



STAFF REPORT

Board of Adjustment

CASE #AV-1735-16			
BOA Date:	May 10, 2016	Case Planner:	Paul Workman 303.227.8774 pworkman@c3gov.com
Location:	The southwest corner of E. 86 th Avenue and Ulster Street		
Applicant:	Mid-Rail Real Estate, LLC d.b.a INTSEL Steel West 3811 Joliet Street Denver, CO 80239	Owner:	Same as Applicant

Case Summary	
Request:	The applicant is requesting a variance to the maximum front setback from 100-feet to 175-feet (75-foot variance).
Project Description:	The applicant intends to develop the subject property for a steel warehouse and office space. As part of the development of the property, a regional drainage pond is necessary which requires the building to be located further than the 100-foot maximum front setback in the I-2 zone district.
Issues/Concerns:	<ul style="list-style-type: none">• Regional Drainage• Site Circulation
Key Approval Criteria:	<ul style="list-style-type: none">• Compliance with the variance approval criteria
Staff Recommendation:	Approval
Current Zone District:	I-2 (Medium-Intensity Industrial Zone District)
Comp Plan Designation:	General Industrial
Neighborhood:	Irondale

Attachments for Review:

- ☒ Applicant's Narrative Summary
- ☒ Site Plan

- ☒ Vicinity Map
- ☒ Circulation Plan

Background Information

Site Information

Site Size:	20 acres +/-
Current Conditions:	The site is currently undeveloped.
Existing Right-of-Way:	Ulster Street to the east.
Existing Roads:	Ulster Street to the east.
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

Surrounding Properties

<u>Existing Land Use</u>		<u>Occupant</u>	<u>Zoning</u>
North	Public	The City of Commerce City	Public
South	Undeveloped	None	I-2
East	Industrial & Residential	Office Space with Outdoor Storage and Single-Family Residential	I-2 & Agriculture
West	Fire Station & Outdoor Storage	South Adams County Fire District & Outdoor Storage Lots	Public and ADCO

Case History

There are 3 cases related to the subject property.

<u>Case</u>	<u>Date</u>	<u>Request</u>	<u>Action</u>
Z-929-16	3/7/16	Rezone the subject property from Agriculture and I-1 to I-2.	Approved
D-297-16	Still Active	Develop the subject property.	N/A
S-656-16	Still Active	Plat the subject property	N/A

Z-929-16:

In March of 2016, the City Council approved a rezoning request to rezone the property from a combination of Agriculture and I-1 zoning designations to an I-2 zoning designation. The request was approved with no conditions.

D-297-16:

The applicant has submitted a Development Plan in order to develop the site as a steel warehouse with office space. This application is under review and dependent on the outcome of the submitted variance request.

S-656-16:

The applicant has submitted a Subdivision Plat in order to create a lot for their development. This application is under review.

Applicant's Request

Mid-Rail Real Estate has submitted this variance request along with a Development Plan and Subdivision Plat in order to develop the site for their steel warehouse.

The applicant states the following as their reason for the variance request:

"An increase in the maximum front setback from the Ulster Street right-of-way to the INTSEL Warehouse building from 100-feet to 175-feet is necessary primarily due to the requirement to provide a storm water conveyance channel parallel to Ulster Street and within the front setback of the proposed facility. This channel is required to meet the Urban Drainage and Flood Control District's (UDFCD) stipulations and requirements associated with regional storm water systems. The width of the channel itself is 62-feet of the proposed 175-foot front setback. The channel needs to be located at the downstream side of the drainage basin which occurs adjacent to Ulster Street. Therefore, it is not possible to place this drainage channel at the rear of the facility."

"The drainage channel that takes up 62-feet of the INTSEL Steel West Warehouse frontage along Ulster Street is a regional storm water facility defined by UDFCD in the regional storm water plan for this part of the Irondale neighborhood. The outfall system this channel is a part of benefits an area much larger than the proposed use and it is not a self-imposed hardship, but a hardship imposed by UDFCD and the city. The drainage channel needs to be located along Ulster Street because this is the downstream side of this drainage basin and it is also the location of the future downstream discharge for the drainage-way. The channel cannot be located behind the building for instance. Access to this property occurs from Ulster Street and there are no other public rights-of-way or developed roads at any other side of the property. Therefore, the only way to access storage of the warehouse and to provide parking is from Ulster Street. A single point of access to this property is not a self-imposed hardship."

"The storage and warehouse elements of this proposed facility are located away from Ulster Street and the building frontage while the office element of the facility is located at the front side of the facility adjacent to Ulster Street. Parking needs to be located near the office use and associated demand for visitor and employee parking. This parking is only one row instead of two keeping the impact on increased setback to a minimum. A truck access aisle, which does not conflict with employee and visitor parking is required to be parallel to Ulster Street in order to gain access to the warehouse and storage areas. The parking and truck access aisles need to be located in the frontage which also affects the need for a greater front setback than 100-feet. Ulster Street is the only access to the facility so an additional hardship is that parking and access have to be located within the front setback."

In terms of impacting adjacent properties, the applicant states:

"There will be extensive landscaping in the front setback area and the area where the variance is requested. There will be parking lot landscaping that meets the city code in the variance area. The drainage channel located in the variance area will be attractively landscaped and is an open space amenity. "

"The character of the neighborhood surrounding the INTSEL Steel West Warehouse is a combination of municipal shop site, unincorporated industrial and residential uses, and previous agricultural uses designated for future industrial uses. The variance will not substantially alter the character of the neighborhood and if anything, locating the building closer to Ulster Street would have more impact on

the character of the neighborhood than granting the variance to allow the building to be further from Ulster Street does. Placing this 50ft high building closer to the right-of-way would clearly increase its visual impact from Ulster Street.”

As the request relates to traffic and circulation, the applicant states:

“Granting the variance allows more room to accommodate parking on this site and in closer proximity to the office area for visitors and employees. Granting the variance helps minimize parking problems that might result from the INTSEL warehouse by better accommodating on-site parking. Further, granting the variance better accommodates truck circulation internal to the site and better accommodates truck access to warehouse loading and unloading. The internal traffic aisle between the north and south sides of the warehouse allows trucks to negotiate without using Ulster should they need to loop between entrances. Granting the variance does not increase traffic problems, but helps to alleviate vehicle and truck traffic on Ulster Street.”

Development Review Team Analysis

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

Comprehensive Planning Documents

The DRT recommendation for this case is supported by the following Comprehensive Planning Goals:

<u>Section</u>	<u>Goal</u>	<u>Description</u>
Land Use	LU 1a	Future Land Use Plan (FLUP) as a Guide: Use the FLUP to guide development patterns and mix of uses and amendments to the LDC.
<u>Analysis:</u>	The FLUP identifies the subject property for General Industrial type uses. The proposed development is industrial in nature and consistent with the General Industrial designation.	

<u>Section</u>	<u>Goal</u>	<u>Description</u>
Land Use	LU 4a	FLUP as a Guide for Employment: Use the FLUP to guide industrial and employment land patterns.
<u>Analysis:</u>	The FLUP identifies the subject property for General Industrial uses, which includes employment opportunities. The applicant states that the new development will include between 50 and 60 new jobs to the city.	

<u>Section</u>	<u>Goal</u>	<u>Description</u>
Fiscal Stability	FS 2a	FLUP Consistency: 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 FLUP identifies the subject property for General Industrial uses. The approval of this variance will allow the applicant to continue to move forward with their development, which will support and expand the community’s industrial base.	

After determining that the proposal meets the Comprehensive Plan as outlined above, the DRT reviewed the application base on 3 critical circumstances that are detailed below.

1. Irondale Development Challenges.

While reviewing this 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.

2. Irondale Drainage.

As stated to in the previous paragraph, the Irondale Neighborhood lacks adequate infrastructure. In particular, drainage is a problem for this area. There are no regional storm water ponds in place, there is no outfall system for the drainage basin, and the neighborhood is near the end of the Irondale Gulch Drainage Basin (this means there is a lot of water that comes to this area from upstream - see Exhibit A).

In an effort to help improve drainage in the Irondale Neighborhood, the city worked with the Urban Drainage and Flood Control District (UDFCD) in 2011 to create the Irondale Gulch Outfall Systems Plan (Irondale OSP). The UDFCD was established by the Colorado legislature in 1969, for the purpose of assisting local governments in the Denver Metro area with multi-jurisdictional drainage and flood control problems by providing drainage expertise. The UDFCD covers an area of 1608 square miles in the Denver Metro area including 6 counties and all or parts of 32 incorporated cities and towns. The population within UDFCD is approximately 2.8 million people. The purpose of the Irondale Gulch OSP and other Outfall System Plans is to address shortfalls in regional storm water drainage infrastructure. Having these Plans helps ensure safety within the watershed, it helps identify regional storm water detention/retention areas which helps properties within the watershed develop, and it helps give high-level direction to solve the drainage issues in the basin. Within the Irondale OSP a detention/retention pond is identified on the subject property (see Exhibit B). In addition to the drainage that is needed for the development of the property, and in order to accommodate the intent Irondale OSP, the applicant is providing regional drainage along Ulster Street that is roughly 62-feet wide (see Exhibit D) and the city is using a portion of the Municipal Services Center (MSC) property to account for the necessary regional storm water volumes. In order to fully implement the intent of the Irondale OSP, future development to the south will have to accommodate regional drainage as well.

Due to the lack of drainage infrastructure in Irondale, the subject property is providing a 62+/- foot wide drainage pond within the maximum front setback (100-feet) as prescribed by the Irondale OSP and determined by the basin's natural topography. These circumstances are not being self-imposed by the applicant and they create ripple effects for their site layout. The necessary location and width of the drainage pond creates impacts to their site circulation, building location, and parking that make it necessary for them to exceed the maximum front setback.

The Irondale OSP is a guiding document. Much like the city's Comprehensive Plan, it provides high level analysis and broad goals. The final implementation of the Plan is left to the local jurisdictions and property developer(s). This approach allows for the development of property based on specific site proposals and does not render property undevelopable, while the intent of the OSP is met and regional drainage is addressed. In short, property owners may be aware that their property is identified in an OSP for regional drainage, but the final layout of the regional detention solutions and impacts to development are determined (if any) at the time of development.

3. Truck Maneuvering/Site Circulation.

The applicant is proposing to develop the property with a large warehouse for steel product storage and office space. Due to the nature of their business, the site will handle large semi-trucks and trailers, which require large areas to maneuver. In order to minimize truck impacts to the uses on the east side of Ulster Street, the applicant has designed their site so that trucks will enter the property on the north and exit the property through left turns only on the south. Due to the size of the drainage pond and the size of the trucks that access the site, the applicant needs a large distance between the entrance on Ulster Street and the warehouse in order to allow the semi-trucks to make an 'S' turn (see Exhibit E). Therefore, the location of the building is determined by the width of the drainage pond and the subsequent impact to turning movements for the semi-trucks. If the drainage pond was not included in this development, the applicant would be able to maneuver their trucks and meet the maximum 100-foot setback.

The applicant is requesting to increase the maximum front setback from 100-feet to 175-feet in the I-2 zone district (a variance of 75-feet). The submitted plan shows a front setback of 172.91-feet. The applicant has requested a front setback of 175 feet as opposed to the 172.91 shown in order to give themselves some flexibility as their design is finalized.

The requested variance application was provided to a variety of internal city departments as well as outside agencies for review. Staff did not receive any objections to the request nor did staff receive any concerns.

In summary, the Irondale Neighborhood presents challenges for development. One of the biggest challenges to development is the lack of drainage infrastructure. In an effort to resolve the drainage issues, the city worked with the Urban Drainage and Flood Control District in 2011 to create the Irondale Gulch Outfall Systems Plan. In accordance with the Plan, the applicant is incorporating a regional drainage pond into their development. The regional drainage pond impacts the applicant's ability to maneuver semi-trucks on their property and meet the maximum front setback requirement in the I-2 zone district of 100-feet.

Criteria Met?	Sec. 21-3222. Variances	Rationale
<input checked="" type="checkbox"/>	The physical characteristics of the property, including dimensions, topography, or other extraordinary situation or condition of the property, create a situation where the strict enforcement of the standards will deprive the property of privileges generally enjoyed by property of the same classification in the same zone district (hardship);	The applicant must accommodate a 62+/- foot wide drainage channel for regional drainage purposes which creates an inability to meet the maximum front setback requirement.
<input checked="" type="checkbox"/>	The hardship is not self-imposed;	The drainage channel is a requirement of the city in order to implement the Irondale OSP.
<input checked="" type="checkbox"/>	The Variance will not be of substantial detriment to adjacent property; and	The need for the variance is based on the implementation of the drainage channel, which will not be a detriment to adjacent properties, but rather a benefit.
<input checked="" type="checkbox"/>	The character of the district will not be changed by granting the Variance.	The property is currently zoned I-2. The increased building setback will not change the character of the district as the proposed development is for an industrial use.

Development Review Team (DRT) Recommendation

Based upon the analysis above, the Development Review Team believes that the application meets the criteria for a variance set forth in the Land Development Code and recommends that the Board of Adjustment **approve** the request.

DRT's Recommended Motion

To recommend approval:

I move that the Board of Adjustment enter a finding that the requested variance for the property contained in case **AV-1735-16** meets the criteria of the Land Development Code and, based upon such finding, move to approve the variance request.

Alternative Motions

To recommend approval subject to condition(s):

I move that the Board of Adjustment enter a finding that, subject to certain conditions, the requested variance for the property contained in case **AV-1735-16** meets the criteria of the Land Development Code and, based upon such finding, move to approve the variance subject to the following condition(s):

List conditions

To recommend denial:

I move that the Board of Adjustment enter a finding that the requested variance for the property contained in case **AV-1735-16** 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 Board of Adjustment deny the variance.

To recommend continuance:

I move that the Board of Adjustment continue the requested variance for the property contained in case **AV-1735-16** to a future Board of Adjustment agenda.

Exhibit A

Irondale Gulch Drainage Basin

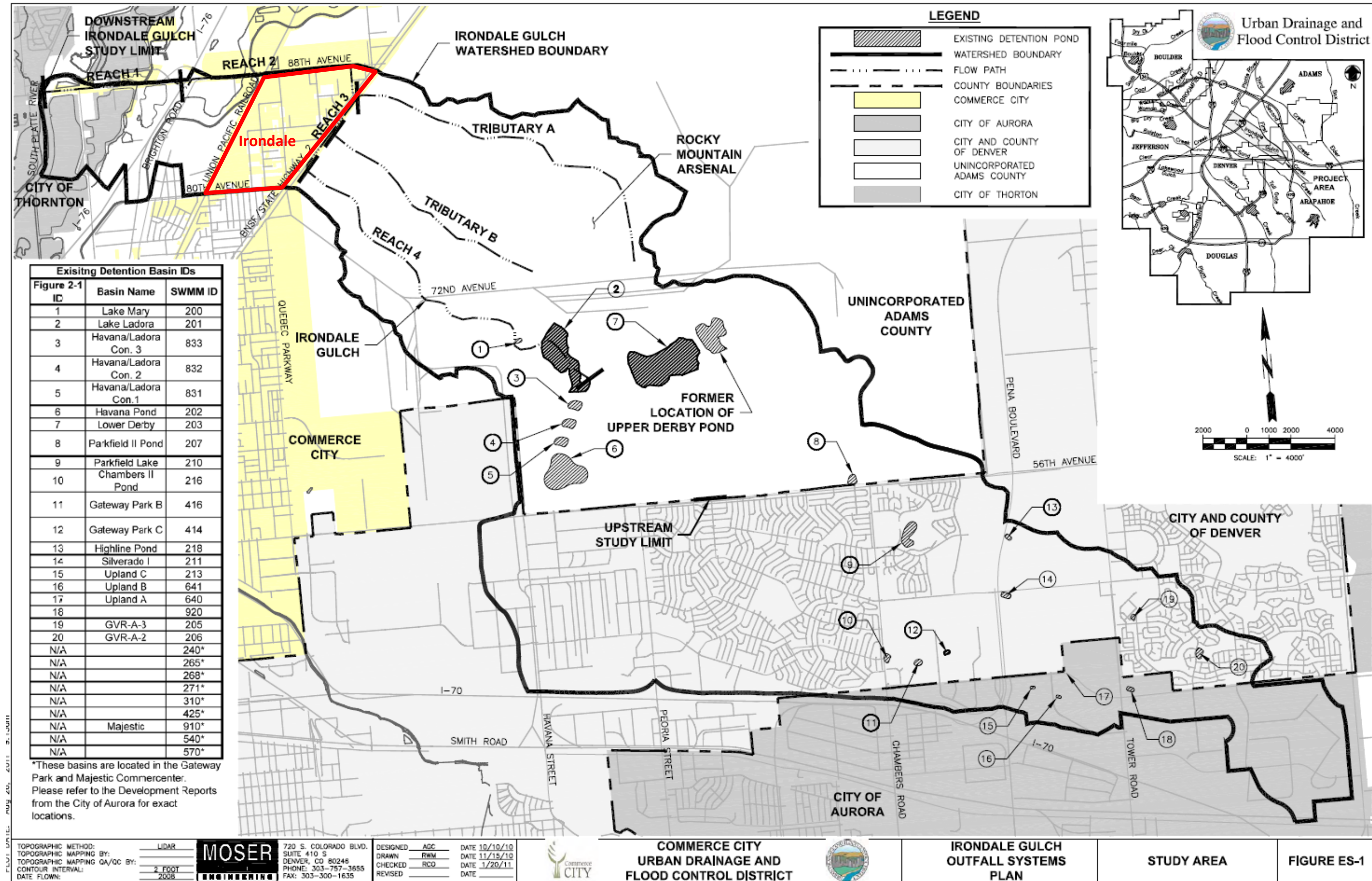


Exhibit B

Subject Property

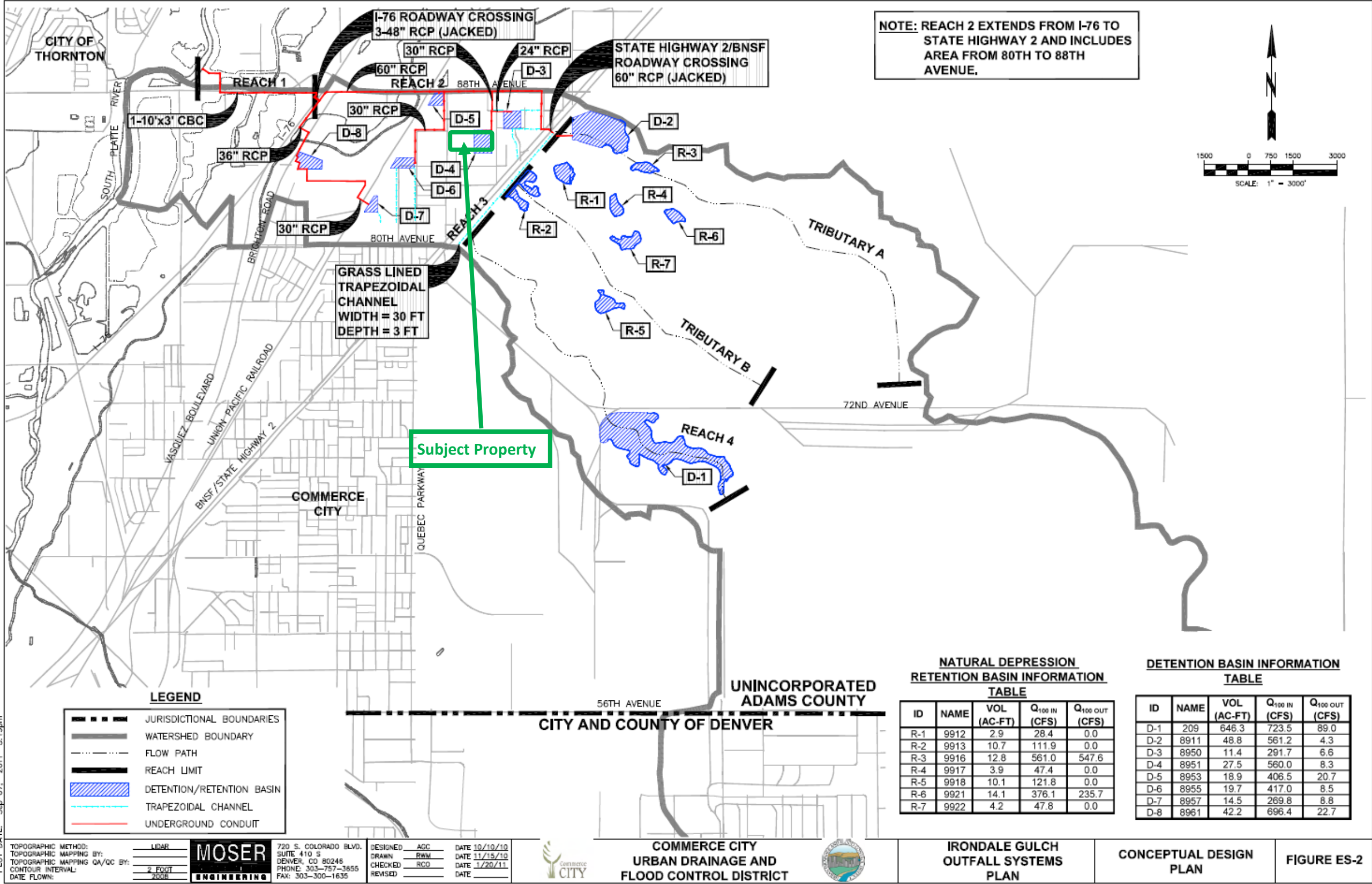
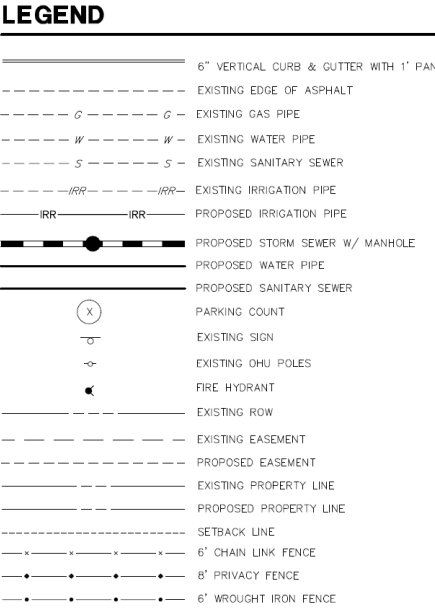
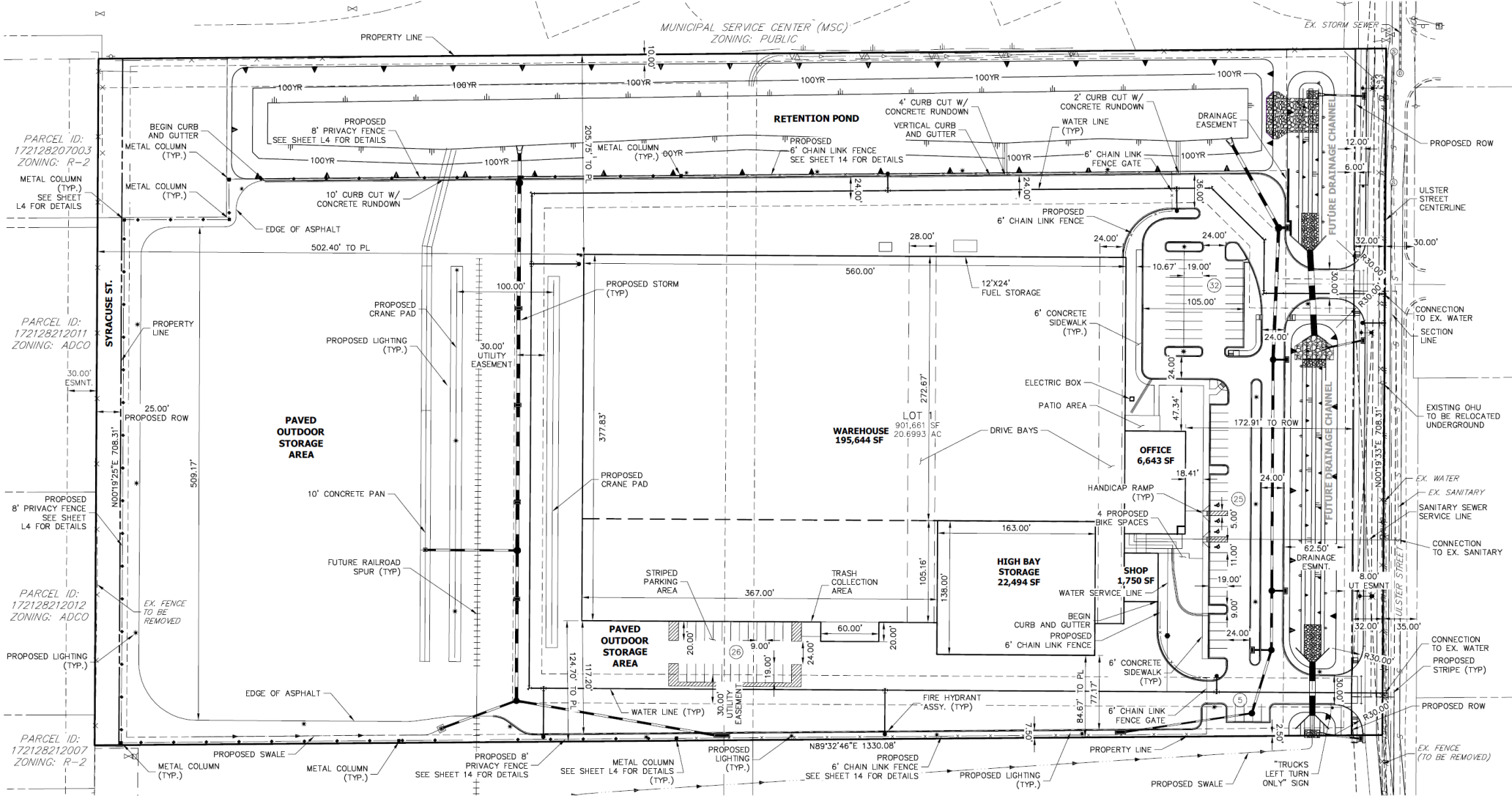


Exhibit C
Site Plan

INTSEL STEEL WEST
A PARCEL OF LAND LOCATED IN THE WEST HALF OF SECTION 28
TOWNSHIP 2 SOUTH, RANGE 67 WEST OF THE 6TH P.M.
CITY OF COMMERCE CITY, STATE OF COLORADO
SITE DEVELOPMENT PLAN



- SITE PLAN NOTES:**
- NOTE: VEHICLE ACCESS, PARKING, OR USE OF ANY KIND IS NOT ALLOWED ON THIS LOT UNTIL A DEVELOPMENT PLAN OR PUD DEVELOPMENT PERMIT IS APPROVED BY THE CITY.
 - OUTDOOR STORAGE CANNOT EXCEED THE HEIGHT OF PRIVACY FENCE.
 - ALL ASPHALT SHALL BE CONCRETE PAVEMENT. THICKNESS INCLUDES:
 - 3.1. 12" - TRUCK DRIVE LANES
 - 3.2. 10" - STORAGE BEHIND FRONT FENCE LINE
 - 3.3. 7" - CAR DRIVE LANES
 - 3.4. 5" - VEHICLE PARKING
 - WEST PROPERTY FENCE ALONG SYRACUSE STREET TO BE RELOCATED TO MEET CITY STANDARDS UPON CONSTRUCTION OF SYRACUSE STREET.

APPLICANT:
IMD RAIL REAL ESTATE LLC
6000 JENSEN DRIVE
HOUSTON, TX 77026
(713) 697-7105
CONTACT: MANAGER, GARY STEIN

PROPERTY ADDRESS:
8573 ULSTER STREET
COMMERCE CITY, CO 80022

DATE OF PREPARATION:
4/7/16

SUBSEQUENT RESUBMITTAL:

ASSESSOR'S PARCEL IDENTIFICATION NUMBER:
172128200014
172128200015

CITY STAFF CERTIFICATE:
APPROVED BY THE COMMUNITY DEVELOPMENT DEPARTMENT
OF THE CITY OF COMMERCE CITY
THIS _____ DAY OF _____, AD _____

COMMUNITY DEVELOPMENT DEPARTMENT
SIGNATURE

SITE DATA	
GROSS SITE AREA	901,661 SF (20.70 AC)
NET ACREAGE	714,901 SF (16.41 AC)
BUILDING FOOTPRINT	226,531 SF (TOTAL)
WAREHOUSE	195,644 SF
HIGH BAY STORAGE	22,494 SF
SHOP OFFICES	1,750 SF
OFFICE	6,643 SF
LANDSCAPE AREA	247,509 SF
OUTDOOR STORAGE AREA	177,696 SF
BUILDING/SITE AREA RATIO	31.7%
NUMBER OF PARKING SPACES REQUIRED	88
NUMBER OF PARKING PROVIDED	88 TOTAL-(3 HC-1 VAN)
TYPE OF BUILDING CONSTRUCTION	TYPE IIB
CURRENT AND PROPOSED ZONING	I-2
ESTIMATED # OF EMPLOYEES	100

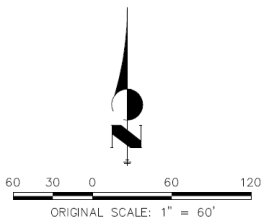
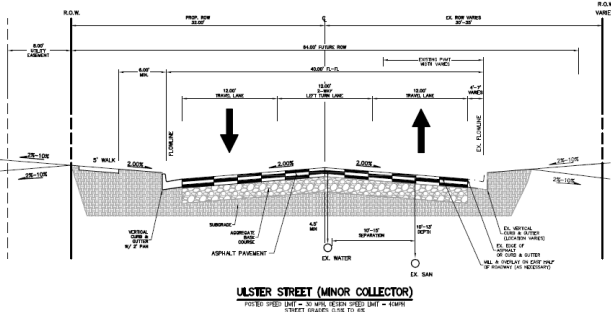


Exhibit D
Drainage Along Ulster

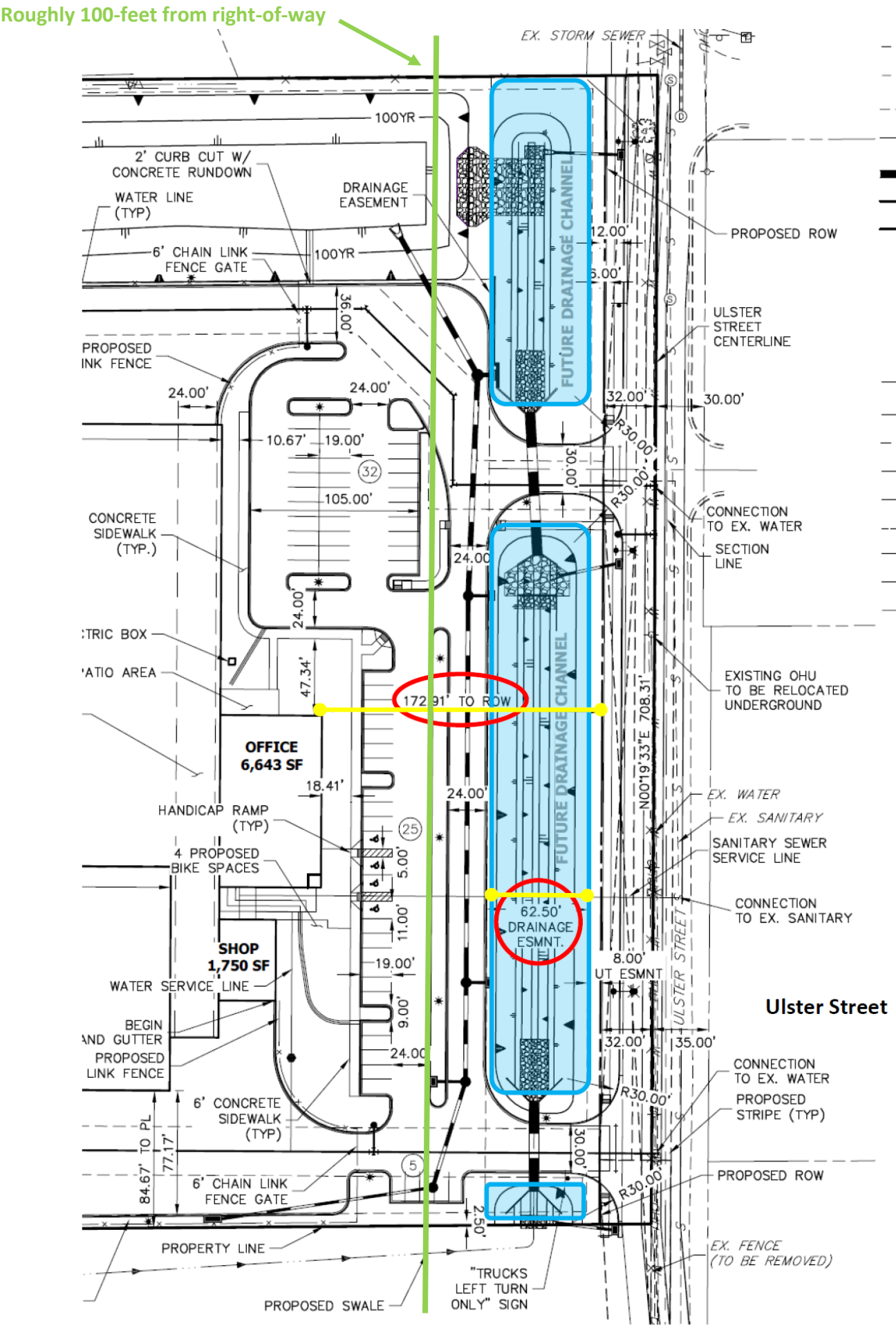


Exhibit E
Truck Circulation

