



Application for Zone Change  
Mountain View Industrial Park P.U.D. Zone Document  
**Amendment #5**

Location:

Northeast of the Intersection of East 96<sup>th</sup> Avenue and Highway 2

Applicant:

**Brian Whiting**  
**B&W Construction CO., INC.**

Initial Submittal: December 16, 2016

## VICINITY MAP



### Property Information

Owner as seen on Assessor Record:

#### **Parcel # 0172115012004**

#### **Parcel # 0172115012002**

M2 LLC 50%/MTN VIEW PROPERTIES LLC 30%  
MILLMAN ELAINE 20%  
1546 COLE BLVD BLDG 5 STE 100  
LAKEWOOD, CO 80401

#### **Parcel # 0172115012001**

WHITING BRIAN AND WHITING FRAN  
7800 INDIANA ST  
ARVADA CO 80007-7123

## **Project Proposal**

Baseline Corporation is pleased to submit this rezoning application for the property identified as Block 1, Lots 1 & 2, and Block 2, Lot 4 of the Mountain View Industrial Park Subdivision. The property is bounded by East 96<sup>th</sup> Avenue on the south, Havana Street to the north, and Highway 2 to the southeast.

The subject property (three parcels) is currently governed by the Mountain View Industrial Park P.U.D. Zone Document Amendment #3 (PUD 3695). It should be noted that there has been a subsequent P.U.D. amendment filing, Mountain View Industrial Park P.U.D. Zone Document Amendment #4, but this document applies new zoning regulations to a separate parcel within Mountain View Industrial Park unrelated to this application (see submitted zoning document). The proposed rezoning will amend the Mountain View P.U.D. documents identified above to permit both Industrial (I-1) or General Retail standards on the subject property. The three parcels that comprise the subject property currently permit General Retail (C-2) uses – these uses will remain in addition to the I-1 uses. It should be noted that the I-1 and C-2 use standards follow the Commerce City Zoning Regulations for uses only. There are specific development standards that are unique to the Mountain View P.U.D. that differentiates the I-1 and C-2 uses. Typically, the C-2 development standards (building height, setbacks etc.) are more restrictive in the P.U.D. document. As discussed with Staff from the Commerce City Planning Department, the subject zoning amendments will restrict all development on the subject property, I-1 or C-2, to the more restrictive standards that are typically associated with the C-2 uses.

The previous ownership of the property has been trying to market the three identified parcels for commercial development for a number of years but to no avail. The applicant and current owner of parcel 0172115012001 feels that the property, based on its current location and surrounding developments, is best suited for a light industrial use. If successfully rezoned, the property owner intends to develop his parcel as a light industrial spec warehouse structure that he can market to future tenants. The applicant, a career contractor, also feels there is interest to develop the remaining two parcels in a similar manner.

## **Development Standards**

### *Permitted Uses*

As mentioned above, the current zoning on the subject property only permits General Retail (C-2) uses. The proposed zoning amendment will permit both GENERAL RETAIL and I-1 uses on the property.

### *Building Heights*

The maximum buildable height for both I-1 and GENERAL RETAIL districts as identified on the Mountain View Industrial Park P.U.D. Zone Document is 35 feet. *There is no proposed change to the maximum building height permitted.*

### *Building Setbacks*

The current building setbacks for the I-1 and GENERAL RETAIL zone districts are essentially the same except for the side setback. Within the I-1 zoning the setback for side yards is 10 feet versus the 25 feet and 5 feet restriction applied to the GENERAL RETAIL zoned lots. The 5 feet designation is applied to specific parcels throughout the Mountain View Industrial Park P.U.D. and specifically along shared lot lines. This is the case along the north south lot line between Lots 1 and 2 of Block 1. The applicant

proposes to utilize the current GENERAL RETAIL setbacks for both zoning classifications (I-1, GENERAL RETAIL) in the subject application: Front – 20', Rear – 10', Side – 25' and 5', Side from Street – 20'. *These setbacks are more restrictive and current to the property.*

#### *Floor Area Ratio (FAR)*

The current zoning limits the FAR for the I-1 uses to 0.1, where as the FAR for GENERAL RETAIL uses is listed at 2,500 square feet at a minimum. A FAR of 0.1 will be very difficult to accommodate many light industrial uses identified in the I-1 zoning. The applicant proposes a new FAR of 0.3, which should be noted is the original FAR for light industrial uses in the Mountain View P.U.D. (up until Amendment #3). This FAR will allow the applicant to construct a much larger building on site. *To compensate for the increased restriction the property owner will eliminate outdoor storage on two of the three parcels within this application.* This will allow for all uses to be contained within the building and eliminate the nuisances that are typically associated with outdoor storage: noise, odor, dust etc. The applicant feels that this will have an increased benefit on the health, safety, and welfare of the community.

#### *Outdoor Storage*

Outdoor storage is not permitted on GENERAL RETAIL designated lots. This standard shall be applied to both the GENERAL RETAIL and I-1 parcels of the subject property eliminating outdoor storage. An exception will be made for Lot 2 of Block 1. This parcel is much larger but restricted by numerous easements making it very difficult to market for either GENERAL RETAIL or I-1 uses. The outdoor storage component of 35% will remain for this parcel to provide flexibility for potential buyers.

#### *Roofs, Landscaping, and other P.U.D. Standards*

Roofing and landscaping standards are universal across all parcels within the Mountain View Industrial Park P.U.D. document. The applicant does not propose to change these standards and will preserve the restrictions from the last P.U.D. amendment.

There are additional P.U.D. standards that govern the property. Like the roofing and landscaping standards mentioned above, these restrictions will be upheld as written in Amendment #3. There are specific standards that differentiate the GENERAL RETAIL and I-1 zone designations. The proposed amendment will address those elements as follows:

*P.U.D. Standard I – Fencing.* Fencing restrictions will not be augmented. Fencing will be prohibited on retail developments and permitted along the back site of any building on industrial developments per the restrictions identified in subsection I.

*P.U.D. Standard K – Materials.* The material restrictions are applied in the following manner for GENERAL RETAIL uses. "Any façade of the building that is not constructed of glass shall be a minimum of 50% masonry or concrete on front, side, and rear facades with the remainder in wood products or metal. Franchise colors may be considered in place of earth tones on building subject to the approval by the community". The I-1 restrictions are essentially the same but they do not require the portions of the façade that is not composed of masonry or concrete, to be composed of wood and metal products. The applicant shall apply the GENERAL RETAIL restrictions to the I-1 uses to require additional materials upon development.

### Justification for the zone change request

- a. *Consistency of the proposed Zone Change with the policies and goals of the comprehensive plan, any applicable adopted area plan, or community plan of the city.*

The main policy and vision identified in Chapter 2 of the Commerce City Comprehensive Plan is to develop and maintain a sustainable community that is prosperous from an economic, environmental, and social context. The proposed rezoning is almost assured to create new jobs on at least one of the parcels identified in this request. The owner of this parcel is also the applicant of this proposal and his intention will be to construct a light industrial use on the property that will help bring jobs to the area and bolster the local economy. The proposed rezoning will also allow for light industrial uses in an area that has already seen similar construction in the recent past. Light industrial uses typically are utilized for printing, manufacturing, and other uses that do not pollute heavily into the environment in a manner that heavy industrial uses (e.g. a refinery) will. The proposed rezoning will also help concentrate light industrial uses into a single area within Commerce City. This aids in reducing the proliferation of spot zoning which can have negative effects on the social environment by preventing and restricting the development of uses that are more community centric elsewhere in the City.

Many of the Future Land Use policies of the Comprehensive Plan also reinforce both the Community's Vision but also the explanation provided above: Maintain a balanced mix of land uses, Establish centers as the primary location for jobs, Phase growth, in an orderly, compact manner. The explanation above speaks to all of these key points.

Finally it should be noted that on the Comprehensive Plan's Future Land Use Plan map the proposed property is identified for future Industrial/Distribution uses. These uses are in line with the proposed I-1 zoning.

- b. *Compatibility of the proposed Zone Change with surrounding land uses and the natural environment.*

The proposed property is an undeveloped site that can accommodate the proposed rezoning. The area is relatively flat and shouldn't propose any significant environmental impact – the site is also not located in a flood plain. The surrounding properties are currently developed with light industrial uses to the north and west. It should also be mentioned that the remaining undeveloped parcels within the Mountain View Industrial Park Subdivision carry an industrial zoning designation of either I-1 or I-2.

- c. *The impact of the proposed Zone Change on providing efficient and adequate provision of public services, including, but not limited to, water, sewerage, streets, and drainage.*

All major utilities have already been installed should the remaining parcels choose to develop. This includes water lines and sewer lines beneath Havana Street that can accommodate

development on all three parcels. Electric and telephone services also exist along 96<sup>th</sup> Avenue. A gas line has not been installed but will be done at the developer's expense.

- d. *The impact of the proposed Zone Change on providing efficient and adequate provision of public uses including but not limited to, parks, schools, and open space.*

The subject property will be subject to the same landscaping and open space standards as previously regulated through Mountain View Industrial Park P.U.D. Zone Document #3. Also, commercial properties and industrial properties are taxed at the same property rate so you will not see a reduction in funds designated for parks, schools, and open space. In fact the City overall will see an increase in tax revenue as one of the properties will likely enter development after the proper zoning is secured.

- e. *The community's need for the zoning district in the proposed location and the need to provide or maintain a proper mix of uses both within the city and the immediate area of the proposed use.*

As mentioned above, the property owner has been unable to market the subject property and its three parcels for commercial development. However, the demand for light industrial property is available and the physical nature of the subject parcels allows for easier development of those uses than other parcels located within the P.U.D. area. This translates to more developed property within the P.U.D. that can provide jobs and increase the tax base of Commerce City.

In order to maintain a mix of potential uses on the property the applicant proposes to apply I-1 and General Retail uses and standards on each of the three parcels identified in the application. Therefore if a commercial/retail buyer can be attracted to the property they will be able to develop one or more of the parcels in the same manner as currently zoned.

- f. *The area for which the Zone Change is requested has changed or is changing to such a degree that it is in the public interest to allow a new use or density.*

The need for light industrial uses has grown significantly in past several years due to the lack of available resources within the Denver metro area. The demand for light industrial space in central Denver is increasing rapidly and is continuing to grow and expand into the surrounding communities within the metro area and around the subject property. The demands for commercial property in the subject area has not changed and has remained stagnant. If the subject zoning is approved it will create new jobs and tax base for the City of Commerce City.

#### **Mountain View Industrial Park P.U.D. Zone Document #5 (Additional Reference Information)**

During the initial discussions and pre-application meeting with Commerce City Staff it was discussed and requested that the applicant produce additional information within the P.U.D. Zone Document amendment related to past zoning amendments for all parcels within the Mountain View Industrial Park. Staff is requesting a single document that will summarize all past regulations as they apply to all parcels within the P.U.D. area. This will allow Staff to forego review of previous records when processing application requests for the remaining undeveloped parcels. The applicant has worked to produce that

information and it is presented in our P.U.D. amendment plan set. These additional reference pages only reference the P.U.D. amendments that currently provide regulation on parcels within the Mountain View Industrial Park subdivision. They do not reference older P.U.D. amendments that have been made obsolete through subsequent filings, nor should they as it would destroy the intent of creating a single reference document. It should also be mentioned that this document is for reference only and it should not be interpreted that the applicant is rezoning any other properties than the three referenced above.

The applicant would like to mention that the request is not a requirement for rezoning property within the City of Commerce City and he has provided this document out of good faith at Staff's request.

Report Prepared by:



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