



STAFF REPORT

Planning Commission

CASE #Z-932-17

PC Date:	May 2, 2017	Case Planner:	Robin Kerns
CC Date:	June 5, 2017		
Location:	10020 Havana Street		
Applicant:	AP Caissons LLC	Owner:	Same As Applicant
Address:	10810 C.R. 22 Fort Lupton, CO 80621	Address:	

Case Summary

Request:	A Zone Change from Agricultural (AG) to Industrial 2 (I-2) for the subject property.
Project Description:	The subject property is currently zoned Agricultural (AG) and the applicant is requesting to change the zoning to Industrial 2 (I-2). The applicant has also submitted a development plan that proposes a 5,000 square-foot building for maintenance of trucks and company vehicles. In addition, there would be outdoor storage behind the proposed building (pipes, bits, hoses, and other business related items).
Issues/Concerns:	<ul style="list-style-type: none">• Compliance with the Comprehensive Plan
Key Approval Criteria:	<ul style="list-style-type: none">• Comprehensive Plan• Land Development Code• Neighborhood Compatibility
Staff Recommendation:	Approval
Current Zone District:	AG (Agricultural 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"/> Site Plan |
| <input type="checkbox"/> | <input type="checkbox"/> |

Background Information

Site Information

Site Size:	1.32 acres
Current Conditions:	Undeveloped
Existing Right-of-Way:	Havana Street to the West
Neighborhood:	First Creek
Existing Buildings:	Vacant
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	Park/Recreation	Commerce City Park Site / O'Brian Canal	PUBLIC
South	Residential	Residential	AG
East	Residential	Residential	AG
West	Industrial	Unlimited Storage LLC	PUD

Case History

The subject property, in its current configuration at 10020 Havana Street, was annexed into Commerce City in 2007, and zoned Agricultural in 2008.

<u>Case</u>	<u>Date</u>	<u>Request</u>	<u>Action</u>
AN-220-07	12/31/2007	Annexation from ADCO	Approval
Z-877-08	3/17/2008	Annexation Zoning from ADCO to AG	Approval

Applicant's Request

The applicant is requesting a Zone Change for the property located at 10020 Havana Street. The proposed primary use will be for parking and maintenance of trucks and company vehicles associated with the AP Caissons and Concrete Pumping service. There will be some storage of pipes, hoses and other related equipment. The general layout of the site will include a 5,000 sq.ft. shop with office, and storage area behind it. Anticipated number of employees will be 10 to 15, with hours of operation from 6 am to 6 pm. The total number of vehicles would be 20 or more, and the majority of traffic would be in the morning and evening.

The present zoning is agricultural, and the applicant is requesting a change to medium intensity Industrial 2 (I-2). They believe the proposed change is compatible with the surrounding area as much of the land uses in the area are already industrial in nature. The applicant states that the site has already been served with water and electricity, that the existing Havana Street is adequate, and that drainage will be figured into the associated Development Plan. In addition, they feel the Zone Change to allow their caisson drilling company would not adversely affect parks or schools and that their business supports local development and will hire local people. Lastly, the applicant points out that subject area has changed from agriculture to mostly commercial and industrial, with new businesses consisting of trucking, retail and wholesale.

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	LU 1.1	Future Land Use Plan as a Guide: Use the Future Land Use Plan (FLUP) to guide development patterns and mix of uses and amendments to the land Development Code (LDC).
<u>Analysis:</u>	The FLUP identifies the subject property and the surrounding area for Industrial Distribution uses. This designation includes I-1 and I-2 uses, which are consistent with the proposed uses.	
<u>Section</u>	<u>Goal</u>	<u>Description</u>
Land Use	LU 3.3	Compatible Uses in all Neighborhoods: Protect neighborhoods from incompatible development.
<u>Analysis:</u>	The proposed industrial zoning will allow for infill development that is consistent with the surrounding area, which, except for the 1 adjacent Agricultural lot similar to the subject lot, has become entirely light to medium industrial.	
<u>Section</u>	<u>Goal</u>	<u>Description</u>
Economic Development	LU 4.3	Irondale New Employment/Business Center Promote and strengthen land for employment in the Northern Industrial Enclave Area.
<u>Analysis:</u>	The proposed zoning would create additional land that can support industrial uses, which is consistent with the Northern Industrial Enclave Area.	

Existing Property

The subject property is identified as 10020 Havana Street (Pin: 172114000021), and is approximately 1.31 acres (57,373 sq.ft. in area). The legal description of the property consists of meets and bounds and has never been platted. When originally annexed into Commerce City, the property had a residence and limited agricultural operations. In 2011, the existing home was demolished and all development on the site was cleared, leaving the property vacant, except of 2 large existing trees adjacent to Havana Street. The site is relatively flat, with a steep embankment to the north which is part of the O'Brian Canal. Beyond the canal, the land slopes down to a large Commerce City park area, which is effectively not visible from the subject property. The only other remaining agricultural lot in the area is immediately adjacent to the south and east, and contains a single-family dwelling and agricultural accessory structures.

Proposed Use

The proposed business, known as AP Caissons, is a Front Range caisson drilling and concrete pumping business that wishes to develop the site for their business operations. The proposed development is being processed administratively via Development Plan case D-288-17, which is still under review. This plan includes a 5,000 sq.ft. shop with office and fenced storage area behind it (to the east). The expected number of employees would be 10 to 15, with hours of operation from 6 am to 6 pm. The total number of vehicles would be 20 or more, and the majority of traffic would be in the morning and evening. The plan would retain the existing large mature trees, add additional landscaping along the west side of the building and around the proposed retention pond on the north side of the property. The site proposes to use the previously existing access point to Havana Street.

Proposed Zone Change

The DRT reviewed the proposed Industrial 2 (I-2) zoning classification against the applicable criteria, Land Development Code Section 21-3232, and concluded that the subject request is compatible with the city's designation of Industrial Distribution, as depicted on the Commerce City Future Land Use Plan. This area in general is designated Industrial Distribution, and further to the west, General Industrial by the Future Land Use Plan. Staff notes that the current zoning classification existing on the subject property is Agricultural (AG). The subject property is one of two agricultural properties that still remain along Havana Street, between E. 96th Ave. and E. 104th Ave., and west of Highway 2.

The area south of the subject site consists of the Cast Transport development rezoned to I-2 in 1995, and the Mountain View Industrial Park PUD that allows for both I-1 & I-2 uses, which was approved in 1997. To the northwest is the Kushniroff PUD that allows for both I-1 & I-2 uses and was approved in 2001. Many of the uses in the above mentioned industrial developments include trucking, outdoor storage, and light to medium industrial operations. This is very similar to the proposed uses of the site, which includes truck and truck repair, outdoor storage, and a shop building for a caisson drilling contractor.

Summary and Recommendation

The DRT has concluded that the requested zone district meets the approval criteria for a Zone Change. The subject property size and proposed use have been found to be consistent with an I-2 zoning. The proposed zone change will help one of the two remaining agricultural properties develop in an industrial fashion that is similar to the surrounding development along Havana Street, and allow an otherwise derelict property to develop. Furthermore, the conversion to industrial will provide more industrial property for development at a time when this kind of property is in limited supply, while also in great demand. The zone change will not create substantial undue adverse effects to the surrounding properties and adequate services are available for the future development of the subject property. Based on the analysis above, the DRT is recommending approval of the Zone Change for the subject property.

Criteria Met?	Sec. 21-3232. Rezoning or Zone Changes	Rationale
<input type="checkbox"/>	The change corrects a technical mistake by the city.	N/A
	OR	

Criteria Met?	Sec. 21-3232. Rezoning or Zone Changes	Rationale
<input checked="" type="checkbox"/>	The change is consistent with any City adopted plans for the area;	The proposed I-2 zoning is consistent with the City's Comprehensive Plan. The industrial/distribution future land use designation primarily allows for warehouse, flex space, light manufacturing, office and distribution facilities, some of which is similar to what this project is proposing.
<input checked="" type="checkbox"/>	The change is compatible with proposed development, surrounding land uses and the natural environment;	The surrounding area is zoned industrially and allows for industrial distribution and general industrial uses. There are numerous industrial Planned Unit Developments (PUDs) in close proximity that provide for trucking, manufacturing, and outdoor storage.
<input checked="" type="checkbox"/>	There is, or will be, adequate public services, (water, sewerage, streets, drainage, etc.);	There are existing public services available for the subject property.
<input checked="" type="checkbox"/>	There is, or will be, adequate public uses (parks, schools, and open space);	There are adequate parks, schools, and open space for the subject property.
<input checked="" type="checkbox"/>	The change is needed to provide/maintain a proper mix of uses in the area/City;	The proposed use is typical of and allowed in the I-2 zone district. The Zone Change will provide more industrial property for development at a time when this kind of property is in limited supply.
<input checked="" type="checkbox"/>	The area for which the change is requested has changed/is changing and it is in the public interest to allow a new use or density.	The proposed Zone Change is in line with the industrial uses that have come to dominate the subject area. There are only 2 remaining agricultural properties left.

Development Review Team Recommendation

Based upon the analysis above, the Development Review Team believes that the application meets the criteria for a Zone Change set forth in the Land Development Code and recommends that the Planning Commission forward the Zone Change 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 Zone Change for the property located at **10020 Havana Street** contained in case **Z-932-17** meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Zone Change.

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 Zone Change for the property located at **10020 Havana Street** contained in case **Z-932-17** meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Zone Change subject to the following conditions:

Insert Condition(s)

To recommend denial:

I move that the Planning Commission enter a finding that the requested Zone Change for the property located at **10020 Havana Street** contained in case **Z-932-17** 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 Zone Change.

To continue the case:

I move that the Planning Commission continue the requested Zone Change for the property located at 10020 Havana Street contained in case Z-932-17 to a future Planning Commission agenda.