



STAFF REPORT

Planning Commission

CASE #CU-112-15

PC Date:	October 6, 2015	Case Planner:	Jared Draper
CC Date:	November 2, 2015		
Location:	7350 Highway 2 Commerce City, CO 80022		
Applicant:	A Good Shop, Inc.	Owner:	Rodney Titoni
Address:	10750 Irma Drive Northglenn, CO 80233	Address:	9307 Flower Street Westminster, CO 80021

Case Summary

Request:	Conditional use permit to operate an auto body repair shop.
Project Description:	The subject property has been vacant for several years. It was originally constructed as a service garage and the applicant is applying for a conditional use permit to use the property as an auto body repair shop. The Derby PUD zone document requires a CUP for auto repair for the subject property.
Issues/Concerns:	- Legal and conforming use of the subject property - Enhanced façade and site improvements
Key Approval Criteria:	- Conditional Use Permit approval Criteria - Compliance with the Comprehensive Plan - Compliance with Derby PUD Zone Document
Staff Recommendation:	Approval with Conditions
Current Zone District:	PUD (Planned Unit Development District)
Comp Plan Designation:	Mixed-Use (Corridor and Commercial)

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

- | | |
|---|--|
| ☒ Applicant's Narrative Summary | ☒ Vicinity Map |
| ☒ Derby Review Board staff report | ☒ Site Plan |

Background Information

Site Information

Site Size:	19,602 sf.
Current Conditions:	Single building constructed as a service garage
Existing Right-of-Way:	Monaco Street to the West, Hwy 2 to the Northwest
Neighborhood:	Derby
Existing Buildings:	Single building constructed as a service garage
Buildings to Remain?	☒ Yes ☐ No
Site in Floodplain	☐ Yes ☒ No

Surrounding Properties

<u>Existing Land Use</u>		<u>Occupant</u>	<u>Zoning</u>
North	Commercial	Friendly Auto Glass & Repair	PUD
South	Commercial	Save-a-lot	PUD
East	Commercial	Key Bank	PUD
West	Park/Recreation	Derby Park	PUD

Case History

The subject property has been granted variances as well as rezoned to Planned Unit Development as part of the original Derby PUD.

<u>Case</u>	<u>Date</u>	<u>Request</u>	<u>Action</u>
A-20-69	April 1969	Variances to the setbacks for the construction of a service garage.	Approval
Z-867-07	October 2007	Zone change from C-3 to PUD (Derby)	Approval
Z-867-07-08-15	January 2015	Amendment to the PUD zone document that allowed for auto repair on the subject property with a conditional use permit along with other amendments and clarifications	Approval
DRB-051-15	September 2015	Improvements to the façade of the building including new paint and garage doors. A request for commercial catalyst funds was included.	Approval

Applicant's Request

The applicant, A Good Shop, Inc., is requesting a conditional use permit (CUP) to operate an auto body repair shop on the subject property. The applicant states that this facility will be an expansions to the existing business that is located in Northglenn. The main use of the site is for collision repair services and will limit the workload according to available space indoors at this location.

According to the applicant, several improvements will be made to the site for the operation. The initial update will include new bay doors along with new paint on the building. Additionally, the applicant is proposing wrought iron fencing along the property lines along with landscaping. The rendering of the property provided by the applicant illustrates improved pedestrian entrances with awnings along with the new paint and doors that are proposed.

The applicant states that the volume of work on the site will be scheduled to ensure that the site is not an eye-sore. In addition, the applicant is proposed a portion of the site to be used for tow-ins that arrive after business hours. This space for tow-ins would be screened from the public view by a vertical wall to be constructed, according to the applicant. All work for vehicle repair will be

conducted inside and the work of the applicant with insurance agencies improves the service and scheduling to reduce congestion on the site.

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 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 conditional use permit allows the applicant to operate the site as an auto body repair shop which is allowed through this process in the PUD Zone Document. The area is identified for mixed-use in the future and the applicant will be utilizing an existing building that is suited for the proposed use.	
<u>Section</u>	<u>Goal</u>	<u>Description</u>
Redevelopment/ Reinvestment	RR 1	Increase focus on infill development Recognize the benefits of infill development to balance and retain the character of stable neighborhoods with increasing economic opportunities.
<u>Analysis:</u>	The applicant is proposing new investment into a property that has been vacant for the past several years. Enhancements to the site along with activating the property align with the goals of the Derby Sub-Area Master Plan and the Comprehensive Plan.	

The Development Review Team (DRT) also reviewed the conditional use permit for compliance with the Land Development Code (LDC) and to ensure that the use was harmonious with the adjacent properties and neighborhood. Additionally, the Derby PUD was reviewed for compliance with all applicable zone district regulations. Amendment No. 2 to the Derby PUD allowed the use of the subject property to be auto repair with the approval of a conditional use permit.

The subject property is located along Highway 2 and is being leased to the applicant. All conditional use permits are granted to the applicant only with no right of assignment. The applicant has indicated that a 5-year lease will be executed for the use of the property pending approval of the CUP application. A request for façade improvements, including new paint and garage doors, was heard by the Derby Review Board on September 15, 2015. The Derby Review Board approved the façade improvements along with catalyst funds for the projects.

Figure 1



Figure 2



Site Operations:

A Good Shop, Inc. operates an auto body repair shop that specializes in collision repair. This operation includes painting and restoring vehicles that have been in wrecks. The subject property is an expansion of the existing business that currently exists on Irma Drive in Northglenn. The applicant has been made aware that outdoor storage is not allowed on the subject property due to the Derby PUD prohibiting outdoor storage. The hours of operation are Monday through Friday from 8AM to 5PM. Deliveries and estimates may occur on Saturday from 9AM-1PM. Vehicles that are inoperable will not be stored on the subject property. In addition, the applicant is proposing to construct a screen wall for vehicles that are towed to the site for collision repair after business hours. This screen wall will assist in the visual appeal of the site from those that are traveling along Monaco Street and Highway 2.

Derby PUD Zone Document:

The land use table within the Derby PUD lists the allowable uses within the Derby Downtown District. During the original zoning, the subject property was not included for auto repair uses. Based on conversations with the property owner regarding the intent of the property and research of the history of the property, an amendment to the PUD was brought before Planning Commission and City Council in 2014. The Derby PUD Amendment No. 2 allowed for auto repair on the subject property with the approval of a conditional use permit. Any improvements to the façade of the subject property shall be reviewed by the Derby Review Board (DRB) in compliance with the Derby Design Guidelines. The applicant has appeared before the DRB on Tuesday, September 15, 2015 for the approval of new paint and garage doors on the facility. In addition to the proposed new paint and garage doors, the applicant requested commercial catalyst funds for the projects. The DRB approved \$15,356.65 for the applicant to be reimbursed after the eligible work has been completed. The DRB expressed their excitement to see the applicant occupy an existing vacant building within the Derby Downtown District along with the proposed improvements that the applicant intends to make on the site. Any additional enhancements to the building or site improvements will be reviewed by the DRB and may be eligible for commercial catalyst funding.

Site Context:

The subject property is located along Monaco Street and Highway 2. The property was constructed in 1971 as a service garage. The site was historically used for automotive purposes; however, has been vacant for the last several years. The location along Highway 2 creates great visibility for the site as well as a site that is suitable for the use. Located within the Derby District, the reasoning for a conditional use permit for auto repair uses is to ensure that the site fits into the commercial context of the district and does not create externalities that would deter potential users of the Derby area. The site has adequate parking for the proposed new employees along with customers of the business. Additionally, proposed site improvements will not negatively impact the surrounding properties and will occupy a building that is currently vacant. Upgrades to the site, specifically new paint and garage doors will greatly improve the appearance of the site from all of the surrounding public rights-of-way.

Summary:

Through the review of the conditional use permit application, the DRT is recommending approval with conditions for the auto body repair on the subject property. The subject property aligns with the Derby PUD Zone Document and the Comprehensive Plan. The applicant is requesting the CUP to be in compliance with the standards of the Derby PUD as amended. As previously mentioned, the site was constructed as a service garage and was historically used for automotive purposes. Lastly, the operations of the site have been reviewed to minimize the impact to the existing commercial district and to increase the visual appearance of the existing site and subject building.

After reviewing the conditional use permit and determining that the use meets the approval criteria for a conditional use permit as seen below, the DRT is recommending that the request be approved with the following conditions:

1. Landscaping, approved tow-in screen wall, and wrought iron fencing shall be installed along the perimeter of the site to align with the vision and goals of the Derby Design Guidelines and requirements of the Land Development Code within 9 months of approval;
2. The applicant shall continue maintenance of the site to include no outdoor storage of junk or inoperable vehicles and keeping the site in an orderly appearance;
3. All applicable improvements to the exterior of the building or the site shall be reviewed by the Derby Review Board.

Criteria Met?	Sec. 21-3230. Conditional Use Permits	Rationale
☒	The proposed use will not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, 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 subject property has been vacant for the past several years. Prior to the vacancy, the property was used for automotive uses. The request for auto body repair will not result in substantial adverse effects on adjacent properties. Furthermore, the applicant has proposed several items to mitigate negative externalities that may be associated with the proposed use. In addition, the applicant is aware that outdoor storage is prohibited on the site.
☒	Any adverse effect has been or will be mitigated to the maximum extent feasible, including but not limited to sufficient landscaping and screening to ensure harmony for adjoining uses;	The applicant identifies that additional improvements to the site, including fencing and landscaping will be completed in the future. These improvements have also be listed as a condition of approval to ensure that the site is in harmony with adjoining uses.
☒	The characteristics of the site are suitable for the proposed use;	The site was constructed in 1971 as a service garage. The characteristics of the site are suitable for the proposed use, including but not limited to, the materials of construction reducing noise pollution, sufficient parking, existing garage door openings.
☒	The proposed use will be adequately served by and will not impose an undue burden on any of the existing improvements, facilities, and services of the city or its residents or the applicant has committed to provide such improvements, facilities, utilities and services in sufficient time to serve the proposed use;	The site is adequately served by utilities and will not impose an undue burden on any city services.
☒	The applicant has provided adequate assurances of continuing maintenance;	Maintenance of the site is listed as a condition of approval. Therefore, lack of maintenance may be grounds for revoking the conditional use permit.
☒	No evidence suggests that the use violates any federal, state, or local requirements.	There is no evidence the proposed auto body repair facility violates any federal, state, or local requirements.
☒	The proposed use complies with the general purposes, goals, objectives, policies, and standards of all City plans, programs, and ordinances	The conditional use permit allows for the applicant to operate an auto body repair facility on the subject property in compliance with the Derby PUD Zone Document and all applicable standards within the Land Development Code. Any improvements to the exterior of the site will be reviewed by the Derby Review Board in compliance with the review criteria setforth in the Derby Design Guidelines.

Development Review Team Recommendation

Based upon the analysis above, the Development Review Team believes that the application meets the criteria for a Conditional Use Permit set forth in the Land Development Code and recommends that the Planning Commission forward the Conditional Use Permit request to the City Council with a favorable recommendation subject to the following conditions:

1. Landscaping, approved tow-in screen wall, and wrought iron fencing shall be installed along the perimeter of the site to align with the vision and goals of the Derby Design Guidelines and requirements of the Land Development Code within 9 months of approval;
2. The applicant shall continue maintenance of the site to include no outdoor storage of junk or inoperable vehicles and keeping the site in an orderly appearance;
3. All applicable improvements to the exterior of the building or the site shall be reviewed by the Derby Review Board.

Recommended Motion

To recommend approval subject to condition(s):

I move that the Planning Commission enter a finding that, subject to certain conditions, the requested Conditional Use Permit for the property located at **7350 Highway 2** contained in case **CU-112-15** meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Conditional Use Permit subject to the following conditions:

- 1. Landscaping, approved tow-in screen wall, and wrought iron fencing shall be installed along the perimeter of the site to align with the vision and goals of the Derby Design Guidelines and requirements of the Land Development Code within 9 months of approval;*
- 2. The applicant shall continue maintenance of the site to include no outdoor storage of junk or inoperable vehicles and keeping the site in an orderly appearance;*
- 3. All applicable improvements to the exterior of the building or the site shall be reviewed by the Derby Review Board.*

Alternative Motions

To recommend approval:

I move that the Planning Commission enter a finding that the requested Conditional Use Permit for the property located at **7350 Highway 2** contained in case **CU-112-15** meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Conditional Use Permit.

To recommend approval subject to condition(s):

I move that the Planning Commission enter a finding that, subject to certain conditions, the requested Conditional Use Permit for the property located at **7350 Highway 2** contained in case **CU-112-15** meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Conditional Use Permit subject to the following conditions:

Insert Condition(s)

To recommend denial:

I move that the Planning Commission enter a finding that the requested Conditional Use Permit for the property located at **7350 Highway 2** contained in case **CU-112-15** 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 Conditional Use Permit.

To continue the case:

I move that the Planning Commission continue the requested Conditional Use Permit for the property located at 7350 Highway 2 contained in case CU-112-15 to a future Planning Commission agenda.