



STAFF REPORT

Planning Commission

CASE #S-668-17

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|-------------------|--|----------------------|--------------------|
| PC Date: | January 3, 2017 | Case Planner: | Domenic Martinelli |
| CC Date: | February 6, 2017 | | |
| Location: | 5846 & 5850 Dahlia St Commerce City, CO 80022 | | |
| Applicant: | San Soucie Enterprises | Owner: | David Soucie |
| Address: | 433 South Basalm Street Lakewood, CO 80226 | Address: | Same as Applicant |

Case Summary

| | |
|-------------------------------|--|
| Request: | A subdivision of the subject property into two separate lots. |
| Project Description: | The applicant is requesting to subdivide the subject property at 5850 Dahlia St into two separate lots (5846 + 5850 Dahlia St). The two lots will share a cross access easement along the shared property line. The applicant is proposing to rezone the two newly created properties from I-2, to one C-3 lot and one I-1 lot as part of case Z-939-17, and construct a new commercial building on the C-3 lot as part of development plan case D-318-17. |
| Issues/Concerns: | <ul style="list-style-type: none">• Shared access and shared parking• Internal site navigation |
| Key Approval Criteria: | <ul style="list-style-type: none">• I-1 Zone District Standards• C-3 Zone District Standards• Sec. 21-3241 Final Plat Approval Criteria• Article VI Subdivision Standards |
| 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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|--|--|
| <input checked="" type="checkbox"/> Applicant's Narrative Summary | <input checked="" type="checkbox"/> Vicinity Map |
| <input checked="" type="checkbox"/> Development Review Team Recommendation | |
| <input checked="" type="checkbox"/> Proposed Plat | |
| <input checked="" type="checkbox"/> Applicant's Supplemental Exhibits | |

Background Information

Site Information

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|-------------------------------|--|
| Site Size: | 0.29 acres & 0.94 acres (1.227 acres total) |
| Current Conditions: | The subject property is currently developed with a 9,520 square foot building. |
| Existing Right-of-Way: | Dahlia St. (West), E 58 th Pl. (South) |
| Neighborhood: | 56 th Ave Industrial Park |
| Existing Buildings: | Yes |
| Buildings to Remain? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 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 | Commercial | Bear's Car Wash & Detail Center | I-2 |
| South | Industrial | Stewart & Stevenson | I-2 |
| East | Storage / Parking | San Soucie Enterprises | I-2 |
| West | Right-of-Way | US HWY 85 & Dahlia St | ROW |
| *Southwest | Dilapidated | None | C-3 |

*This property was rezoned to C-3 per case Z-933-16, and a development plan was approved by staff per case D-294-16 for a retail marijuana business. As of January 2017, no improvements have been made to the site.

Case History

The subject property has two existing variance cases on record. The context and conditions of these two cases no longer provide significant relevance, based on the pending land use applications & proposed reconfiguration of the site.

The property also has two additional land use cases being processed concurrently with the subdivision request.

| <u>Case</u> | <u>Date</u> | <u>Request</u> | <u>Action</u> |
|-------------|------------------|--|---------------------------------|
| A-1304-96 | June 4, 1996 | Variance & Height Exception for a free-standing pole sign. | Approval with Conditions |
| A-1304-97 | February 4, 1997 | Condition Extension for case A-1304-96. | Approval with Conditions |
| Z-939-17 | February 6, 2017 | Zone Change from I-2 to C-3 & I-1 | Pending Approval |
| D-318-17 | February 6, 2017 | Development Plan for 5846 & 5850 Dahlia St. | Under Staff Review |

Case A-1304-96 was a 30 foot front setback variance & a 10 foot sign height variance that was approved with conditions by the board of adjustment. The sign exists on the Southwest corner of the site today, and is currently used by Metro PCS. The applicant for the current proposal has not proposed any new signage or modification of existing signage at this time.

Case A-1304-96-97 was a condition extension for the aforementioned case.

Applicant's Request

The applicant is requesting a subdivision plat to subdivide the subject property into two separate lots. The subject property currently has a metes and bounds description, and has never formally been platted. The two lots will share a cross access easement along the shared property line, in order to accommodate shared parking between the two uses, and facilitate proper internal site navigation.

The proposed final plat would create two legal and conforming lots consistent with the respective standards for C-3 and I-1 lots, and would not need any variances in order to achieve conforming statuses.

The property to the east of the subject property is also owned by San Soucie Enterprises, and is non-conforming based on the minimum lot size for an I-2 zone. At this time, no development is proposed for this lot, so it will not be included as part of the three applications being processed by the city. A future subdivision, zoning & development plan could be processed by the city if the applicant wishes to develop it in the future.

Development Review Team Analysis

The Development Review Team (DRT) has reviewed the requests with the approval criteria for final plats within Article III of the Land Development Code (LDC), and the zone district standards for I-1 zones & C-3 zones within Article IV. The following analysis addresses the proposed subdivision and layout, approval criteria for final plats, and the recommendation of city staff based upon the analysis.

| Proposed Plat Requirements – Non-Residential | | | |
|--|--|---|----------------------|
| ISSUE | PROPOSED | CITY STANDARD | MEETS CITY STANDARD? |
| Access | Both lots will have access to Dahlia Street (West) and East 58 th Place (South) | Access to Public Streets Required | Yes |
| Comprehensive Plan | Commercial / Industrial Distribution | Industrial Distribution | *Yes |
| Floor Area Ratio (FAR) | 0.32 (C-3) 0.23 (I-1) | 0.05 (C-3 & I-1) | Yes |
| Lot Frontage | 70' (C-3) 94.99' (I-1) | 70' (C-3) 80'(I-1) | Yes |
| Lot Size | 12,571 Square Feet (C-3) 40,855 Square Feet (I-1) | 8,000 Square Feet (C-3) 30,000 Square Feet (I-1) | Yes |
| Right-of-Way Dedications | None | Adequate ROW | Yes |
| Total Lots/Tracts | 2 | N/A | Yes |
| Neighborhood Issues | None | N/A | Yes |

*Commercial uses indicated as a secondary use of industrial / distribution per chapter 4 of the comprehensive plan.

The DRT reviewed the application for compliance with article VI of the land development code, and the lot standards in article IV for C-3 and I-1 zone districts. The C-3 zone districts requires a minimum lot size of 8,000 square feet, and a minimum lot frontage of 70 feet, which is met by the proposed lot for 5846 Dahlia Street. The I-1 zone district requires a minimum lot size of 30,000 square feet and a minimum lot frontage of 80 feet, which are both met by the proposed lot for 5850 Dahlia Street. The proposed lots front onto both E 58th Place and Dahlia Street, providing multiple access points to public right-of-way, and providing proper entry / exit to the site, and internal site navigation. The

proposed subdivision plat meets all requirements of LDC Section 21-6220 for lots and lot configuration, has adequate pedestrian circulation and navigation compliant with Section 21-6260, and meets all other applicable sections of Article VI.

| Criteria Met? | Sec. 21-3241. Final Plats or Consolidation Plats | Rationale |
|-------------------------------------|--|---|
| <input checked="" type="checkbox"/> | The plat is consistent with any approved land use document; | The proposed plat will be consistent with the lot standards for C-3 and I-1 zone districts if approved by city council. |
| <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 one lot intended for industrial development, and one lot intended for commercial development which is consistent with the proposed zoning designations in case Z-939-17. |
| <input checked="" type="checkbox"/> | No evidence suggests that the plat violates any laws, regulations, or requirements; | No indication has been provided through the development review process that the plat violates any laws, regulations, or requirements. |
| <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 minimize land disturbances to the greatest extent feasible. As an already developed industrial site, it proposes little risk of harming existing trees / vegetation or open space. It has also been reviewed to ensure that it accomplishes the purpose and intent of the land development code. |
| <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 city standards for subdivisions, creates conforming lots in the I-1 & C-3 zone districts, and the proposed development will not require variances to any bulk standards as a result of this plat. |
| <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 | This plat will not result in substantial or undue adverse effects. The plat will allow for improvements to be made to an existing site, for adequate parking to be provided to the site, and comply with all applicable regulations. |
| <input checked="" type="checkbox"/> | Sufficient public services (utilities, safety, etc) and uses (parks, schools etc) are available to serve the subject property; | Adequate public services are currently available to serve the subject property. |
| <input checked="" type="checkbox"/> | 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 was not required for this project |
| <input checked="" type="checkbox"/> | As applicable, the proposed phasing plan for development of the subdivision is rational in terms of available infrastructure capacity. | No phasing plan is proposed for this project. |

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> |
|----------------------|--|---|
| Economic Development | ED 3 | <u>Recruit new employment and commercial development:</u> Attract and promote new commercial and employment uses to the Historic City that will provide jobs and services for residents and revenues for city operations. The city will reserve undeveloped lands for future commercial and employment activities, as designated on the future land use plan. |
| <u>Analysis:</u> | The proposed zone change and redevelopment will allow for the recruitment of new commercial development in the proposed tenant spaces along a highly visible arterial frontage. It will provide use for underserved land in the vicinity, and the redevelopment of the site could provide up to 25 new jobs. | |

| <u>Section</u> | <u>Goal</u> | <u>Description</u> |
|--------------------------------|---|---|
| Redevelopment and Reinvestment | RR 1 | <u>Increase focus on infill development:</u> The city recognizes the benefits of infill to balance and retain the character of stable neighborhoods with increasing economic development opportunities. |
| <u>Analysis:</u> | As a currently developed property with underutilized vacant space, this proposal would provide a positive infill project in an area that is highly visible along a major arterial route and entryway to Commerce City. It would also provide increasing economic development opportunity not only through increased jobs, but signal to developers that the surrounding area provides additional commercial and industrial redevelopment opportunity. | |

| <u>Section</u> | <u>Goal</u> | <u>Description</u> |
|---------------------|--|--|
| Appearance & Design | AD 3 | <u>Improve development quality for neighborhoods, commercial centers, and industrial uses:</u> Commerce city will ensure high quality design, development, and redevelopment for new residential, commercial, and industrial uses. |
| <u>Analysis:</u> | The proposed development stands as a high quality project that meets and exceeds commercial design standards and landscaping standards. With an innovative design type, high quality building materials, and positive street presence, it will help further development quality that appears in future development projects in the area. | |

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

To recommend approval:

I move that the Planning Commission enter a finding that the requested Final Plat for the property located at **5846 & 5850 Dahlia St.** contained in case **S-668-17** 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 located at **5846 & 5850 Dahlia St.** contained in case **S-668-17** 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 located at **5846 & 5850 Dahlia St.** contained in case **S-668-17** 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.

To continue the case:

I move that the Planning Commission continue the requested Final Plat for the property located at 5846 & 5850 Dahlia St. contained in case S-668-17 to a future Planning Commission agenda.