



# STAFF REPORT

## Planning Commission

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### CASE #S-586-12

<b>PC Date:</b>	June 5, 2012	<b>Case Planner:</b>	Paul Workman
<b>CC Date:</b>	July 2, 2012		
<b>Location:</b>	6955 & 6995 Brighton Boulevard, Commerce City, Colorado 80022		
<b>Applicant:</b>	Millennium Venture Group	<b>Owner:</b>	6950 Dahlia LLC
<b>Address:</b>	1509 York Street, 3 <sup>rd</sup> Floor, Denver, CO 80206	<b>Address:</b>	6950 Dahlia Street, Commerce City, CO 80022

### Case Summary

<b>Request:</b>	Millennium Venture Group (MVG) is requesting approval of a plat in order to formally plat two lots for viable commercial development.
<b>Project Description:</b>	Millennium Venture Group (MVG) has submitted this application on behalf of their client who intends to help facilitate the construction of a new convenience store with fuel sales on what is proposed to be Lot 1 of the Dahlia Marketplace Filing No. 1 subdivision. The submitted plat will help to facilitate this project by creating two viable commercial lots (one lot to be developed once the necessary approvals are received and one lot that will be developed at some future date) and formally platting the lots through the City approved process.
<b>Issues/Concerns:</b>	<ul style="list-style-type: none"><li>Reserving adequate land for commercial uses</li><li>Creating two viable commercial sites</li></ul>
<b>Key Approval Criteria:</b>	<ul style="list-style-type: none"><li>Compliance with the Comprehensive Plan</li><li>Compliance with the Final Plat approval criteria</li></ul>
<b>Staff Recommendation:</b>	Approval
<b>Current Zone District:</b>	PUD (Planned Unit Development District) C-3 (Regional Commercial District) requested via Z-900-12
<b>Comp Plan Designation:</b>	Commercial

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

Vicinity Map

Plat

## Background Information

Site Information	
<b>Site Size:</b>	1.9 acres +/-
<b>Current Conditions:</b>	The site is used for truck and truck trailer sales (Karst Trucking)
<b>Existing Right-of-Way:</b>	E. 69 <sup>th</sup> Avenue to the south, E. 70 <sup>th</sup> Avenue to the north, Dahlia Street to the west, US Hwy 85 to the east
<b>Existing Roads:</b>	E. 69 <sup>th</sup> Avenue to the south, E. 70 <sup>th</sup> Avenue to the north, Dahlia Street to the west, US Hwy 85 to the east
<b>Existing Buildings:</b>	There is a 2,418 square foot building on the property
<b>Buildings to Remain?</b>	<input type="checkbox"/> Yes <input checked="" 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>	Residential	Single-family detached homes	ADCO
<b>South</b>	Public/ROW	E. 69 <sup>th</sup> Avenue	Right-of-Way
<b>East</b>	Public/ROW	US Hwy 85	Right-of-Way
<b>West</b>	Residential & Commercial	Hair salon, office space, and single-family detached homes	R-2 and C-3

### Case History

There are three cases related to the subject property.

<u>Case</u>	<u>Date</u>	<u>Request</u>	<u>Action</u>
A-655-83	June 13, 1983	Sign variances	Approved
Z-669-98	February 2, 1998	Rezone the property from C-2 to PUD	Approved with Conditions
Z-728-02	July 1, 2002	Amend Z-669-97	Approved with Conditions
AV-1707-12	May 8, 2012	Gas canopy setback variance	Approved with Conditions

#### A-655-83:

In June of 1983, the Board of Adjustment approved variances for sign square footage, setback, and height. The application was approved with no conditions. The sign variances in this application were superseded when the PUD zoning was approved in 1998 and are no longer in effect.

#### Z-669-98:

In February of 1998, City Council approved a rezoning for the subject property from C-2 to PUD, which allowed for heavy truck sales. The PUD was approved with conditions, which were satisfied.

#### Z-728-02:

In July of 2002, City Council approved an amendment to the PUD that was approved in Z-669-97. This amendment allowed for more trucks on site and also allowed for the sale of trailers. This PUD was approved with conditions, which were satisfied.

#### AV-1707-12:

In May of 2012, the Board of Adjustment approved a variance request of 13.5 feet to reduce the location of the proposed gas canopy from the required 40-feet to the proposed 26.5-feet. The application was approved with conditions, which are pending the outcome of this case.

## Applicant's Request

The applicant has submitted the proposed plat application for the property generally bounded by E. 69<sup>th</sup> Avenue to the south, Dahlia Street to the west, E. 70<sup>th</sup> Avenue to the north, and Brighton Boulevard to the east in order to formally plat the two existing lots through the City approved process and to modify those lots in order to better accommodate future commercial development. Specifically, the applicant intends to develop a convenience store with fuel sales on what is proposed to be Lot 1 of the Dahlia Marketplace Filing No. 1 (the southern lot). At this time, there is no immediate development planned for the proposed Lot 2 of the Dahlia Marketplace Filing No. 1 (the northern lot).

The requested plat will not create any additional lots, but rather, it will reconfigure the existing lots (reposition the interior lot line that currently divides the two lots) to accommodate future development and dedicate right-of-way. The proposed subdivision meets the standards for the proposed C-3 zoning designation, it accommodates the need of future commercial uses, and it dedicates right-of-way. Therefore, the applicant requests that the City approve the requested plat.

## Development Review Team Analysis

The Development Review Team (DRT) began the review of the submitted application by reviewing the request against the goals that are outlined in the City's Comprehensive Plan. That analysis has been outlined below.

### 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	LU1a	<p><b><u>Future Land Use Plan (FLUP) as a Guide:</u></b> Use the FLUP to guide development patterns and mix of uses and amendments to the Land Development Code (LDC).</p>
<b><u>Analysis:</u></b>	The FLUP identifies this site for commercial uses and the proposed plat will allow for 2 viable commercial sites, which is consistent with the FLUP.	

<u>Section</u>	<u>Goal</u>	<u>Description</u>
Redevelopment and Reinvestment	RR2	<p><b><u>Targeted Redevelopment to Strengthen Viability, Mixed Use</u></b></p>
<b><u>Analysis:</u></b>	The redevelopment of this site is important to the City in two specific ways. First, this redevelopment is near the old Adams City High School site. This proposal will help to set the standard for redevelopment in the area and hopefully lead to interest in the old high school site. Second, the site is highly visible from US Hwy 85. The redevelopment of this site will help to improve the aesthetic of this corridor.	

<u>Section</u>	<u>Goal</u>	<u>Description</u>
Fiscal Stability	FS 2b	<p><b><u>Reserve land for commercial uses:</u></b> Ensure adequate land for commercial uses through the FLUP; preserve the opportunity for future retail development by designating locations.</p>
<b><u>Analysis:</u></b>	The proposed plat will create 2 viable commercial sites, which will ensure adequate land for future commercial development.	

Once determining that the proposed plat would meet the above listed items in the City's Comprehensive Plan, the DRT reviewed the application for compliance with the requested C-3 (Regional Commercial District) lot standards. Specifically, the C-3 zone district requires that all lots with this zoning have a minimum lot frontage of 70 feet and have a minimum lot size of 8,000 square feet. Lot 1 of the propose plat has 428.85 feet of lot frontage (along Dahlia Street) and is 48,624 square feet in size. Lot 2 of the proposed plat has two frontages, which both meet the minimum standard. Specifically, the frontage along Dahlia Street is 124.9 feet and the frontage along E. 70<sup>th</sup> Avenue is 271.95 feet. Lot 2 totals 33,814 square feet in size. Therefore, both lots that have been proposed, will meet the minimum lot standards for property that is zoned C-3.

After reviewing the proposed plat and determining that each lot will meet the minimum C-3 lot requirements and analyzing the request against the specific approval criteria for a final plat that have been detailed below, the DRT is recommending that the City **approve** the document as proposed.

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 lot standards for property that is zoned C-3.
<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 will create 2 viable lots for commercial development, which is consistent with the requested C-3 zoning designation.
<input checked="" type="checkbox"/>	No evidence suggests that the plat violates any laws, regulations, or requirements;	No indication has been provided that the proposed plat violates any law, regulation, or requirement.
<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 proposed layout will have minimal impact to the land and has been reviewed to ensure that common areas are maximized and existing features are addressed as intended by 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 plat complies with the applicable C-3 standards and the lots that are proposed do not create a scenario where future development will have a problem meeting the City's standards.
<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 does not create adverse impacts to adjacent property. Adequate access has been provided, the development plan indicates compliance with the City's parking requirements, and the site already contains the necessary public improvements.
<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 is provided with necessary public services. The proposed development of Lot 1 has also been reviewed by the outside public agencies and they have indicated an ability to serve the property.
<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	N/A. A development agreement is not required as part of this project.
<input type="checkbox"/>	As applicable, the proposed phasing plan for development of the subdivision is rational in terms of available infrastructure capacity.	N/A. There is no phasing plan proposed for this project.

## 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 from the Development Review Team\*

#### **To recommend approval:**

I move that the Planning Commission enter a finding that the requested **Final Plat** for the property generally located at **6955 Brighton Boulevard and 6995 Brighton Boulevard** contained in case **S-586-12** 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 generally located at **6955 Brighton Boulevard and 6995 Brighton Boulevard** contained in case **S-586-12** 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 generally located at **6955 Brighton Boulevard and 6995 Brighton Boulevard** contained in case **S-586-12** 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**.