



STAFF REPORT

Planning Commission

CASE # Z-881-08-17

PC Date:	August 1, 2017	Case Planner:	Robin Kerns
CC Date:	September 18, 2017		
Location:	8200 E. 84th Avenue		
Applicant:	Elite Transport Services, Inc.	Owner:	Same As Applicant
Address:	11829 Columbine St. Thornton, CO 80233	Address:	

Case Summary

Request:	A Zone Change from Planned Unit Development (PUD) to Industrial 2 (I-2) for the subject property.
Project Description:	The subject property is currently zoned Nance Industrial Park PUD and the applicant is requesting to change the zoning to I-2.
Issues/Concerns:	• Compliance with the Comprehensive Plan
Key Approval Criteria:	• Comprehensive Plan • Neighborhood Compatibility
Staff Recommendation:	Approval
Current Zone District:	PUD (Planned Unit Development District)
Comp Plan Designation:	Industrial/Distribution

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

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| ☒ Applicant's Narrative | ☒ Vicinity Map |
| ☒ Nance Industrial Park PUD | ☒ Rezoning Map |

Background Information

Site Information

Site Size:	5.15 Acres +/-
Current Conditions:	Undeveloped
Existing Right-of-Way:	84th Avenue & Uinta St.
Neighborhood:	Irondale
Existing Buildings:	Vacant
Buildings to Remain?	☐ Yes ☐ No ☒ N/A
Site in Floodplain	☐ Yes ☒ No

Surrounding Properties

<u>Existing Land Use</u>		<u>Occupant</u>	<u>Zoning</u>
North	Residential	Private Residences	AG/ADCO
South	Industrial	BNSF Rail Road	I-1
East	Industrial	BNSF Rail Road	I-1
West	Residential	Private Residences	ADCO

Case History

The subject property, in its current configuration at 8200 E. 84th Avenue, was annexed into Commerce City in 2008, and zoned Nance PUD in 2008.

<u>Case</u>	<u>Date</u>	<u>Request</u>	<u>Action</u>
AN-221-08	12/2008	Annexation from ADCO	Approval
Z-881-08	12/2008	Annexation Zoning from ADCO to Nance Industrial Park PUD	Approval

Applicant's Request

The applicant is requesting a Zone Change for the property located at 8200 E. 84th Avenue. The present zoning is the Nance Industrial Park Planned Unit Development, and the applicant is requesting a zone change to Industrial 2. They believe this will allow the property to return to its original planned zoning designation. In addition, this will allow for the possibility of a future rail spur on the property that could connect industrial property on the west to the existing BNSF Railroad to the east.

To accommodate this future rail spur, the approved detention pond will need to move. However, according to the existing PUD, a detention pond is only allowed in one specific area at the south end of the site. This specific area is where the rail spur is proposed to be placed.

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 1.1	Future Land Use Plan 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 FLUP identifies the subject property and the surrounding area for Industrial Distribution uses. This designation includes I-1 and I-2 uses, which are consistent with the proposed rezoning.	
<u>Section</u>	<u>Goal</u>	<u>Description</u>
Land Use	LU 3.3	Compatible Uses in all Neighborhoods: Protect neighborhoods from incompatible development.
<u>Analysis:</u>	The proposed industrial zoning will allow for development that is consistent with the current PUD zoning and with the proposed I-2 zoning, and the Future Land Use Plan designation for the surrounding area which is Industrial Distribution.	
<u>Section</u>	<u>Goal</u>	<u>Description</u>
Economic Development	LU 4.3	Irondale New Employment/Business Center Promote and strengthen land for employment in the Northern Industrial Enclave Area.
<u>Analysis:</u>	The existing & proposed zoning supports industrial uses, which is consistent with the Northern Industrial Enclave Area.	

Existing Property and Zoning

The subject property is a 5.15 acre triangle shape of vacant land in the Irondale Neighborhood. It is relatively flat, except for a berm along the eastern edge that was created to help buffer the property from Highway 2 (Hwy 2). Between the property and Hwy 2 is a BNSF rail-road line. The site has direct vehicle access to E. 84th Avenue along the properties northern property line.

This parcel is the only land governed by the Nance Industrial Park Planned Unit Development (PUD), which was approved in December, 2008. This PUD created 3 “Use Areas”, of which area ‘A’ is most similar in allowed “Uses” to an Industrial 2 (I-2) zoning, area ‘B’ is most similar in allowed “Uses” to an Industrial 1 (I-1) zoning, and area ‘C’ is for Drainage, Retention and a 20 ft. Landscape Buffer area along the eastern property line. The DRT notes that these “Use Areas” represent land areas, but not individually created lots, see attached PUD document.

The requirements within the existing PUD are very similar to current Land Development Code (LDC) requirements with 2 noted exceptions; more parking is required than typical of the LDC, and less masonry is required than typical of the LDC. Overall, the Planning Division has found the “Use Areas” associated with the Nance PUD difficult to both interpret, and ultimately to enforce if developed as 1 lot.

Approved Development & Use

The applicant has recently received administrative approval for case Z-881-D-312-17, a PUD Development Permit for the applicant’s company, Elite Trucking Services, Inc. This PUD Development Permit approved a 9,221 sq.ft. building which includes 2,439 sq.ft. of office space, 4,343 sq.ft. of shop space, and 2,439 sq.ft. of storage space. Anticipated number of employees will be 20 to 30. The

general layout of the site includes the 9,221 sq.ft. building with associated public/employee parking and Right-of-way landscape along the north side of the property, adjacent to E. 84th Avenue. There will be a landscape buffer along the eastern property line and a retention/detention area at the properties' southern end. The rest of the site will be used for parking large semi-trucks and trailers, and outdoor storage. At this time, no building permit has been submitted to the city. However, DRT notes that the approved development would continue to conform to city requirements for I-2 property if it were to be rezoned from PUD to I-2.

The applicant's proposed business is related to the operation and maintenance of large semi-trucks and trailers, and outdoor storage of material & heavy equipment. This type of business is able to operate as a Use-by-Right in the city's I-2 zoning districts. In contrast to the current zoning, the Nance Industrial Park PUD allows the following:

- In Use Area 'A': Truck Trailer Repair & Maintenance and Outside Storage for Heavy Equipment Sales and Repair is allowed. But does not allow for Truck Trailer Sales.
- In Use Area 'B': Machinery Sales is allowed, but does not allow for the Sale of Truck Trailer and Heavy Equipment, or the Repair of Heavy Equipment, Trucks or Trailers. It also does not allow for Outside Storage.

Thus, DRT's analysis of the PUD is that Use Area 'A' is most similar to an I-2 zoning and Use Area 'B' is most similar to an I-1 zoning. However, there is no realistic way for the separation of these areas on a site that is 1 lot with 1 user. Therefore, converting the entire site to one zoning is best for applying city requirements consistently. The DRT notes that the heavier industrial uses associated with I-2 will be buffered from Hwy 2 by a landscaped berm and fencing.

Proposed Zone Change

The property is currently zoned Nance Industrial Park PUD and thus is basically already an I-1 & I-2 zoning (see Existing Zoning discussion above). The subject site is part of the Irondale Neighborhood which for the most part is designated Industrial Distribution and General Industrial. With recent approvals for new industrial businesses nearby, the DRT recognizes that this area is transitioning from older Adams County agricultural and residential lots and uses to Commerce City industrial lots and uses. The DRT also notes that to accommodate a future rail spur, the approved detention pond on the south end of the site will need to move. However, according to the existing PUD, a detention pond is only allowed in this one specific area, and it is this specific area where the rail spur is proposed to be placed.

The DRT reviewed the applicant's proposal for an I-2 zoning classification against the factors described above, and the applicable criteria, LDC Section 21-3232, and concluded that the subject request is compatible with the city's designation for the property of Industrial Distribution, as depicted on the Commerce City Future Land Use Plan.

Summary and Recommendation

The DRT has concluded that this zoning request meets the approval criteria for a Zone Change. The subject property size and approved use have been found to be consistent with an I-2 zoning. The proposed zone change will make applying city requirements easier, will not disrupt the use and development already approved for the site, and allow for a future rail spur. The zone change will not create substantial undue adverse effects to the surrounding properties and adequate services are available for the development of the subject property. Based on the analysis above, the DRT is recommending approval of the Zone Change for the subject property.

Criteria Met?	Sec. 21-3232. Rezoning or Zone Changes	Rationale
☐	The change corrects a technical mistake by the city.	N/A
	OR	
☒	The change is consistent with any City adopted plans for the area;	The proposed I-2 zoning is consistent with the City's Comprehensive Plan. The industrial/distribution future land use designation allows for truck repair and outdoor storage, which is what this project is proposing.
☒	The change is compatible with proposed development, surrounding land uses and the natural environment;	The surrounding area has been getting zoned industrial overtime and allows for industrial distribution and general industrial uses. There are other properties in close proximity that provide for trucking, manufacturing, and outdoor storage.
☒	There is, or will be, adequate public services, (water, sewerage, streets, drainage, etc.);	There are existing public services available for the subject property.
☒	There is, or will be, adequate public uses (parks, schools, and open space);	Not Applicable.
☒	The change is needed to provide/maintain a proper mix of uses in the area/City;	The proposed use is typical of and allowed in the I-2 zone district. The Zone Change will not diminish the ability for industrial development at a time when this kind of property is in limited supply.
☒	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 proposed Zone Change is in line with the industrial uses that have come to dominate the subject 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

To recommend approval:

I move that the Planning Commission enter a finding that the requested Zone Change for the property located at **8200 E. 84th Avenue** contained in case **Z-881-08-17** 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 located at **8200 E. 84th Avenue** contained in case **Z-881-08-17** 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 **8200 E. 84th Avenue** contained in case **Z-881-08-17** 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.

To continue the case:

I move that the Planning Commission continue the requested Zone Change for the property located at 8200 E. 84th Avenue contained in case Z-881-08-17 to a future Planning Commission agenda.