



STAFF REPORT

Planning Commission

CASE #S-662-16

PC Date:	August 2, 2016	Case Planner:	Robin Kerns
CC Date:	August 15, 2016		
Location:	10251 Newark Street, South of 104th Ave. and West of Hwy 2		
Applicant:	Crown Enterprises Inc.	Owner:	Same as applicant
Address:	12225 Stephens Warren, MI 48089	Address:	Same as applicant

Case Summary

Request:	Subdivision Plat for a Transportation Terminal
Project Description:	The subject property is vacant. The applicant is proposing to plat 2 lots into 1 lot in order to develop a Transportation Terminal.
Issues/Concerns:	• Land Uses
Key Approval Criteria:	• Compliance with Consolidation Plat conditions of approval
Staff Recommendation:	Approval
Current Zone District:	I-2 (Medium Intensity Industrial District)
Comp Plan Designation:	Industrial/Distribution

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

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| ☒ Applicant's Narrative Summary | ☒ Vicinity Map |
| ☒ Development Plan | |

Background Information

Site Information

Site Size:	21.72 acres
Current Conditions:	Vacant
Existing Right-of-Way:	Newark St. & Lima St. (Neither is Constructed)
Neighborhood:	First Creek
Existing Buildings:	None
Buildings to Remain?	☐ Yes ☒ No – N/A
Site in Floodplain	☒ Yes ☐ No

Surrounding Properties

Existing Land Use		Occupant	Zoning
North	Public/Utility	United Power& Xcel - Silver Saddle Substation	AG
South	Undeveloped	Same as Applicant	I-2
East	Public/Utility	Burlington Northern Santa Fe RR & HWY 2	I-1
West	Public/Utility	FRICO Ditch & Commerce City	PUBLIC

Case History

There are two relevant cases in the history of the subject property, as shown below:

Case	Date	Request	Action
Z-833-05	October, 2005	Rezoning from AG to I-2 Zone District.	Approval with Conditions
S-458-05	October, 2005	Subdivide 2 parcels into 3 lots and 3 tracts	Approval

The property was originally annexed and zoned back in 1985. Records indicate that the subject properties were subdivided into their current configuration via case S-458-05. This consolidation plat is being proposed in coordination with Development Plan case D-305-16, which, as a condition of zoning approval, must be reviewed by Planning Commission and approved by City Council.

Applicant's Request

Crown Enterprises Inc., owner of the subject properties located at 10251 Newark Street, is requesting approval of a new Transportation Terminal. In order to create the proper parcel configuration for this development, the subject consolidation plat is being proposed to combine 1 existing lot, and 1 existing tract into 1 lot. The overall boundaries remain the same. This consolidation plat is needed to maximize the efficiency's of the proposed development associated with case D-305-16.

Statement of Operations:

Daily operations consist of unloading and transfer of freight from trailers incoming to the facility, and direct loading to trailers outbound. Operational requirements needed to accommodate this use include staging of empty trailers to interchange with Load-to-go (LTG) trailers awaiting drivers to haul to destination. No outdoor storage of material will be required with this operation.

Development Review Team Analysis

The subject properties were subdivided into their current configuration via case Aberdeen South Subdivision, S-458-05. This consolidation plat is being proposed in coordination with Development Plan case D-305-16, which must be reviewed by Planning Commission and approved by City Council. The subject properties are currently recognized as 20.65 acre Lot 1, Block 3, and 1.07 acre Tract C, Block 3 of the Aberdeen South Subdivision. Together, they are proposed to form a 21.72 acre parcel.

Site and Surroundings:

The subject properties included within this consolidation plat are 1.07 acre and 20.65 acre parcels, which would create a total proposed 21.72 acre site located south of 104th Avenue and west of Hwy 2, at the terminous of Newark and Lima Streets. They are currently zoned I-2 and have been located in the city since 1985. The properties are currently vacant.

Surrounding these properties are the 1st Creek drainage and floodplain to the south and west. To the west is the O'Brian Canal and beyond that is the future 1st Creek Community park area. There is an existing United Power substation to the northwest along the west side of Lima Street, and large power lines bordering the property to the north. To the east is the Burlington Northern Santa Fe RR, and beyond that is Hwy 2.

Lot Analysis:

According to the Land Development Code, a minimum allowed area for an I-2 zoned lot size is 50,000 sq.ft. The combination of the 2 lots will meet this minimum, and will be described as Lot 1, Block 1 of Aberdeen South Filing No. 3. Regarding approved uses designated as part of the original Aberdeen South Subdivision, Lot 1, Block 3 was approved as a Development Area, and Tract C, Block 3 was approved for Drainage and Open Space/Floodplain. Although this Lot & Tract will be combined, the uses proposed as part of Development Plan D-305-16, would continue to conform with those currently approved. All engineering standards have been met.

Approval Criteria:

Criteria Met?	Sec. 21-3241. Final Plats or Consolidation Plats	Rationale
☒	The plat is consistent with any approved land use document;	The proposed consolidation plat is consistent with the Land Development Code, and the Aberdeen South subdivision plat, approved October, 2005.
☒	The plat is consistent with and implements the intent of the specific zoning district in which it is located;	The proposed consolidation plat is consistent with the I-2 zone district.
☒	No evidence suggests that the plat violates any laws, regulations, or requirements;	There is no evidence that this consolidation plat violates any laws, regulations, or requirements.
☒	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 layout of the proposed consolidation plat is consistent with the originally approved Aberdeen South subdivision plat, and the development plan D-305-16, maintains a consistent development pattern of uses.
☒	The plat complies with all applicable city standards and does not unnecessarily create lots that make compliance with such standards difficult or infeasible;	The proposed consolidation plat complies with all applicable city standards and does not unnecessarily create lots, as only 1 lot is proposed versus 2 original lots.
☒	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 consolidation 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.

Criteria Met?	Sec. 21-3241. Final Plats or Consolidation Plats	Rationale
☒	Sufficient public services (utilities, safety, etc) and uses (parks, schools etc) are available to serve the subject property;	There are sufficient public services to serve the subject property.
☒	A development agreement between the city and the applicant has been executed and addresses the construction of all required public improvements; and	A development agreement between the city and the applicant has been executed and addresses the construction of all required public improvements.
☐	As applicable, the proposed phasing plan for development of the subdivision is rational in terms of available infrastructure capacity.	Not applicable.

Comprehensive Plan

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

Section	Goal	Description
Land Use	LU 1a	Future Land Use Plan as Guide: Use the Future Land Use Plan (FLUP) to guide development patterns and mix of uses and amendments to the Land Development Code (LDC).
Analysis:	The Future Land Use Plan identifies the subject property for Industrial Distribution uses, which has a related zoning of I-1, and primary uses that include warehouse and distribution facilities. Although the zoning is I-2, the proposed transportation terminal aligns with the primary uses associated with the associated land use category.	
Section	Goal	Description
Economic Development	ED 1.3	Business-Friendly Climate: Identify and provide services and incentives that spur development and the growth of Commerce City's economy.
Analysis:	This transportation terminal will connect to existing utilities and the newly widened 104 th Avenue, which provide the property with the services needed to create this development.	
Section	Goal	Description
Fiscal Stability	FS 2.2	Core Employment Uses: Retain and strengthen the industrial and employment land base by ensuring that the new employment is consistent with the designations on the Future Land Use Plan map.
Analysis:	This transportation terminal will employ approximately 80 (45 Day and 35 Night) employees that will work directly at this site.	

Summary:

Crown Enterprises Inc., owner of the subject properties located at 10251 Newark Street, is requesting approval of a consolidation plat to combine 1 existing lot, and 1 existing tract into 1 lot in order to create a Transportation Terminal. The resulting lot size and configuration will meet the Land Development Code in regards to minimum lot area. Furthermore, the development associated with case D-305-16, will comply with the uses that are currently approved for the subject lot and tract. Those uses being Development Area, and Drainage & Open Space/Floodplain respectively.

Based on the information provided by the applicant as well as analysis of the Comprehensive Plan, the Land Development Code, and the Approval Criteria for Consolidation Plats, the DRT recommends approval of the Consolidation Plat.

Development Review Team Recommendation

Based upon the analysis above, the Development Review Team believes that the application meets the criteria for a Consolidation Plat as set forth in the Land Development Code and recommends that the Planning Commission forward the Consolidation Plat 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 Consolidation Plat for the property located at 10251 Newark Street contained in case S-622-16 meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Consolidation 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 Consolidation Plat for the property located at **10251 Newark Street** contained in case S-662-16 meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Consolidation Plat subject to the following conditions:

Insert Condition(s)

To recommend denial:

I move that the Planning Commission enter a finding that the requested Consolidation Plat for the property located at **10251 Newark Street** contained in case S-662-16 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 Planning Commission recommend that the City Council deny the Consolidation Plat.

To continue the case:

I move that the Planning Commission continue the requested Consolidation Plat for the property located at **10251 Newark Street** contained in case S-662-15 to a future Planning Commission agenda.