

**LEEPER INDUSTRIAL PARK**  
3740 and 3801 E. 64th Avenue  
Commerce City, Colorado

**REZONING NARRATIVE**

August 28, 2019

**INTENT**

The property owner's intent is to update this site in order to market, operate, and manage the Leeper Industrial Park as a successful industrial park in compliance with the I-3: Heavy-Intensity Industrial Zone District in Commerce City. The updated zoning will provide a safe and functional site for land uses allowed in the I-3 Zone District. This application for a zone change includes a Development Plan as required by the Land Development Code.

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**I. PROPERTY**

The site is located on the north side of E. 64th Avenue, northeast of I-270 and west of Colorado Boulevard. The site contains two platted lots:

- 3741 E. 64<sup>th</sup> Avenue, 20.082-acre lot, Existing Zoning -- I-3 (Heavy-Intensity Industrial) with conditions from 1991 zoning ordinance (See III. ZONING for additional information)
  - 3781 E. 64<sup>th</sup> Avenue, 0.405-acre lot, Existing Zoning -- AG (Agriculture)
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**II. PROGRAM**

The I-3 zone district provides significant flexibility to meet market demand for industrial land uses. The design and development requirements in the Land Development Code will ensure that this development will become a valuable and safe addition to Commerce City.

The Front Range, including Commerce City, is in a development boom with high demand for sites that can support a range of industries. 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. 64<sup>th</sup> Avenue which will be upgraded to commercial and office use standards.

The Development Plan for this property includes a new looped access road with a fire lane. This looped fire lane and proposed fire hydrants will meet current International Fire Code requirements. Circulation within the site will be efficient for users and provide safe access for fire and emergency services.

By removing the restrictions imposed by the 1991 zoning ordinance, the owner will be able to market the site to changing market demands without requiring Planning Commission and City Council approvals as tenants change. The property owner will submit to Commerce City an updated Development Plan showing proposed modifications for administrative review and approval.

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### III. ZONING -- I-3: HEAVY-INTENSITY INDUSTRIAL ZONE DISTRICT

- The zone change will remove the conditions established by the 1991 zoning ordinance\*.
- Land uses and development will follow the conditions and requirements of the I-3 Heavy-Intensity Industrial Zone District in the Land Development Code.
- New site plans are to be reviewed and approved administratively without a hearing or review by Planning Commission or City Council. Review and approval subject to the current City standards and requirements.
- The structures at 3741 and 3781 East 64<sup>th</sup> Avenue are to be used as office, care taker residence, or other commercial uses in support of the Heavy-Intensity Industrial land uses allowed in the I-3 Zone District.
- A business located at 3741 or 3781 East 64<sup>th</sup> Avenue will be permitted to utilize a part of Lease Lot 3 of the Leeper Industrial Park, that is non-contiguous to the office at 3741 or 3781 East 64<sup>th</sup> Avenue, for Heavy-Intensity Industrial uses as allowed in the I-3 Zone District.

**\* The Conditions of the I-3 zoning established with the initial zoning to I-3 by Commerce City in 1991, Ordinance No. Z-544-91 are summarized as follows:**

- 1) Specific development plans shall be reviewed by the City Council prior to site improvement, change in use, development, or issuance of a building permit.
- 2) The requirements for Development Plan approval shall be recorded against the deed of the property in the form of a deed restriction.
- 3) The applicant shall enter into a development agreement for future public improvements (development agreement entered into in 1997).
- 4) A specific development plan for the truck painting operation shall be submitted and approved... *(no longer applicable, the truck painting business is no longer in operation)*

#### IV. CONCURRENT APPLICATIONS

- (i) *Replat the current I-3 and AG parcels to create one zoned lot. (Not included with Concept Review Submittals).*
  - (ii) *Update the existing I-3 Heavy-Intensity zoning. (This Document)*
  - (iii) *A Development Plan in accordance with the City's development codes to include the following:*
    - 1) Plans addressing circulation for existing and potential users, a designated fire lane through the site, a looped water line with new fire hydrants, existing and proposed fencing, screening from the adjacent public roadways, and other detailed information as required by Commerce City.
    - 2) A request for variance from the district's minimum FAR (floor area ratio) requirement.
    - 3) A request for variance allowing limited access along East 64<sup>th</sup> Avenue.
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#### V. APPROVAL CRITERIA

The following address our rationale for how this rezoning meets the evaluation criteria and comprehensive plan of Commerce City.

- (i) *The proposed zone district and allowed uses are consistent with the policies and goals of the comprehensive plan, any applicable adopted area plan, or community plan of the City.*

This Zone Change would not change the property's zone district. It would only remove the conditions of the 1991 zoning ordinance, which would be replaced by the City's current I-3 district regulations. This zone district is consistent with the Future Land Use Plan map, which designates this property as General Industrial. By removing the conditions of the 1991 zoning ordinance, this Zone Change and development plan would specifically advance the following goals identified by the Comprehensive Plan:

- *Goal LU 4—Retain existing industrial areas and land for future jobs.*

This Zone Change would retain industrial zoning for the property. The property supports about 12 full-time jobs, and depending on the mix of future users, could support additional jobs in the future.

- *Goal PF 1—Coordinate utilities and infrastructure with future growth.*

As discussed in greater detail within the Site Inventory and Analysis section of this document, the development plan calls for significant investment in water utilities, building upgrades, and internal circulation. If approved, this Zone Change and the development plan would result in upgraded utilities and infrastructure benefitting the property and the surrounding area.

- *Goal AD 3—Improve development quality for ... industrial uses.*

The City's approval of this Zone Change and development plan would allow the property owner to improve utilities, screening, landscaping, internal circulation, and the existing structures on the property.

This property is located within the Adams County Focus Area in the Comprehensive Plan. One issue unique to this area is the existence of former unregulated landfills. The development plan proposes creative reuse of a former landfill site. One policy identified by the Comprehensive Plan calls for an "[i]mproved image of the area seen from I-270." Development of this property would allow for enhanced visual buffering along the property's southern boundary facing I-270.

(ii) *The proposed zone district and allowed uses are compatible with proposed development, surrounding land uses and the natural environment.*

The property is almost entirely surrounded by other properties zoned I-2 and I-3. Other users along E. 64<sup>th</sup> Avenue and Colorado Boulevard in the vicinity of this property include an excavating company, a construction equipment rental business, a welding shop, a propane sales facility, and a pipefitting outfit. A flexible industrial park would be compatible with these existing land uses.

(iii) *The proposed zone district will have, or future development can provide, efficient and adequate provision of public services, including but not limited to, water, sewerage, streets, and drainage.*

The development plan submitted concurrently with this Zone Change proposes significant investment in utility services and internal circulation for this property. A new water line will be extended through the middle of the property, and new fire hydrants will be installed along that line. New water and sewer lines will be extended to the building at 3741 E. 64<sup>th</sup> Avenue. Access points from Colorado Boulevard and E. 64<sup>th</sup> Avenue will be improved to meet the City's current engineering standards and the internal drive will be surfaced to support emergency and industry related vehicles.

(iv) *The proposed zone district will have, or future development can provide, efficient and adequate provision of public uses including, but not limited to, parks, schools, and open space.*

Given this property's historic use as a landfill and its heavy industrial context, it is not well suited for public parks or schools. The development plan provides for landscape and screening improvements to enhance the property's visual appeal from public vantage points. The property owner will pay all development and impact fees associated with its applications to support the City's parks, schools, and open spaces.

(v) *There is a community need for the zoning district in the proposed location to provide or maintain a proper mix of uses both within the city and the immediate area of the proposed use.*

Business owners in the Front Range are demanding flexible industrial space. Specifically, construction contractors and transportation service companies need small offices from which to operate their businesses and large outdoor spaces to store and service their products and equipment. Spaces like this property are indispensable for supporting primary jobs in industry and construction.

- (vi) *The area for which zone change is requested has changed or is changing to such a degree that it is in the public interest to allow a new use or density.*

The Zone Change requested by the property owner does not change the zone district designation of the property and thus does not allow new uses. Instead, it removes certain development restrictions imposed by the 1991 zoning ordinance and replaces them with the City's current I-3 district regulations.

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## VI. SITE INVENTORY AND ANALYSIS

### Capped Land Fill

Approximately one-half of the property is a reclaimed landfill. The landfill discontinued operation and was capped. A Phase I Environmental Site Assessment was prepared by Palmetto Environmental Group, LLC. The full Phase I environmental report has been provided to the City and is available upon request.

The environment report recommends that no impervious material be applied to the capped landfill site. The demolition of existing buildings may require special oversight in accordance with applicable federal and state regulations. All buildings must have methane detection systems, and it is recommended that new buildings include foundation ventilation among other precautions and considerations.

### Access

The property can be accessed from Colorado Boulevard on the east and E. 64<sup>th</sup> Avenue on the south. Both access points provide ample site distance for ingress and egress by large trucks. The access from Colorado Boulevard is currently blocked and will be reopened and improved for truck and fire lane access.

A central drive is proposed as a spine road and fire lane to allow access to users' sites to the east, west, and north. Access from the central spine road to individual users is expected to vary over time as individual operational requirements change. To market the site for Heavy-Intensity Industrial uses, all surfaces are proposed to be surfaced to support emergency and industry related. The central access road will be specially rated as an all-weather roadway for fire truck and emergency vehicles and posted as such.

### Drainage

The site is relatively flat. The limited impervious pavement allows for the percolation of rain water. No point discharge locations are readily identifiable. There are no storm sewers on the site or in the general vicinity. The intent is to maintain the impervious material as the preferred cover. See the drainage letter submitted with this narrative for additional information.

The site appears to have been raised by the capping of the landfill, creating an embankment along the west property line. The embankment is generally stabilized with dryland grasses and will remain undisturbed.

### **Utilities**

A fire hydrant is located in the middle of the site on the east property line near Colorado Boulevard. The water line located in the flag access drive will be extended to E. 64<sup>th</sup> Avenue next to the new looped access drive. Additional fire hydrants will be installed in accordance with the fire district requirements.

3741 and 3781 E. 64th Avenue will have the existing water and sewer service upgraded or installed for commercial use. There are no plans to extend sewer lines into the site.

### **Visibility**

The site is visible from the frontage along E. 64<sup>th</sup> Avenue. East of the spine road are the two single-story structures that will be upgraded to business occupancy standards for use as offices. These offices will support the businesses within Leeper Industrial Park and will be maintained as attractive office buildings. West of the access drive an opaque fence will be installed to screen the industrial uses from view along E. 64<sup>th</sup> Avenue and I-270 farther to the southwest. See the development plan and associated narrative for additional information regarding the new fences.

Passengers on the new commuter rail line to the northwest may have views into the northern portion of the site. That part of the site is currently vacant. The image and character of the site from the commuter rail line will be evaluated with the preparation of a detailed development plan for a specific use of this area.

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### **End of Rezoning Project Narrative**

Enclosed:      Development Plan  
                    Subdivision Plat  
                    Drainage Report  
                    Minor Modification Application