



# STAFF REPORT

## Planning Commission

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### CASE #Z-660-97-99-00-03(2)-17

<b>PC Date:</b>	March 7, 2017	<b>Case Planner:</b>	Robin Kerns
<b>CC Date:</b>	April 3, 2017		
<b>Location:</b>	North of E. 96 <sup>th</sup> Ave., east and west of Havana St.		
<b>Applicant:</b>	B&W Construction Co.	<b>Owner:</b>	Mtn. View Prop. LLC
<b>Address:</b>	7800 Indiana Street Arvada, CO 80007	<b>Address:</b>	1546 Cole Blve. Bldg 5 STE 100 Lakewood, CO 80401

### Case Summary

<b>Request:</b>	The applicant requests a PUD Zone Document Amendment.
<b>Project Description:</b>	The applicant proposes to amend the existing PUD Zoning Document to allow I-1 uses as well as Commercial C-2 uses on 3 specific lots.
<b>Issues/Concerns:</b>	<ul style="list-style-type: none"><li>- Existing PUD Zoning</li><li>- Neighborhood Context</li></ul>
<b>Key Approval Criteria:</b>	<ul style="list-style-type: none"><li>- Mountain View PUD Zoning</li><li>- Land Development Code</li></ul>
<b>Staff Recommendation:</b>	Approval
<b>Current Zone District:</b>	PUD (Planned Unit Development District)
<b>Comp Plan Designation:</b>	Industrial/Distribution

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

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Applicant's Narrative Summary          | <input checked="" type="checkbox"/> Vicinity Map    |
| <input checked="" type="checkbox"/> Development Review Team Recommendation | <input type="checkbox"/> Neighborhood Meeting Notes |
| <input type="checkbox"/> Site Plan   | <input type="checkbox"/>                            |
| <input checked="" type="checkbox"/> Proposed PUD Zone Document             | <input type="checkbox"/>                            |

## Background Information

### Site Information

Site Size:	5.67 ac. +/-
Current Conditions:	Vacant
Existing Right-of-Way:	E. 96th Ave. & Havana St.
Neighborhood:	Mountain View
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

Existing Land Use		Occupant	Zoning
North	Industrial	FAH Denver LLC, Glove Wagon, & Jehovah Witnesses Kingdom Hall	PUD
South	Residential	4 separate properties with Single Family Dwellings	ADCO / C3 AG
East	Industrial	Cast Transportation	PUD
West	Industrial	Lefever Building	PUD

### Case History

*The MountainView Industrial Park PUD and associated land area was originally annexed and obtained zoning by City Council in 1997 (Cases #AN-135-97 & #Z-660-97). Preliminary and Final Subdivision Plats were processed and approved concurrently with the Zoning (Case #S-249-97). Included in the subdivision is the realignment of Havana Street, of which a portion was vacated (Case #V-63-97). The Mountain View Industrial Park PUD was subsequently modified numerous times to address various development standards (Cases #Z-660-97-99, #Z-660-97-99-00, #Z-660-97-99-00-03, and another #Z-660-97-99-00-03). There were also a couple replats to consolidate lots for developmen (S-330-01 & S-444-05).*

Case	Date	Request	Action
AN-135-97	Nov. 1997	Annex. From ADCO	Approval
Z-660-97	Nov. 1997	Annex. Zoning from ADCO AG. to PUD	Approval with Conditions
S-249-97	Nov. 1997	Plat land area	Approval
V-63-97	Nov. 1997	Vacate portion of Havana St.	Approval
S-330-01	Feb. 2001	Consolidation Plat	Approval
S-444-05	May, 2005	Consolidation Plat	Approval
Z-660-97-99	March, 1999	Amend Mountain View Industrial Park PUD	Approval
Z-660-97-99-00	August, 2000	Amend Mountain View Industrial Park PUD	Approval
Z-660-97-99-00-03	June, 2003	Amend Mountain View Industrial Park PUD	Approval
Z-660-97-99-00-03	July, 2003	Amend Mountain View Industrial Park PUD	Approval

## Applicant's Request

The applicant is requesting a PUD Zone Document amendment to change the zoning of the subject properties identified as Block 1, Lots 1 & 2, and Block 2, Lot 4 of the Mountain View Industrial Park Subdivision. The subject properties are currently zoned General Retail under the Mountain View Industrial Park PUD Zoning Document, which only allows commercial uses. These lots have been on the market for many years, and have been unable to attract development, whereas the Industrial zoned lots are nearly all developed. Therefore, to increase the opportunity that these lots can develop, the applicant is requesting a PUD Zone Document Amendment for the subject parcels.

# 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 and Growth	LU 1	Maintain a balanced mix of land uses citywide and within Strategic Planning Areas: Commerce City growth will occur in a manner that maintains a citywide balanced mix of jobs and housing, and that achieves additional jobs, retail, and services.
<u>Analysis:</u>	The proposed PUD Zone Document Amendment is consistent with the Future Land Use Plan designation for future industrial/distribution uses surrounding the intersection of E. 96th Ave. and Havana St. The ability to have both C-2 and I-1 uses provides a mix of land uses, while the I-1 zoning is consistent with the subject Mountain View Industrial Park PUD zoning.	
<u>Section</u>	<u>Goal</u>	<u>Description</u>
Economic Development	ED 1	Increase economic diversification and opportunities for clean, prosperous business: The Economic Development Strategic Plan will allow Commerce City to chart its economic future, increase prosperity, and provide workforce opportunities. The city will recruit and retain new businesses and major corporations in the targeted industry sector/clusters, as a part of the Economic Development Strategic Plan.
<u>Analysis:</u>	The proposed PUD Zone Document Amendment to I-1 allows for uses (warehouse, light manufacturing, office, and distribution) that are most desired by potential users of these properties, as well as maintaining commercial uses, C-2, that can support the adjacent industrial businesses, such as small convenience commercial (e.g. restaurants, delis, gas, etc).	

## Background

The Mountain View Industrial Park PUD is comprised of 19 lots, of which 9 are zoned I-2, 7 are zoned I-1, and 3 are zoned General Retail (similar to Commerce City Commercial C-2). The Mountain View Industrial Park PUD area is bounded by East 96th Avenue on the South, the O'Brian Canal to the west and north and Havana Street and Highway 2 to the east. Beyond Hwy 2 is the Eagle Creek residential subdivision. When this industrial PUD was originally laid out, it put the most intense industrial zoned properties (I-2) towards the center, or north, and less intense (I-1) to the south, along E. 96th Avenue, and to the east along Havana Street. In addition, the PUD located 3 commercially zoned (General Retail) lots closest to the northwest corner of Hwy 2 and E. 96th Ave., to create a transition of development from the residential Eagle Creek area to the industrial I-2 zoned properties within the subject PUD.

## Use & Development Regulations

The subject properties are currently governed by the Mountain View Industrial Park PUD Zone Document Amendment #3. There have been a total of 4 amendments to this zoning document. The proposed zoning amendment to the Mountain View PUD documents identified above is to permit both Industrial (I-1) and Commercial (C-2) uses on the subject properties in accordance with Commerce City zoning regulations, and the existing PUD, which includes some use stipulations. The subject three parcels currently permit Mountain View Industrial Park General Retail zoning uses only. This zoning is similar to Commerce City Commercial C-2 zoning, except that Gasoline Service Stations (excluding Body Repair, Painting, or Engine Rebuilding, and Rental of Sale of Vehicles) are also a Use-by-Right. Per the PUD, Adult Entertainment uses are excluded from all lots designated General Retail. These stipulations on Use will be maintained for the subject properties.

Commercial development standards (building height, setbacks, etc.) are typically more restrictive than Industrial standards, and this stays true for the subject PUD Zone Document, which requires a greater level of architecture for General Retail zoned lots, and does not allow Outdoor Storage. This zoning amendment would retain the same commercial development standards as currently required on the subject lots, and would continue to prohibit Outdoor Storage. Fencing would have to conform to the existing PUD fence design requirements, which requires a minimum of 20% masonry.

### Document Format

The large number of amendments to the Mountain View Industrial Park PUD has made governing the associated lots difficult when one tries to determine the appropriate zoning document to reference. Therefore, the subject Amendment #6 zoning document provides a consolidation of all the previous zoning amendments to cite the current zoning requirements for each lot in the subject PUD. It also includes the new requirements for the subject properties identified as Block 1, Lots 1 & 2, and Block 2, Lot 4 of the Mountain View Industrial Park Subdivision.

### Industrial vs. Commercial Development

The subject properties are currently zoned General Retail under the Mountain View Industrial Park PUD Zoning Document, which only allows commercial uses (similar to Commerce City Commercial C-2). These lots have been on the market for a long time, and have been unable to attract commercial uses and development, whereas the industrial zoned lots are nearly all developed. This is likely due to the location which is separated from the nearby residential development that might be able to support commercial by a state highway (Hwy 2), train tracks, and is bordered by the rest of the Mountain View PUD which is all industrial. To increase the opportunity that these lots can develop, the subject PUD Amendment will allow both commercial and industrial uses. To satisfy the original design intent of these 3 lots as a transition or buffer going from the industrial to the residential, the city is requiring that the existing commercial architecture requirement be maintained.

### Summary

Future development of the subject 3 lots will maintain the Future Land Use Plan designation of Industrial/Distribution, the same architecture and level of site use (commercial) that is currently approved, while providing for the ability to have Industrial (I-1) uses.

No comments were received from referral agencies in opposition to the proposed zone change. The zone change and proposed use are consistent with the Comprehensive Plan, will not negatively impact surrounding properties, and will promote future development to occur.

Criteria Met?	Sec. 21-3251. PUD Zone Documents	Rationale
<input checked="" type="checkbox"/>	The PUD zone document is consistent with all applicable City adopted plans or reflects conditions that have changed since the adoption of such plans	The proposed I-1 zoning with industrial and retail uses is consistent with the City's Comprehensive Plan. The Industrial/Distribution designation allows for warehouse, flex space, light manufacturing, office, and retail services that support these uses.
<input type="checkbox"/>	The PUD zone document is consistent with the PUD concept schematic	N/A

Criteria Met?	Sec. 21-3251. PUD Zone Documents	Rationale
<input checked="" type="checkbox"/>	The PUD achieves the purposes set out in section 21-4370 and represents an improvement over what could have been accomplished through straight zoning.	This amendment will allow the subject properties to maintain the Mountain View Industrial Park Zoning requirements, but include details that make the change acceptable to staff given the intent of these properties as originally being just commercial.
<input checked="" type="checkbox"/>	The PUD complies with all applicable city standards	The PUD will continue to comply with all applicable city standards.
<input checked="" type="checkbox"/>	The PUD is integrated and connected with adjacent development	The PUD is integrated and connected with adjacent development, and this will continue to be the case given the commercial design requirements for the subject properties will not change, and no changes to the existing road network is proposed.
<input checked="" type="checkbox"/>	To the maximum extent feasible, the proposal mitigates any potential significant adverse impacts	Yes, this application mitigates the potential for adverse impacts by continuing the current design requirements.
<input checked="" type="checkbox"/>	Sufficient public safety, transportation, and utility facilities and services are available to serve the subject property, while maintaining sufficient levels of service to existing development	The PUD has a master drainage plan, and there are adequate services available in the adjacent right-of-way. In addition, there is no expected significant change if the properties are allowed industrial uses as well as the existing commercial ones.
<input checked="" type="checkbox"/>	The objectives of the PUD could not be accomplished through height exceptions, variances, or minor modifications	The objective of this PUD Amendment is to change zoning on 3 lots, which cannot be accomplished via other processes.

## Development Review Team Recommendation

Based upon the analysis above, the Development Review Team believes that the application meets the criteria for a PUD Zone Document Amendment set forth in the Land Development Code and recommends that the Planning Commission forward the PUD Zone Document Amendment 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 PUD Zone Document Amendment for the properties located north of E. 96<sup>th</sup> Ave., east and west of Havana St. contained in case **Z-660-97-99-00-03(2)-17** meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the PUD Zone Document Amendment.

## 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 PUD Zone Document Amendment for the properties located north of E. 96th Ave., east and west of Havana St. contained in case **Z-660-97-99-00-03(2)-17** meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the PUD Zone Document Amendment subject to the following conditions:

*Insert Condition(s)*

### *To recommend denial:*

I move that the Planning Commission enter a finding that the requested PUD Zone Document Amendment for the properties located north of E. 96th Ave., east and west of Havana St. contained in case **Z-660-97-99-00-03(2)-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 PUD Zone Document Amendment.

### *To continue the case:*

I move that the Planning Commission continue the requested PUD Zone Document Amendment for the properties located north of E. 96th Ave., east and west of Havana St. contained in case Z-660-97-99-00-03(2)-17 to a future Planning Commission agenda.