



STAFF REPORT

Board of Adjustment

CASE #AU-1745-17

BOA Date:	August 8, 2017	Planner:	Domenic Martinelli	Phone:	303-289-3670
Location:	15690 E 104th Avenue (Lot 3, Hogan Commercial Subdivision Filing #7)				
Applicant:	Christian Brothers Automotive Attn: Jonathan Wakefield	Owner:	Southwestern Property Corp Mark Campbell		
Address:	17725 Katy Freeway, Suite 200 Houston, Texas 77094	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 one story, 5,069 square foot automotive service facility. The proposed use of the facility will include minor vehicle repair.
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 checked="" type="checkbox"/> Site Plan | |

Background Information

Site Information

Site Size:	1.01 Acres (43,999 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
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	Commercial	Pets R Us Animal Hospital	PUD
East	Open Space	Second Creek Floodplain	AG
West	Commercial	7-Eleven	PUD

Case History

The subject property has one annexation case, one annexation zoning case, one floodplain permit, and two relevant subdivision cases. 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 G")	Approval
FP-28-17	4/2/2007	Floodplain Permit removing the subject property from the Second Creek Floodplain.	Approval
S-672-16	11/23/2017	Hogan Commercial Subdivision Filing 7 (subject property converted from "Tract G" to "Lot 3").	Approval
Z-785-D-343-17	8/8/2017	PUD Permit for Christian Brothers Automotive	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 G." The property was removed from the Second Creek Floodplain in Case FP-28-07, and received a Letter of Map Revision (LOMR) from FEMA certifying the change to the official floodplain map. Case S-672-16 converted the remaining tracts in Hogan into Lots, with the subject property being designated as "Lot 3, Hogan Commercial Subdivision Filing No 7."

Case Z-785-D-343-17 is currently being reviewed by staff as a PUD Permit for the technical site plan and architectural details of the proposed Christian Brothers Automotive Service Facility.

Applicant's Request

The applicant, Christian Brothers Automotive, is requesting a use-by-permit to construct a 5,069 square foot automotive service facility, which will include light automotive repair. 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 nine designed bays. Major repairs such as engine overhauls, body work, and tire capping are not performed on site. The applicant estimates roughly 26-30 vehicular customers daily for vehicle repair. Additionally, the applicant states that vehicles left overnight are stored within the secure shop bays, and not contained outdoors. Twelve employees are estimated to be employed at the site, and the hours of operation will be between Monday – Friday 6:30 AM – 7 PM. The applicant also states that a number of different measures are taken to operate in an environmentally sensitive manner. Automotive fluids are contained and captured on site, and disposed in a way to meet applicable state and federal regulations regarding automotive fluid waste.

Figure 1: Christian Brothers Automotive Building Design (Final product to look visually and aesthetically similar).



Christian Brothers Automotive currently operates in 22 states with 160 total locations, and has existing Denver Area locations in Littleton, Highlands Ranch, Parker, Castle Rock, Lafayette, and Aurora. The company states that they operate based on the idea that automotive service can be an easy and pleasant experience. The buildings are designed to mimic a cottage in design, and the lobby and reception area are designed more closely to represent a doctor's office to make the automotive repair process less threatening to people of all walks of life.

Development Review Team Analysis

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 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.

The site will have one access point to the south on East 103rd Place which will serve some customer parking, lube bays, and the main office. The main office will be situated towards the north of the lot, with nine vehicle repair bays directly south of it. The bays will face west, to reduce visibility and noise from the second creek regional trail. 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. The standard “cottage style” design used by Christian Brothers Automotive meets the matching material styles of the North Range Town Center, and provides an adequate transition from the undeveloped Second Creek Floodplain to the commercial center on 104th Avenue.

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, the Board of Adjustment recently approved case AU-1741-17, a Use-By-Permit for Grease Monkey at 15410 E 104th Avenue (Lot 1, Hogan Commercial Subdivision Filing #7), which is also located in the North Range Town Center. If this case (AU-1745-17) is approved, it would be the second automotive repair facility 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 Christian Brother Automotive center 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. Per LDC Section 21-5271(2), inoperable vehicles are prohibited from being kept or stored outdoors. The applicant has indicated in their narrative that vehicles worked on over multiple days will be placed and locked in a shop bay overnight. It is also their policy to refer vehicles that need major overhauls or are not in safe operable condition to specific specialists, rather than keep the vehicles on site. Sound mitigation is also handled with doors for the shop bays, and all repairs will occur indoors in accordance with LDC requirements.

Additionally, the applicant has provided documentation that demonstrates their compliance with all federal, state, and local regulatory agencies regarding the disposal and management of automotive fluids. Automotive fluids do not run off premises, and are contained in EPA compliant, double hulled, above ground containment vessels.

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. The site will be adequately parked to serve the use.
<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 more than large enough (approximately one acre) to accommodate the building, required parking, and additional landscaped area.
<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.	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.
<input checked="" type="checkbox"/>	<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 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 and the recently approved Grease Monkey. 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>

<u>Section</u>	<u>Goal</u>	<u>Description</u>
<u>Analysis:</u>		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.
<u>Section</u>	<u>Goal</u>	<u>Description</u>
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>
<u>Analysis:</u>		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.
<u>Section</u>	<u>Goal</u>	<u>Description</u>
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>
<u>Analysis:</u>		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 **15690 E 104th Avenue** contained in case **AU-1745-17** 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 **15690 E 104th Avenue** contained in case **AU-1745-17** 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 **15690 E 104th Avenue** contained in case **AU-1745-17** because it fails to meet the following criteria of the Land Development Code:

List the criteria not met