



# STAFF REPORT

## Planning Commission

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### CASE #S-588-12

<b>PC Date:</b>	August 7, 2012	<b>Case Planner:</b>	Jared Draper
<b>CC Date:</b>	TBD		
<b>Location:</b>	172121401002, 172121005018 and 172121005015 (9101 Yosemite Street, Henderson, CO 80640)		
<b>Applicant:</b>	BNSF Railroad	<b>Owner:</b>	Same as Applicant
<b>Address:</b>	2650 Lou Menk Drive, Mob-1 Fort Worth, Tx 76131	<b>Address:</b>	Same as Applicant

### Case Summary

<b>Request:</b>	Consolidation of parcels owned by BNSF (PINs: 1721210005018, 172121005015 and 172121401002)
<b>Project Description:</b>	BNSF currently operates an automobile staging facility for the metro area. The staging facility is currently operated on a parcel that is zoned I-3. The adjacent parcels, owned by the applicant, are zoned I-1. Currently, one of the parcels is vacant and the other is used for stormwater detention. The consolidation of all three (3) parcels will create one lot and will bring this property into compliance with the City's Subdivision regulations.
<b>Issues/Concerns:</b>	<ul style="list-style-type: none"><li>• Compatibility with surrounding properties</li><li>• Subdivision Regulations</li><li>• Existing use</li></ul>
<b>Key Approval Criteria:</b>	<ul style="list-style-type: none"><li>• Compliance with Subdivision Regulations</li><li>• Compliance with Comprehensive Plan</li></ul>
<b>Staff Recommendation:</b>	Approval
<b>Current Zone District:</b>	I-1 (Light Intensity Industrial District) I-3 (Heavy Intensity Industrial District)
<b>Comp Plan Designation:</b>	General Industrial

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

- |   |   |
|---|---|
| <input type="checkbox"/> Applicant's Narrative Summary          | <input checked="" type="checkbox"/> Vicinity Map    |
| <input type="checkbox"/> Development Review Team Recommendation | <input type="checkbox"/> Neighborhood Meeting Notes |
| <input checked="" type="checkbox"/> Subdivision Plat            | <input type="checkbox"/>                            |
| <input type="checkbox"/>  | <input type="checkbox"/>                            |

## Background Information

### Site Information

<b>Site Size:</b>	49 Acres
<b>Current Conditions:</b>	Automobile staging facility and rail yard
<b>Existing Right-of-Way:</b>	Yosemite Street to the East
<b>Existing Roads:</b>	Yosemite Street to the East
<b>Existing Buildings:</b>	Office building and guard house
<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

### Surrounding Properties

<u>Existing Land Use</u>		<u>Occupant</u>	<u>Zoning</u>
<b>North</b>	Industrial	FedEx Freight	PUD
<b>South</b>	Industrial	FedEx Ground Packaging & Xcaliber	I-2
<b>East</b>	Industrial	Birko Corporation, Canyon State Oil	I-3
<b>West</b>	Industrial	Distribution Plus	I-2

### Case History

The subject property was annexed into the City of Commerce City as part of the northern enclave annexation. There are three parcels that are currently owned by the applicant. The northern parcel is currently used for a stormwater detention area and was zoned I-1 in case Z-874-08. The southern parcel is currently vacant and is also currently zoned I-1 based on the result from case Z-874-08. The parcel that is currently developed lies between the two I-1 parcels and is currently zoned I-3 to accommodate the use of the property as an automobile staging facility and rail yard.

In order to expand the current automobile staging operation, the applicant requested a height variance for light poles from the Board of Adjustment in June 2012. The variance was granted for twenty-feet; therefore having light poles that are a maximum of fifty-feet (50') tall. This height was requested in order to improve safety for employees as well as maximize security on the site.

<u>Case</u>	<u>Date</u>	<u>Request</u>	<u>Action</u>
Z-874-08	March 2008	Annexation zoning from a variety of Adams County zoning designations to a variety of Commerce City zoning designations, including I-1 and I-3.	<b>Approval</b>
AH-1708-12	June 2012	Burlington Northern Santa Fe (BNSF) Railroad company requests a twenty-foot (20') height exception for light poles on their automobile staging facility for the expansion of this use within the City.	<b>Approval</b>

## Applicant's Request

BNSF Railroad has submitted this application to consolidate 3 parcels that are owned by the applicant. Concurrently, with the consolidation plat, the applicant has submitted a request to rezone to I-3 and for a conditional use permit (Z-902-12 and CU-98-12). The total size of the new lot will be approximately 49 acres and I-3 zoning is requested for the entire area. The current operations of the site (automobile staging facility and rail yard) have been shown through a submitted development plan.

The applicant wished to expand operations on this site by adding to the staging area and additional rail spurs on-site. The consolidation plat is required so that the expansion can occur as the applicant’s business grows. Specifically, this consolidation plat will create one lot for the proposed “BNSF Irondale Automotive Facility Subdivision”, located at 9101 Yosemite Street.

## 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>
LU	1a	<u>Future Land Use Plan as Guide:</u> Use the Future Land Use Plan to guide development patterns and mix of uses and amendments to the Land Development Code.
<b><u>Analysis:</u></b>	The expansion of the operation on the subject property is consistent with the use of this property as general industrial according to the Comprehensive Plan.	

<u>Section</u>	<u>Goal</u>	<u>Description</u>
AD	2b	<u>Consolidate Properties:</u> Consolidate properties in redevelopment areas
<b><u>Analysis:</u></b>	The request to consolidate three parcels into one and expand the existing industrial operation aligns with this goal of the comprehensive plan. The applicant currently owns all three of the parcels and the development of the site as a whole will enhance the surrounding industrial areas and potentially provoke further development or redevelopment.	

The proposed consolidation plat application is supported by the Comprehensive Plan goals that have been provided above and the application supports the Future Land Use Plan for this area because it generally allows for industrial uses and the application promotes the City’s goal to assist with decisions based upon the Future Land Use Plan.

### **DEVELOPMENT REVIEW TEAM ANALYSIS**

In addition to the consolidation plat request, the applicant is requesting a zone change from I-1 to I-3 in case #Z-902-12 for two parcels owned by BNSF Railroad adjacent to the parcel where the current operation exists as well as a Conditional Use Permit in case #CU-98-12 to operate an automobile staging facility and rail yard on the site. The consolidation of the three parcels was necessitated by the location of the current rail spur crossing lot lines, which is prohibited in the City’s subdivision regulations. The consolidation plat will bring the property into legal and conforming status at present and for future expansion.

<b>Issue</b>	<b>Proposed</b>	<b>City Standard</b>	<b>Meets City Standard</b>
<b>Street width</b>	Yosemite Street:	Yosemite Street:	Yes
<b>Floor Space Minimum</b>	Not applicable.	Not applicable.	Not applicable
<b>Lot Size</b>	Approximately 49 acres/2,134,440 sf.	Minimum lot area for I-3: 50,000 sf.	Yes
<b>Lot Frontage</b>	Yosemite Street: 1,137-feet +/-	Minimum lot frontage for I-3: 80-feet	Yes
<b>School Land</b>	No land dedication is proposed.	No land dedication is required.	Yes
<b>School Capacity Fee</b>	No school capacity fee proposed.	No school capacity fee required.	Yes
<b>Parks/Open Space</b>	No Parks/Open Space fee proposed.	Not applicable	Yes

The Development Review Team (DRT) has concluded that the requested consolidation plat is appropriate in order to create a single lot rather than three lots with the same user. The applicant is requesting to utilize land that is currently under their ownership to expand a growing business. Furthermore, the consolidation and development of this property will deter any illegal dumping that has occurred in the past.

The DRT reviewed the plat application against the Land Development Code approval criteria for a consolidation plat. The following is the analysis of the DRT:

- The requested consolidation plat is consistent with the requested zone change for the property
- The requested consolidation plat is consistent with the intent of the I-3 zone district.
- The consolidation plat does not create roads, lots, utility easements, drainage facilities or other services that would provoke land disturbances.
- The requested consolidation plat complies with all applicable city standards and any undue adverse impacts have been mitigated to the maximum extent feasible.
- A Public Improvement Agreement is being negotiated between the applicant and the City and will be signed before final approval of the plat is recorded.

In summary, Staff supports the requested consolidation plat for the BNSF Railroad property located at approximately 9101 Yosemite Street. The consolidation of three parcels into one lot will meet the standards of the Subdivision regulations and allow the applicant to expand the current operations.

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 I-3 zone district. A rezoning is a concurrent 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 Land Development Code for the I-3 zone district.
<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 nor any laws, regulations, or requirements of any referral agencies.
<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 minimizes land disturbances and maximized the preservation of existing landscaping and trees while meeting the current standards for drainage on-site.
<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;	This consolidation plat make the lot patterns comply with City requirements. Without the consolidation of the subject parcels, they would not comply.
<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 owned by the applicant into a lot and block. This will not result in any undue adverse effects on adjacent properties.
<input checked="" type="checkbox"/>	Sufficient public services (utilities, safety, etc) and uses (parks, schools etc) are available to serve the subject property;	A portion of the subject property currently operates an automobile staging facility and is served by the necessary utilities. Therefore, the expansion of the operations will not pose a burden to any existing facilities or utilities 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 consolidation 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 proposed for this development.

## 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 **9101 Yosemite Street** contained in case **#S-588-12** 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 **9101 Yosemite Street** contained in case **S-588-12** 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 conditions:

*Insert Condition(s)*

### ***To recommend denial:***

I move that the Planning Commission enter a finding that the requested Final Plat for the property located at **9101 Yosemite Street** contained in case **S-588-12** 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 Final Plat.