



STAFF REPORT

Planning Commission

CASE #Z-929-16

PC Date:	February 2, 2016	Case Planner:	Paul Workman
CC Date:	March 7, 2016		
Location:	15+/- acres with E. 83 rd Avenue on the south, E. 84 th Avenue on the north, and Ulster Street on the east. 40+/- acres with E. 84 th Avenue on the south, the E. 86 th Avenue alignment on the north, Ulster Street to the east, and the Syracuse Street alignment on the west.		
Applicant:	Mid-Rail Real Estate, LLC 6000 Jensen Drive Houston, TX 77026	Owner:	Same as applicant

Case Summary

Request:	The applicant is requesting to rezone the property from a combination of Agricultural, I-1, and I-2 with conditions to a straight I-2 designation.
Project Description:	The applicant has purchased the subject property with the intent to develop an industrial park.
Issues/Concerns:	<ul style="list-style-type: none">• Compliance with the Comprehensive Plan
Key Approval Criteria:	<ul style="list-style-type: none">• Compliance with the Comprehensive Plan• Neighborhood Master Plan• Compliance with the rezoning approval criteria
Staff Recommendation:	Approval
Current Zone District:	AG, I-1, and I-2 with conditions
Requested Zone District:	I-2
Comp Plan Designation:	General Industrial

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

- ☒ Applicant's Narrative Summary
☒ Conceptual Site Layout

☒ Vicinity Map

Background Information

Site Information	
Site Size:	55 acres +/-
Current Conditions:	The site is currently undeveloped.
Existing Right-of-Way:	E. 83 rd Avenue, E. 84 th Avenue, and Ulster Street
Existing Roads:	E. 83 rd Avenue, E. 84 th Avenue, and Ulster Street
Existing Buildings:	None
Buildings to Remain?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Site in Floodplain:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Neighborhood:	Irondale

Surrounding Properties

	Existing Land Use	Occupant	Zoning
North	Public	Commerce City Municipal Services Center	Public
South	Undeveloped	Undeveloped	I-1
East	Single-Family Homes and Industrial Uses	Single-Family Homes and Industrial Uses	ADCO, AG, and I-2
West	Public, Single-Family Homes, and Industrial Uses	Public, Single-Family Homes, and Industrial Uses	ADCO, R-2, I-1, and Public

Subject Property



Case History

The relevant case history for the property is provided below.

Case	Date	Request	Action
AN-20-79	5/7/79	Annex 15+/- acres, including the subject property of this application south of E. 84 th Avenue.	Approved
Z-205-79	9/10/79	Zoned the subject property in AN-20-79 Agricultural after its annexation.	Approved
AN-65-85	12/2/85	Annex 97+/- acres, including the subject property of this application north of E. 84 th Avenue.	Approved
Z-358-85	12/16/85	Zone the west half of the subject property north of E. 84 th Avenue to I-1.	Approved
Z-391-86	3/17/86	Zone the east half of the subject property north of E. 84 th Avenue to Agricultural.	Approved
Z-716-99	12/6/99	Rezone the subject property of this application south of E. 84 th Avenue from Agricultural to I-2.	Approved with Conditions
Z-716-99-01	8/6/01	Amend a previous condition of Z-716-99.	Approved with Conditions

AN-20-79:

- In May of 1979, City Council voted to annex 15+/- acres in the Irondale neighborhood. The subject property located south of E. 84th Avenue was included in this annexation.

Z-205-79:

- In September of 1979, City Council voted to zone the annexed property in AN-20-79 to Commerce City Agricultural.

AN-65-85:

- In December of 1985, City Council voted to annex 97+/- acres in the Irondale neighborhood. The subject property located north of E. 84th Avenue was included in this annexation.

Z-358-85:

- In December of 1985, City Council approved the annexation zoning (via AN-65-85) for the west half of the subject property north of E. 84th Avenue to I-1.

Z-391-86:

- In March of 1986, City Council approved the annexation zoning (via AN-65-85) for the east half of the subject property north of E. 84th Avenue to Agricultural.

Z-716-99:

- In December of 1999, City Council approved the rezoning of the subject property located south of E. 84th Avenue from Agricultural to I-2, subject to conditions. The conditions of the rezoning were based on the proposed development of the property for Mini Storage.

Z-716-99-01:

- In August of 2001, City Council approved an amendment to one of the zoning conditions from Z-716-99.

Applicant's Request

Mid-Rail Real Estate, LLC has submitted this application to rezone the entirety of their property in Irondale from the current Agriculture, I-1, and I-2 with conditions zoning designations to a straight I-2 zoning designation. The subject property is generally bound by E. 83rd Avenue on the south, Ulster Street on the east, the E. 86th Avenue alignment on the north, and the Syracuse alignment on the west. The property was undeveloped when it was annexed by Commerce City in the 1970s and 1980s and has remained undeveloped. The requested rezoning will allow the applicant to develop a portion of the property for their use as a steel wholesaler and the remainder of the site would be developed with medium intensity industrial uses.

As the request relates to the Comprehensive Plan, the applicant states:

"The I-2 zoning for all three parcels is consistent with the vision of the C3 Vision Plan for development of the area. Under the Future Land Use Plan, the subject property and the surrounding area are designated as General Industrial. The General Industrial land use for the subject property indicates an I-2 or I-3 zoning under the Land Use Categories described in Section 3 of the Future Land Use Plan. The proposed overall I-2 zoning for the three parcels and general concept plan for the site supports the idea of infill development and the use of existing infrastructure."

"The proposed rezoning is in keeping with the city's long-range growth goals in linking the north and south geographic areas of the city, helping to maintain a jobs-to-housing balance, and stimulating reinvestment in the existing city areas. The rezoning supports the idea of strengthening the Irondale Area for employment and creating a business center. It is anticipated that the first phase of development, including the location of the R&S Steel facility would move approximately 75 - 100 jobs to Commerce City."

As the request relates to surrounding development, the applicant states:

"The proposed rezoning of the subject property to I-2 zoning is in keeping with the surrounding land uses including: industrial uses to the west and south; the municipal maintenance facility to the north; and the properties to the south owned by Union Pacific Railroad. Some of the properties to the east are not yet annexed to Commerce City and are a mix of residential and commercial/industrial uses."

"Development of the lots will adhere to the I-2 zone district standards including a minimum 50' separation between the proposed buildings and any existing adjacent residential zone. The owner intends to develop primarily single story buildings, with an occasional second story included. All building and site development will closely follow criteria identified in Article VII of the Land Development Code."

In terms of the Master Plan for the totality of the site, the applicant states:

"In conjunction with the ongoing processing of the first development plan, plat, utility, drainage, and traffic plans for the site, the applicant's team has started the master planning of the remainder of the 52 acre site in anticipation of the second phase of the planning process. The master planning effort to date has begun to identify a unified drainage system, as well as an overall utility system and is helping to identify unified architectural and overall site development parameters for the development. In addition, important criteria are being put into place to insure compatibility with and careful screening and planning for the uses which would be located across the roads which are adjacent to existing mixed residential-industrial development. The unified zoning and ownership of the 52 acre site will

also encourage future development in this area to take advantage of the proximity to the major roadway systems and very likely the proximity to rail.”

Development Review Team (DRT) Analysis

Development challenges in the area:

Prior to beginning the review of the request, the DRT felt it was important to put the Irondale neighborhood into context and understand some of the unique challenges that are present for development in the area. To start, the area of the City that is located north of E. 80th Avenue, south of E. 88th Avenue, east of the Union Pacific Railroad, and west the Burlington Northern Santa Fe Railroad is generally referred to as the “Irondale Neighborhood”. Many of the challenges for development in this neighborhood date back to when the area was originally settled in 1889 as the Kibler Stone Works foundry, which closed in 1893. The original intent of this area was to surround the foundry with single-family homes that would supply the workforce. As part of this original plan, the area was platted into residential lots (25’ x 125’) that were typical for that time. Once the foundry closed, there was no demand for housing and the area remained platted for small residential lots. The neighborhood remained mostly undeveloped until the 1970s when some development pressure began to impact the area due to the close proximity of transportation corridors. In large part, this area remains platted like it was in 1889 and the lack of development in the area from the late 1890’s to the early 1970’s has left the area with substandard infrastructure. The combination of platting issues (in terms of inadequate right-of-way for industrial development and property that has been consolidated outside of the plat process), the inadequate infrastructure, and the fact that this neighborhood is a patchwork of incorporated and unincorporated properties makes development in this area difficult. One way that these circumstances can be overcome is by private ownership purchasing large tracts of land and consolidating them through coordinated and master planned development patterns.

Neighborhood Meeting:

On the night of December 16, 2015 the applicant held a neighborhood meeting at the city’s Municipal Services Building (8602 Rosemary Street). The applicant invited all property owners within 500-feet of the subject property to the meeting in order to discuss their plans for the subject property and ask questions. The meeting was attended by 3 property owners in the area as well as one individual on behalf of another property owner. The general consensus of the meeting was support for the I-2 zoning and R & S Steel, but some of the individuals in attendance did express a desire to have traffic impacts in the area be minimized. As previously eluded to, the Irondale neighborhood does have infrastructure challenges. However, staff believes that one way to help alleviate and someday eliminate those challenges is to have large tracts of land be comprehensively developed where infrastructure (i.e. roads, drainage, power, water, etc.) can be master planned.

Comprehensive Plan Analysis:

The Development Review Team (DRT) began the review of this application by evaluating the request against the City’s Comprehensive Plan. That analysis is as follows:

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

<u>Section</u>	<u>Goal</u>	<u>Description</u>
		uses and amendments to the Land Development Code (LDC).
<u>Analysis:</u>		The FLUP identifies the subject property and the surrounding area for industrial uses. The requested I-2 zoning is consistent with the FLUP.

<u>Section</u>	<u>Goal</u>	<u>Description</u>
Land Use	LU 4a	<u>FLUP as a Guide for Employment:</u> Use the FLUP to guide industrial and employment land patterns.
<u>Analysis:</u>		The FLUP calls this area out for industrial uses, which includes employment opportunities. The proposed I-2 zoning is consistent with this designation and will help attract future jobs.

<u>Section</u>	<u>Goal</u>	<u>Description</u>
Fiscal Stability Strategies	FS 2a	<u>FLUP Consistency:</u> Retain, support, and expand the community's industrial base by approving development that is consistent with the FLUP and the Economic Development Strategic Plan and modifying the LDC to reflect the FLUP.
<u>Analysis:</u>		The proposed I-2 zoning is consistent with the FLUP.

Once it was determined that the proposal is consistent with the Comprehensive Plan goals stated above, the DRT reviewed the proposal as outlined below.

Request Analysis:

The subject property of this case was purchased with the intent to develop a portion of the site for the operations of R&S Steel with the remainder of the property to be developed in the future for additional industrial uses that have not yet been identified. R&S Steel warehouses steel and can perform light fabrication based on customer needs. The Land Development Code (LDC) requires that this type of operation be conducted on property that is zoned with an I-2 designation. Therefore, the property owner has requested the change in zoning to allow for the known I-2 use with the intent to develop the rest of the property in the future in accordance with the I-2 standards found in the LDC. If approved, the I-2 zoning would unify the entire property's zoning and eliminate the previous zoning conditions for the area located south of E. 84th Avenue.

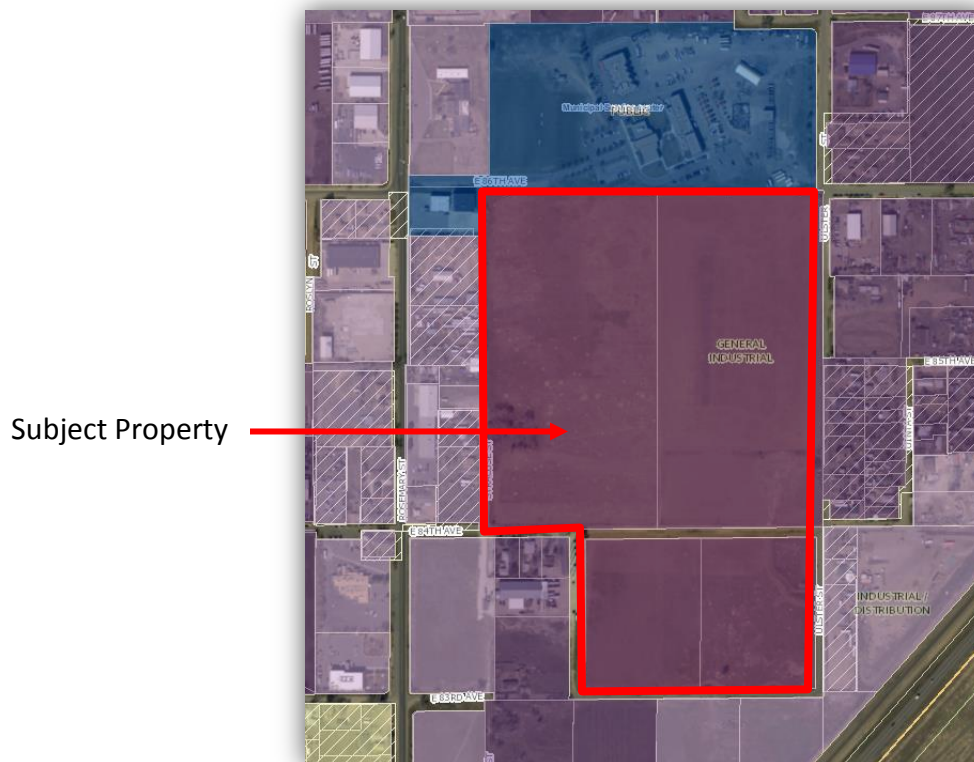
Included in this packet is a concept schematic that the applicant has provided for how the property may develop. This concept is intended to provide high-level information related to access, connectivity, drainage, etc. This document does not represent a final plan, but rather how the aforementioned items can be addressed comprehensively at the time of the future development. At this time, the applicant has conceptually identified connectivity and access through existing roadways while also accounting for drainage on their property. Connectivity and access for the project is intended to be provided via the existing road network of Ulster Street, E. 84th Avenue, and E. 83rd Avenue with the potential of additional road connections at Syracuse Street and Spruce Street. The specific improvements to roadways and access points will be determined at the time of development by the city's Public Works Department based on the results of the traffic study. The applicant has also shown how the site may conceptually and comprehensively address drainage for short-term and long-term development of the property. Final drainage improvements will also be determined at the time of specific development through the drainage study and the Urban Drainage and Flood Control District's recommendations by the city's Public Works Department. Determining the details of these issues at the time of development is consistent with any other development project in the city.

As shown in Figure 1.1, the subject property is surrounded by a variety of zoning designations and property that is located in Commerce City and property that is located in Adams County. The property to the north is annexed into the city and is the location of the city's Municipal Services Center, while the properties to the east, west, and south are zoned for an array of uses and are a mixture of incorporated and unincorporated properties. The properties to the east and west are a mixture of residential and industrial uses both in the city and in the county, while the properties to the south are zoned Industrial and owned by the Union Pacific Railroad Company. The proposed I-2 zoning is consistent with the existing industrial zonings and uses in the area. In an effort to be sensitive to the residential uses in the area, the concept schematic shows access and circulation to existing rights-of-way where the existing industrial and residential uses are served. As discussed in further detail below, the future development will likely trigger right-of-way improvements that will be a benefit to the area and further mitigate the potential of development impacts.

Subject Property

Figure 1.2 is the Future Land Use Plan for the area that shows that the future plan for this entire area is to have industrial uses that are consistent with the proposed I-2 zoning. Additionally, this property is specifically identified for future medium to heavy industrial uses via the General Industrial categorization. Based on this information, the proposed I-2 zoning is consistent with the future plan for the area.

Figure 1.2



Future Development:

As previously mentioned, there is 1 known development for the subject property. That development would be about 15 to 20 acres in size and located on the north side of the subject property for R & S Steel. At this time, specific development on the remainder of the property is unknown. As is required by the LDC, the development of the R & S Steel site will need to go through the administrative review of a Subdivision Plat and Development Plan. The Subdivision Plat will create the lot for development and the Development Plan will show the specifics of development (site plan, landscape plan, building elevations, etc.). At the time that specific development is proposed, the city and R & S Steel will also execute a Public Improvement Agreement (PIA), where the specifics of the public improvements will be determined. This process is standard for new development and will be the same process for the future development of the remainder of the subject property. R & S Steel has indicated to staff that their Subdivision Plat and Development Plan are currently being created and should be submitted to the city in the coming weeks, depending on the outcome of the rezoning request.

Outside Agency Review:

Staff referred this application to several departments in the city as well as outside agencies. All of the responses that were received indicated that the proposed rezoning would not create conflicts with their regulations and no objections have been received.

Summary:

In summary, the DRT has determined that the request meets the approval criteria for a rezoning outlined in the LDC as provided below, the proposal meets the Comprehensive Plan goals that are outlined above, and the proposal is compatible and sensitive to adjacent property. After performing this analysis, the DRT is recommending that the Planning Commission forward a recommendation for **approval** to City Council.

Criteria Met?	Sec. 21-3251. PUD Zone Documents	Rationale
<input type="checkbox"/>	The zone change corrects a technical mistake by the city; or	N/A.
<input checked="" type="checkbox"/>	The proposed zone district and allowed uses are consistent with the policies and goals of the Comp Plan, any area plan, or community plan;	The proposed rezoning to I-2 is consistent with the Comprehensive Plan and the Future Land Use Plan.
<input checked="" type="checkbox"/>	The proposed zone district and allowed uses are compatible with proposed development, surrounding land uses, and the natural environment;	The proposed rezoning to I-2 allows for uses that are compatible with the anticipated uses of the subject property, which are light to medium intensity industrial uses. The surrounding area is a combination of residential and industrial uses, which are compatible with the proposed rezoning to I-2.
<input checked="" type="checkbox"/>	The proposed zone district will have or future development can provide efficient and adequate provisions for public services;	As part of the review for site specific development, proposals will be reviewed to ensure adequate provisions for public services.
<input checked="" type="checkbox"/>	The proposed zone district will have, or future development can provide, efficient and adequate public uses;	As part of the review for site specific development, proposals will be reviewed to ensure adequate provisions for public uses.
<input checked="" type="checkbox"/>	There is a community need for the zoning district in the proposed location, given the need to provide or maintain a mix of uses in the city and the area; and	The subject property and the surrounding area are designated for future industrial uses by the Future Land Use Plan (FLUP). The FLUP was developed in order to insure a healthy mix of land uses in Irondale and the city as a whole. The proposed rezoning will allow for industrial development which will bring jobs and additional tax base. Given the compliance with the FLUP, the attraction of future jobs, and the future tax base, there is a community need for the rezoning.
<input checked="" type="checkbox"/>	The area for which the zone change is requested has changed or is changing so that it is in the public interest to allow a new use or density.	The Irondale neighborhood is a developing neighborhood that is identified for industrial uses in the city's Comprehensive Plan. Therefore, it is in the public interest to rezone the property to allow for industrial uses.

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 recommendation for **approval**.

Planning Commission's Recommended Motion

I move that the Planning Commission enter a finding that the requested Zone Change for the subject property contained in case **Z-929-16** 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 subject property in case **Z-929-16** 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 subject property contained in case **Z-929-16** 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 City Council **deny** the Zone Change.

To continue the case:

I move that the Planning Commission continue the requested Zone Change for the subject property contained in case **Z-929-16** to a future Planning Commission agenda.