



STAFF REPORT

Board of Adjustment

CASE #AU-1741-17

BOA Date:	July 11, 2017	Planner:	Domenic Martinelli	Phone:	303-289-3670
Location:	15410 E 104th Avenue (Lot 1, Hogan Commercial Subdivision Filing #7)				
Applicant:	Mchoern, LLC – Grease Monkey Stacey Mcclean	Owner:	Southwestern Property Corp Mark Campbell		
Address:	15626 E 118th Avenue Commerce City, CO 80022	Address:	5600 S Quebec St #110A Greenwood Village, CO 80111		

Case Summary

Request:	The applicant is requesting the approval of a use-by-permit for minor vehicle repair.
Project Description:	The applicant is proposing to construct a 4,619 square foot Grease Monkey automotive service facility. The proposed use of the facility will include minor vehicle repair, in addition to two automatic car wash bays located on site.
Issues/Concerns:	<ul style="list-style-type: none">• Site circulation.• Adequate landscaping and screening of parking areas and drive aisles.• Noise mitigation.
Key Approval Criteria:	<ul style="list-style-type: none">• The use will not result in substantial or undue 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:	PUD (Planned Unit Development District)
Comp Plan Designation:	Commercial

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 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:	1.04 Acres (45,525 Square Feet)
Current Conditions:	The site is currently undeveloped
Existing Right-of-Way:	E 104th Avenue to the North, E 103rd Place to the South, Private Road to the East
Neighborhood:	North Range Town Center
Existing Buildings:	No
Buildings to Remain?	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	Right-of-Way	East 104 th Avenue	ROW
South	Undeveloped	Undeveloped Commercial Lot	PUD
East	Commercial	Taco Bell	PUD
West	Commercial	Walgreens	PUD

Case History

The subject property has one annexation case, one annexation zoning case, two subdivision cases, and one minor modification. A PUD Permit is currently in administrative review for the subject property.

<u>Case</u>	<u>Date</u>	<u>Request</u>	<u>Action</u>
AN-176-03	11/3/2003	Annexation of 36.32 Acres	Approval
Z-785-03	11/3/2003	Zone Change from ADCO to PUD	Approval with Conditions
S-498-07	4/10/2007	Hogan Commercial Subdivision Filing 1 (subject property established as "Tract B")	Approval
S-672-16	11/23/2017	Hogan Commercial Subdivision Filing 7 (subject property converted from "Tract B" to "Lot 1").	Approval
MM-87-17	5/11/17	Minor Modification for FAR Reduction	Approval with Conditions
Z-785-D-329-17	6/14/17	PUD Permit for Grease Monkey	Under Staff Review

Cases AN-176-03 and Z-785-03 effectively annexed and zoned the entire Hogan Commercial Development (North Range Town Center). Case S-498-07 was the first filing of the Hogan Commercial Subdivision, and established all future developable lots as tracts, with the subject property being designated as "Tract B." Case S-672-16 converted the remaining tracts in Hogan into Lots, with the subject property being designated as "Lot 1, Hogan Commercial Subdivision Filing No 7."

Staff recently approved minor modification request MM-87-17 for an FAR reduction from 0.15 to 0.10 for the subject property. Case Z-785-D-329-17 is currently being reviewed by staff as a PUD Permit for the technical site plan and architectural details of the proposed grease monkey.

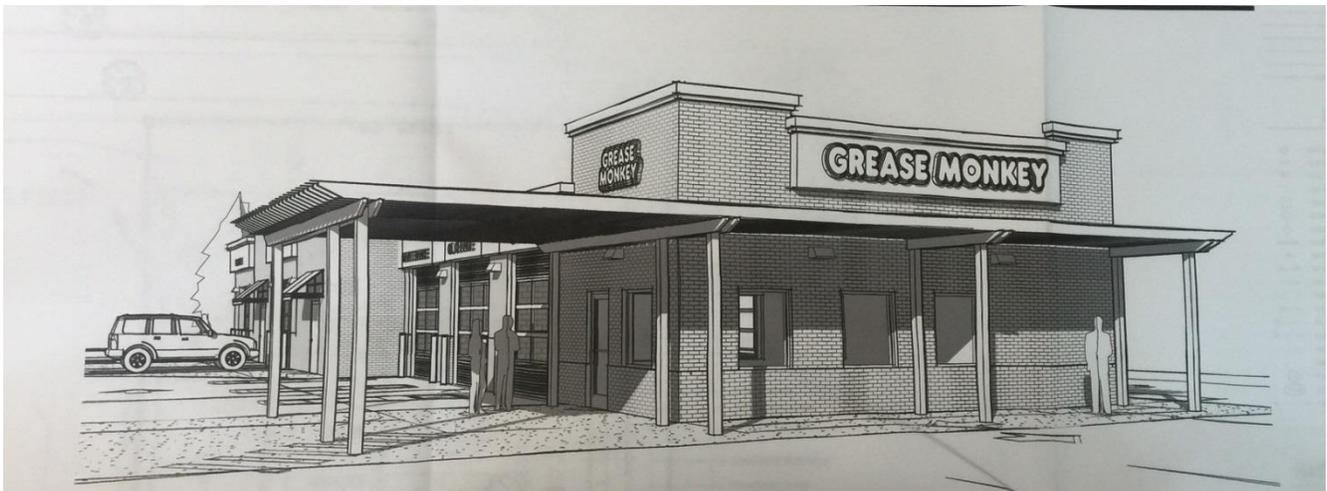
Applicant's Request

The applicant, McHoern, LLC, is requesting a use-by-permit to construct a 4,782 square foot Grease Monkey automotive service facility, which will include light automotive repair operations and two car wash bays. According to the applicant, the proposed use will be focused on basic car care, including

oil changes, transmission work, radiator repairs, and brake service performed in three specifically designed bays. The applicant estimates roughly 25 vehicular customers daily for vehicle repair, and an average of 70 vehicles per day using the two wash bays. Between 7-12 employees are estimated to be employed at the site, and the hours of operation will be between Monday – Saturday 8AM-6PM, and the car wash will be an unmanned 24/7 facility.

The applicant has stated that they are using a number of strategies to offset potential external impacts from the proposed use. They state that the internal site circulation is designed to offset any potential traffic impacts, and allow for vehicles to be serviced through the wash bays and repair bays in an efficient manner. They specify that noise will be controlled with automatic closing of doors to create barriers to noise leaving the property. The applicant also states that the engineered characteristics of the building will prevent cross contamination of materials and fluids flowing out containment areas, and that it will comply with EPA mandated regulations.

Additionally, the applicant states that: *“To meet the local architectural and features we have designed the building to blend into and complement the existing and adjacent properties, with the use of a combination of brick and stucco, and a color scheme that blends with both Walgreens to the west and Taco Bell to the east.”*



Development Review Team Analysis

The Development Review Team (DRT) reviewed the use-by permit request according to the approval criteria for use-by-permits in LDC Section 21-3221. The DRT has also reviewed the accompanying PUD Permit for compliance with all development standards listed in the LDC and specifically outlined in the Hogan PUD, and will be able to issue approval once a use-by-permit is approved by the Board of Adjustment for the subject property. Per the Hogan PUD, proposed uses not specifically listed in the Development Standards table default to uses allowed in a C-2 Zone District. Light automotive repair is allowed in a C-2 zone district with a Use-By-Permit.

The site will have an access point to the south on East 103rd Place which will serve some customer parking and access to the wash bays, and one access point off the private drive to the east which will serve access to the lube bays, the main office, and additional customer parking. The main office will

be situated towards the north of the lot, with the three vehicle repair bays directly south of it, and two automatic vehicle wash bays towards the south end of the lot. As this property is on a prominent commercial lot along 104th Avenue in the northern range, additional measures were taken during the DRT review to ensure architectural design that is complimentary of the development surrounding it, and enhanced landscaping to provide a positive visual impact. As a condition of approval for minor modification case MM-87-17, the site is additionally landscaped above normal standards to include 100% living plant material coverage, which will provide a positive visual impact and adequate screening and visual buffering from parking areas and drive aisles for the wash bays. Additionally, the proposed use is in alignment with the future land use designation for the subject property, and fills a demonstrated market demand for this type of service in the northern range. Currently the only light automotive service facility in the northern range is a Les Schwab Tire Center, which exists on Chambers Rd in the Reunion Marketplace. They conduct tire rotations, oil changes, brake servicing, and other basic vehicle repair services. Additionally, staff is currently reviewing case AU-1745-17, a Use-By-Permit for Christian Brothers Automotive at 15690 E 104th Avenue (Lot 3, Hogan Commercial Subdivision Filing #7), which is also located in the North Range Town Center. If this case is approved, two automotive repair facilities would exist within the North Range Town Center, in addition to the Les Schwab to the north.

The DRT found through its analysis that the potential use will be harmonious with the surrounding development, and any potential external impacts are either non-existent or the applicant has demonstrated adequate mitigation of such impacts. The types of vehicle repair at the proposed grease monkey facility are light in nature, and do not require intense processes or generate noise above a level that would provide negative externalities to the surrounding area. Sound mitigation is also handled with doors for both the shop bays and the car wash, and all repairs will occur indoors in accordance with LDC requirements. The additional landscaping surrounding the property will also provide some sound buffering due to the dense coverage that is proposed in the plans.

Criteria Met?	Sec. 21-3221. Uses-by-Permit	Rationale
<input checked="" type="checkbox"/>	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;	The proposed use by the applicant will not result in a substantial or undue adverse effect on adjacent properties or the character of the surrounding area. The proposed building utilizes the same material types and design of the existing structures in the North Range Town Center, in order to blend in with the area. As a requirement for the minor modification for FAR reduction, the site will be landscaped with 100% living plant material coverage, which will enhance the visual impact of the surrounding vicinity. The site will be adequately parked to serve the use, and any potential impact from noise has been mitigated through additional landscaping and bay doors to prevent a noise barrier.
<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 subject property is the appropriate size and zoning for commercial uses, and the property is large enough (approximately one acre) to accommodate the building, required parking, stacking spaces for the drive-through car wash, and additional landscaped area.

Criteria Met?	Sec. 21-3221. Uses-by-Permit	Rationale
☒	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.	The subject property is adequately served by utilities and services from the city and other governing special districts. This proposed use will not create a demand on city services or resources above or beyond that typically seen with a normal commercial use. With a car wash being a higher intensity water use, the applicant has provided evidence of a bill of sale of the acquisition of additional ERU's deemed adequate to serve the proposed use on the site.
☒	<p>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;</p> <p>There is a proven community need for the use at the proposed location, given existing and proposed uses of a similar nature in the area and of the need to provide or maintain a proper mix of uses both within the city and the immediate area of the proposed use.</p>	<p>The proposed use of the site is in harmony with the general purposes and goals of the comprehensive plan. The future land use plan identifies the subject property for future commercial use, which the proposed use does fit within this category.</p> <p>Additionally, light automotive repair in the Northern Range is currently very limited. While auto part sales stores exist, there are few opportunities for quick lube and basic vehicle servicing in the northern range aside from Les Schwab. This proposed use would fulfil the demand for this service in the area.</p>

Comprehensive Planning Documents

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

Section	Goal	Description
Economic Development	ED 4.1	Support Retail Development: <i>Protect and support the retail sector of the economy, which adds to overall economic diversity and provides identified goods and services to city residents, such as grocery stores, sit-down restaurants, and the like.</i>
Analysis:	The proposed use will be an additional enhancement to the retail sector of the northern range. Specifically, it will add diversity to the retail sector by providing a demanded use that is currently underserved in the area.	
Section	Goal	Description
Land Use and Growth	LU 4.1	Plan Adequate Land for Employment: <i>New development should develop in accordance with the Future Land Use Plan, which includes land to be reserved for employment and commercial development.</i>
Analysis:	The proposed use is in accordance with the "commercial" future land use designation for the North Range Town Center, and will provide retail services demanded in the area, and employment.	
Section	Goal	Description
Redevelopment and Reinvestment	RR 1.2	Northern Range Infill Development Promoted: <i>The city will promote high-quality infill in the Northern Range through tiered phasing of growth.</i>
Analysis:	The proposed development will occur on an infill lot in a primary retail center in the Northern Range, and provide a high level of aesthetic quality through harmonious architecture, and enhanced site landscaping.	

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 **15410 E 104th Avenue** contained in case **AU-1741-17** 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 **15410 E 104th Avenue** contained in case **AU-1741-17** 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 **15410 E 104th Avenue** contained in case **AU-1741-17** because it fails to meet the following criteria of the Land Development Code:

List the criteria not met

