



STAFF REPORT

Board of Adjustment

CASE #AU-1740-17

BOA Date:	June 21, 2017	Planner:	Domenic Martinelli	Phone:	303-289-3670
Location:	6100 E 64th Ave Commerce City, CO 80022				
Applicant:	Tony Calvino Hernandez	Owner:	Jesus & Raquel Ochoa		
Address:	14142 E Colorado Dr. #101 Aurora, CO 80012	Address:	15347 E 99 th Pl. Commerce City, CO 80022		

Case Summary

Request:	The applicant is requesting the approval of a use-by-permit for a limited moving truck self rental facility.
Project Description:	The applicant is proposing to use a portion of the subject property as a U-Haul rental facility.
Issues/Concerns:	- Sight Distance. - Adequate Site Circulation.
Key Approval Criteria:	- The use will not result in any adverse effect on adjacent property. - The characteristics of the site are suitable for the use. - There is a proven community need for the use at the proposed location.
Staff Recommendation:	Approval
Current Zone District:	C-3 (Regional Commercial District)
Comp Plan Designation:	Commercial

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

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

Background Information

Site Information

Site Size:	0.35 Acres
Current Conditions:	The site is developed as an automotive repair facility
Existing Right-of-Way:	64th Ave to the North, Kearney St. to the East
Neighborhood:	Central
Existing Buildings:	One Building and one canopy.
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

Existing Land Use		Occupant	Zoning
North	Commercial	Tacos Junior	C-3
South	Commercial	Manuel's Auto Body and Paint	C-3
East	Commercial	Car Wash	C-3
West	Commercial	Plaza Mexico	C-3

Case History

The subject property has relatively little case history. The city has one record of a use-by-permit (Case A-731-84) for temporary parking of oversized vehicles. The use-by-permit was approved conditionally to expire on May 1, 1985, and is currently void. According to Adams County Assessors records, the property was built in 1968 as an auto repair facility.

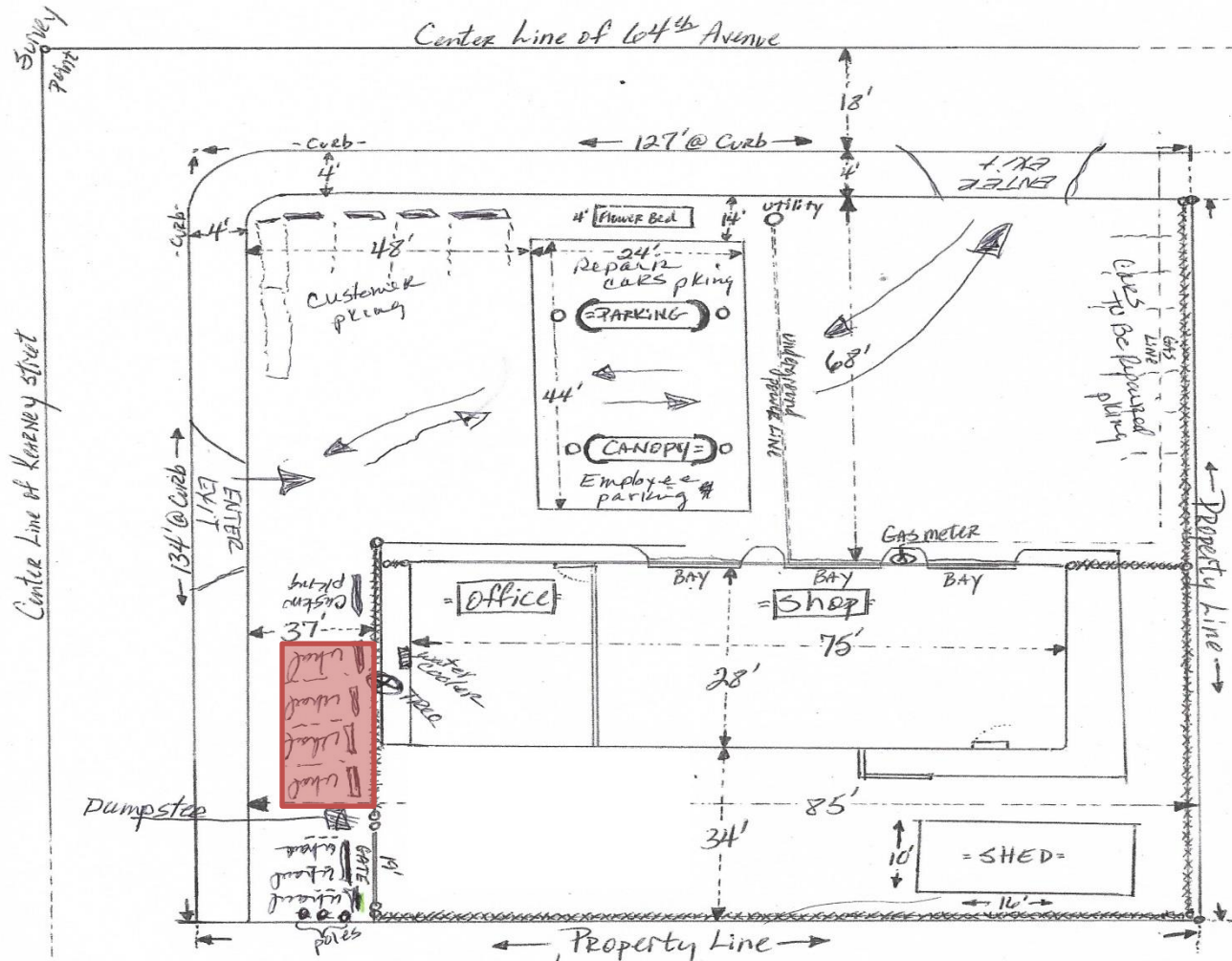
<u>Case</u>	<u>Date</u>	<u>Request</u>	<u>Action</u>
A-731-84	May 1, 1984	Use-By-Permit for Temporary Parking of Oversized Vehicles	Approval with Conditions

Applicant's Request

The applicant is requesting the approval of a use-by-permit to operate a U-Haul rental facility on the subject property. The property is primarily used as a minor vehicle repair facility, and the U-Haul sales would be an accessory component of the site. Per the Land Development Code, limited moving truck self rental facilities require a use-by-permit in a C-3 zone district.

The applicant has indicated that they will place the U-Hauls on the southern portion of the property, in order to reduce any potential visibility & sight distance conflicts if the trucks were placed at the corner of East 64th Avenue and Kearney Street. The proposed location of the U-Haul rentals will free up additional space on the main portion of the property, and the trucks will have easier access to Kearney Street and reduce potential traffic conflicts. According to the applicant, "Noise increases will be very minimal, no additional changes will be needed to the property to accommodate the U-Haul rentals, none of the existing parking areas will be taken up by the placement of the rental trucks, and parking the trucks on the southwest side will reduce the traffic impacts at the intersection." The applicant has also stated that 3 different models of U-Haul box trucks are available for rental, one standard pickup truck, one cargo van, and pull behind trailers. The maximum length of any vehicle available for rental on the property is 20' long. No more than 5 U-Haul trucks will be stored on the property at any given time, to ensure that the site is not over congested and visibility is not compromised for vehicles turning onto the property from Kearney Street. The majority of vehicles generally parked on the site are generally pickup trucks, cargo vans, and pull behind trailers. Additionally, the applicant parks the larger 15' and 20' box trucks towards the rear to improve visibility.

Figure 1: Proposed Site Layout



Development Review Team Analysis

The Development Review Team (DRT) reviewed the use-by-permit request according to the approval criteria listed in Land Development Code (LDC) Section 21-3221. Staff also reviewed the use-by-permit in the context of the subject property and existing site conditions, and any potential impacts the proposed use would have on neighboring properties. Per the Land Development Code, a use-by-permit is required for limited moving truck self rental facilities in a C-3 zone district.

Overall, the primary use of the property is light automotive repair, and shall be in compliance with all standards within the Land Development Code, specifically LDC Section 21-5271 regarding vehicle repair standards. The self-rental truck facility as an accessory use is proposed to be located on the southwest portion of the site as shown in figure 1. The site has an existing 1,400 square foot auto shop and office, and 1,200 square foot canopy to the north. The remainder of the north side of the property is utilized for customer and vehicle parking. The placement of the self-rental trucks on the southwest portion of the site is the only feasible location for the proposed use on the site, eliminating potential internal circulation issues in the customer parking area, and potential sight distance conflicts if placed directly on the corner of East 64th Avenue and Kearney Street. As this is an accessory use to the primary business, it will not be a high volume operation, and should have minimal impact to

traffic and circulation in the area. The area is paved and should provide adequate space to accommodate the vehicles, and adequately address visibility and safety concerns for turning vehicles and pedestrian traffic along Kearney Street. Initially, the U-Haul trucks had been placed on the northwest corner of the site directly at the intersection, and the current location is due to Public Works commenting on sight-distance for vehicles maneuvering between East 64th Avenue and Kearney Street. At the current proposed location for the trucks, Public Works has no conflict related to sight distance.

In the historic city, there are currently three other limited moving truck self rental facilities. One additional U-Haul rental facility exists in unincorporated Adams County on East 72nd Avenue + Brighton Road.

The DRT found through its analysis that the proposed limited moving truck self-rental facility will be harmonious with the surrounding vicinity when placed on the southwest corner of the site, and any external impacts are minimal or non-existent. The proposed use is an accessory use to the primary use, and the extent of the rental facilities that they are proposing will be relatively minor and should have no significant impact on the surrounding properties.



Figure 2: Proposed Parking Location

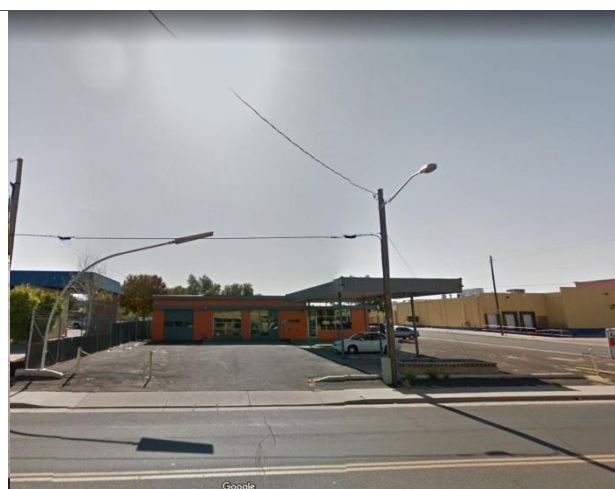


Figure 3: North Side of Subject Property

Criteria Met?	Sec. 21-3221. Uses-by-Permit	Rationale
<input checked="" type="checkbox"/>	<p>The use at the proposed location will not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, either as they presently exist or as they may exist in the future as a result of the implementation of provisions and policies of the comprehensive plan, this land development code, or any other plan, program, or ordinance adopted by the city. Such compatibility may be expressed in appearance, architectural scale and features, site design, and the control of any adverse impacts, including noise, dust, odor, lighting, traffic, safety, and impact on property values of the surrounding area;</p>	<p>The proposed U-Haul rental facility will have minimal impact on adjacent properties, and have a minimal traffic impact. As the amount of U-Haul trucks on site will be kept to a minimum and placed on the south end of the property where traffic conflicts are minimal, the amount of external impacts will be low.</p>

Criteria Met?	Sec. 21-3221. Uses-by-Permit	Rationale
<input checked="" type="checkbox"/>	The characteristics of the site are suitable for the use considering size, shape, location, topography, existence of improvements and natural features; and	The specific location of the U-Haul trucks placed on south end of the property, where it does not interfere with internal site circulation, meets surfacing material requirements per the Land Development Code, and does not interfere with sight distance for maneuvering vehicles at the corner of 64th and Kearney St.
<input checked="" type="checkbox"/>	The use at the proposed location will be adequately served by and will not impose an undue burden on any of the improvements, facilities, and services of the city special districts, or its residents. Where any such improvements, facilities, utilities or services are not available or adequate to service the use in the proposed location, the applicant shall, as a part of the application and as a condition of approval of the use-by-permit, be responsible for establishing an ability, a willingness, and a binding commitment to provide such improvements, facilities, utilities and services in sufficient time to serve the proposed use.	As a relatively minor use that does not require additional utility or service upgrades to operate, the proposed U-Haul rental facility will not create any increased demand for city & special district services or utilities.
<input checked="" type="checkbox"/>	The use is in harmony with the general purposes, goals, objectives, and standards of the comprehensive plan or any other plan or program adopted by the city	As U-Haul vehicle rentals are a commercial use in nature, the proposed facility is in compliance with the future land use designation of commercial for the subject property.

Comprehensive Planning Documents

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

<u>Section</u>	<u>Goal</u>	<u>Description</u>
Economic Development	ED 2.1	Further Develop Business Retention - Protect and support the retail sector of the economy, which adds to overall economic diversity and provides goods and services to city residents. Continue to foster the development of the Business Retention and Expansion Program of the city.
<u>Analysis:</u>	By allowing an existing business in the city to explore additional & reasonable revenue streams, the city is providing a business friendly environment that encourages business retention. The proposed U-Haul facility would be an additional revenue stream for Action Auto that helps it stay in place.	
<u>Section</u>	<u>Goal</u>	<u>Description</u>
Land Use and Growth	LU 1.1	Growth and Future Land Use Plan Consistency - Ensure future development is consistent with the Future Land Use Plan and map. The map provides a guide for 2035-projected growth, builds on previous plans, and reserves land for commercial and employment uses to ensure a future balanced mix of uses.
<u>Analysis:</u>	As U-Haul sales is a commercial activity, the proposed use is in compliance with the future land use designation of commercial for this property.	

Development Review Team Recommendation

Based upon the analysis above, the Development Review Team believes that the application meets the criteria for a Use-by-Permit set forth in the Land Development Code and recommends that the Board of Adjustment approve/deny the request.

Recommended Motion

To recommend approval:

I move that the Board of Adjustment find that the requested Use-by-Permit for the property located at **6100 E 64th Avenue** contained in case **AU-1740-17** meets the criteria of the Land Development Code and, based upon such finding, approve the Use-by-Permit.

Alternative Motions

To recommend approval subject to condition(s):

I move that the Board of Adjustment find that upon satisfying the following conditions:

Insert Condition(s)

the requested Use-by-Permit for the property located at **6100 E 64th Avenue** contained in case **AU-1740-17** meets the criteria of the Land Development Code and, based upon such finding, approve the Use-by-Permit.

To recommend denial:

I move that the Board of Adjustment deny the requested Use-by-Permit for the property located at **6100 E 64th Avenue** contained in case **AU-1740-17** because it fails to meet the following criteria of the Land Development Code:

List the criteria not met