proposed to be removed include the following:

- A. Specific Development Plans for the subject property shall be reviewed by the Planning Commission and approved by the City Council prior to any of the following: site improvements of any kind; change in use; development of any kind; issuance of building permits, or subdivision.
- B. The requirements for Development Plan approval shall be recorded against the deed of the subject property in the form of a deed restriction, or covenant with the Adams County Clerk and Recorder.
- C. The applicant shall enter into a Development Agreement with the City for future public improvements.
- D. A specific Development Plan for the truck painting operation now located on the subject property shall be submitted by the applicant for review by the Planning Commission and approved by the City Council within ninety (90) days after the effective date of this ordinance, and failure to obtain such approval shall cause the truck painting operation to (1) terminate on the subject property and (2) not be located or placed in the property adjacent to the western boundary of the subject property.

The zoning conditions were placed upon the property in August 1991 and were common conditions placed upon speculative rezonings at the time. These conditions were added at a time when the city was smaller, less complex, and did not have all of the processes and standards in place to ensure a high level of development. Current regulations contained in the Land Development Code, Building Code, Fire Code, Engineering Standards, and all other applicable codes adopted since are appropriate to ensure orderly future development.

Since 1991, there have been a number of code enforcement actions on this site, in part due to uses and the zoning conditions. No changes or improvements to bring the site into compliance can be made in general without review and action by City Council under the current zoning conditions. Removing conditions 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.

A portion of the site, primarily the north and west portions, was used as an informal landfill for approximately six months in 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 currently 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.

A concurrent development plan (D-409-23) is under administrative review. To finalize the development plan, the rezoning of both the parcel considered in this case and the parcel considered in the concurrent case Z-994-23 is necessary. In addition, the two parcels will have to be consolidated (S-755-23) prior to finalizing the development plan, and before any on-site improvements can be completed.

Staff Responsible (Department Head): Tricia McKinnon, Community Development

Staff Presenting: Stacy Wasinger, City Planner

Financial Impact: N/A

Funding Source: N/A

Planning Commission Recommendation: On April 18, 2023, this case was presented to the Planning Commission. The Planning Commission held a public hearing, took testimony, and voted (5 to 0) to forward the Zone Change request to City Council with a recommendation for approval.

Action Alternatives:

Approve the application in accordance with the PC recommendation;

Approve the application with conditions; or

Deny the application