



STAFF REPORT

Planning Commission

CASE #S-587-12

PC Date:	June 5, 2012	Case Planner:	Brian Garner
CC Date:	June 18, 2012		
Location:	7021, 7055, 7065 E. 54 th Place, Commerce City, Colorado 80022		
Applicant:	Bachman Commercial, LLC John Bachman	Owner:	Same As Applicant
Address:	PO Box 202168 Denver, CO 80220		

Case Summary

Request:	The applicant is requesting to consolidate the property from 3 lots into one new lot.
Project Description:	Subdivision and rezoning of the property for redevelopment.
Issues/Concerns:	<ul style="list-style-type: none"> Redevelopment opportunities Compatibility with the neighborhood
Key Approval Criteria:	Land Development Code, Comprehensive Plan
Staff Recommendation:	Approval with Conditions
Current Zone District:	C-3 (Regional Commercial District) and R-2 (Single-Family Attached Residential District)
Comp Plan Designation:	Industrial/Distribution

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"/> Development Review Team Recommendation | <input checked="" type="checkbox"/> Subdivision Plat |
| <input checked="" type="checkbox"/> Site Plan | |

Background Information

Site Information

Site Size:	68,453 square feet
Current Conditions:	Former Club 54 nightclub facility (now vacant)
Existing Right-of-Way:	E. 54 th Place
Existing Roads:	E. 54 th Place
Existing Buildings:	Yes
Buildings to Remain?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Site in Floodplain	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Surrounding Properties

<u>Existing Land Use</u>		<u>Occupant</u>	<u>Zoning</u>
North	Industrial	Bobcat of the Rockies; Trucking; Various industrial users	I-2
South	Industrial	Various industrial users	I-1 & I-2
East	Industrial	Various industrial users	I-2
West	Industrial	Matheson Trucking, LLC	I-2

Case History

It is important to note that the current applicant has no ties to the extensive case history outlined below. The current applicant is a new owner of the property and intends to redevelop the property for industrial-type uses.

The site previously operated as *The Landing Strip*, an adult entertainment club, and prior to that, as the *Encanto Restaurant and Lounge* (dating back to 1975). The Landing Strip was a non-conforming use and ceased to operate after September 30, 2005 as a result of the terms set forth in the Release and Settlement Agreement for *Grimm Enterprises, Inc. dba The Landing Strip v. The City of Commerce City, Colorado, et al.* After that time, the sexually oriented business license was surrendered, and the club operated as The Grimm Reaper.

On May 9, 2007 the Commerce City Liquor License Authority granted a tavern license to SREI Grimm, LLC, who has not held any prior liquor licenses within Commerce City, and reported not holding any liquor licenses in any other municipality. The liquor license is not longer valid as it was approved for the applicant only.

On August 6, 2007 City Council granted Club 54 a Conditional Use Permit for a cabaret license to allow live music (case #CU-76-07). The CUP was granted with twelve conditions. Due to non-compliance with the conditions of approval, the Planning Commission recommended that City Council revoke the Conditional Use Permit which was performed on June 2, 2008 through case #CU-76-07-08.

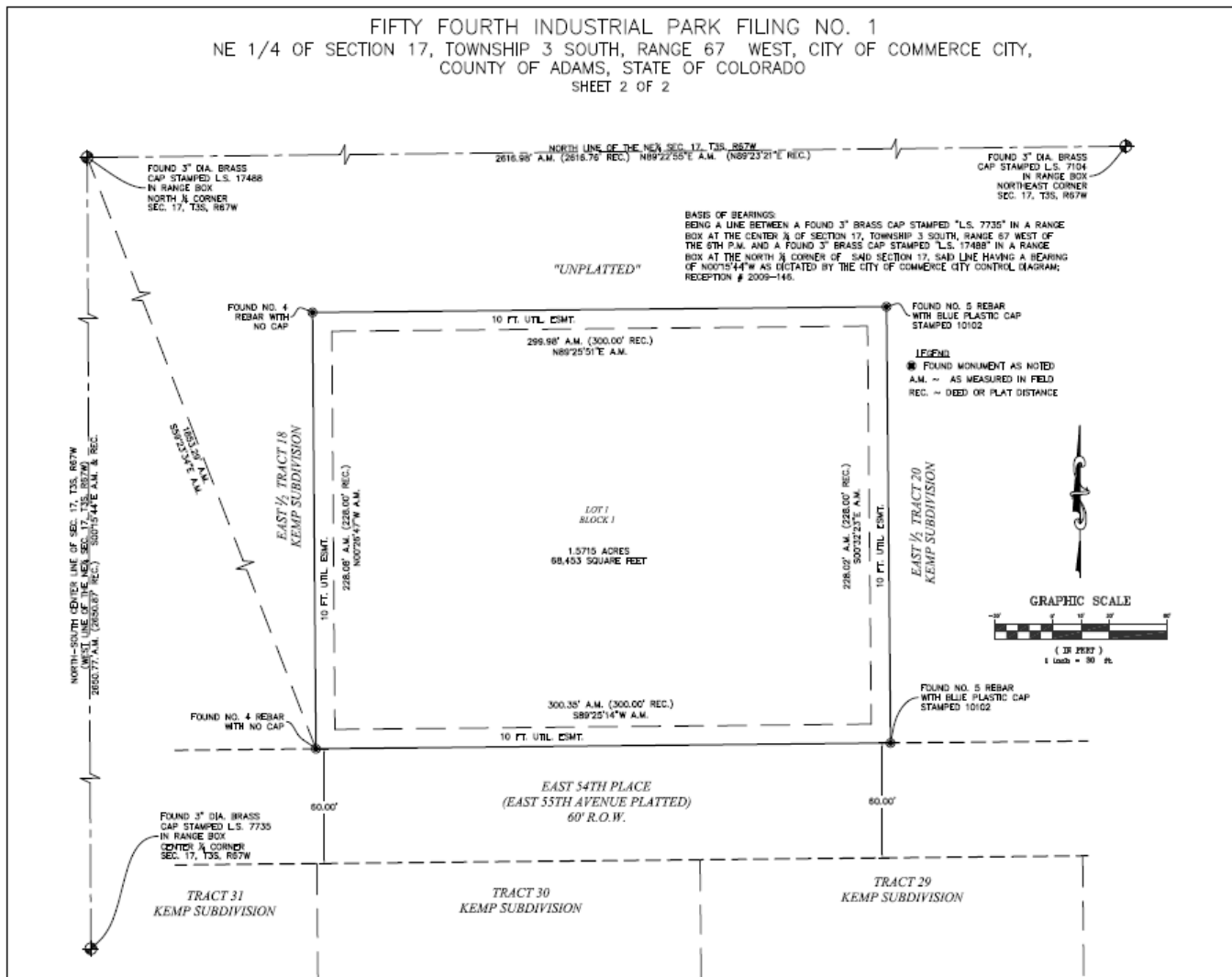
<u>Case</u>	<u>Date</u>	<u>Request</u>	<u>Action</u>
Z-113-75	7/21/1975	Rezone of 7055 E. 54 th Place from R-2 to C-3	Approval
A-199-75-76	9/21/1976	Residence permitted for one year	Approval
A-244-76	8/17/1976	Setback variance for sign located at 5491 Quebec Street, with consent of owner. Approved for applicant only.	Approval with Conditions
A-255-76	12/21/1976	Setback variance for on-site sign; 25' front setback and 5' height. Approved for applicant only.	Approval
A-1064-91-94-97-02	1991, 1994, 1997, 2002	Use by Permit for off-premise sign located at 5491 Quebec Street. Approved for applicant only.	Approval with Conditions
CU-76-07	2007	Conditional Use Permit for a Cabaret License.	Approval with Conditions
CU-76-07-08	June 2, 2008	Revocation of Conditional Use Permit CU-76-07 for the Cabaret License.	Revocation

Summary of Applicant's Request

The subject property, consisting of 7021, 7055, 7065 E. 54th Place is currently platted as three lots in the Kemp Subdivision. 7021 E. 54th Place is currently zoned R-2 and 7055, 7065 are each zoned C-3. The applicant is requesting to subdivide these properties by consolidation into one new lot and rezone the new lot to I-2. As shown on the aerial map below, the three lots would be replatted into one lot.



FIFTY FOURTH INDUSTRIAL PARK FILING NO. 1
 NE 1/4 OF SECTION 17, TOWNSHIP 3 SOUTH, RANGE 67 WEST, CITY OF COMMERCE CITY,
 COUNTY OF ADAMS, STATE OF COLORADO
 SHEET 2 OF 2



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

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

<u>Section</u>	<u>Goal</u>	<u>Description</u>
Fiscal Stability	FS2a	FLUP Consistency: 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.
<u>Analysis:</u>	The approval of the requested rezone and plat is consistent with the FLUP. The approval of these applications will help to expand business in this part of the City.	

After determining that the proposal is consistent with the above Comprehensive Plan goals and the Future Land Use Plan, the Development Review Team reviewed the proposal for consistency with development in the area. The DRT determined that development in the area is generally medium-intensity 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, the 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 frontage and lot size in the plat meet the criteria for the I-2 zone district.

Specifically:

- I-2 zone requirements are 80’ for lot frontage and a minimum lot size of 50,000 square feet.
- The proposed new lot will have frontage of 300-feet with a lot size of 68,453 square feet.

Outside Agency Review:

Staff referred this application to several outside agencies and all respondents have indicated that there are no issues with the proposed plat.

Summary:

Staff has reviewed the plat against the proposed I-2 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 for the I-2 zone district 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 I-2 zoning 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 I-2 zoning 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 I-2 zone district. 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 and adequately served by the necessary services and this plat will not create any additional demand.
<input type="checkbox"/>	A development agreement between the city and the applicant has been executed and addresses the construction of all required public improvements; and	Not applicable. A Public Improvement Agreement (PIA) is not required by the Public Works Department for this case.
<input 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 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.

Recommended Motion

To recommend approval:

I move that the Planning Commission enter a finding that the requested Final Plat for the property located at 7021, 7055, 7065 E. 54th Place contained in case S-587-12 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 **7021, 7055, 7065 E. 54th Place** contained in case **Z-901-12** 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:

To recommend denial:

I move that the Planning Commission enter a finding that the requested Final Plat for the property located at **7021, 7055, 7065 E. 54th Place** contained in case **S-587-12** fails to meet the following criteria of the Land Development Code:

I further move that, based upon this finding, the Planning Commission recommend that the City Council deny the Final Plat.