



# STAFF REPORT

## Planning Commission

### CASE #S-652-18

<b>PC Date:</b>	February 6, 2018	<b>Case Planner:</b>	Domenic Martinelli
<b>CC Date:</b>	March 5, 2018		
<b>Location:</b>	8470 & 8510 E 86 <sup>th</sup> Avenue Commerce City, CO 80022		
<b>Applicant 1:</b>	Jesse Aragon	<b>Address:</b>	9551 E. Orchard Drive Greenwood Village, CO 80111
<b>Applicant 2:</b>	Ralph Nance	<b>Address:</b>	5275 Marshall Street #206 Arvada, CO 80002
<b>Owner:</b>	Same as Applicant	<b>Address:</b>	Same as Applicant

### Case Summary

<b>Request:</b>	A rezoning of the properties currently zoned I-2 (Medium Intensity Industrial District and R-1 (Single Family Residential District) to Planned Unit Development (PUD) for industrial uses.
<b>Project Description:</b>	The applicant is requesting to rezone the subject properties from I-2 and R-1 to PUD, allowing specifically for I-2 uses plus salvage operations, outdoor auto repair, and outdoor storage unrelated to the use of a primary business. The applicant is requesting to subdivide the subject property into three lots and two tracts as part of case S-652-18, and is proposing a PUD Permit for administrative approval of existing and planned site improvements as part of case D-291-18.
<b>Issues/Concerns:</b>	<ul style="list-style-type: none"><li>• Internal site navigation</li><li>• Uses for PUD</li></ul>
<b>Key Approval Criteria:</b>	<ul style="list-style-type: none"><li>• I-2 Zone District Standards</li><li>• Sec. 21-3251 PUD Zone Documents</li><li>• Sec 21-5254 Outdoor Storage Requirements</li></ul>
<b>Staff Recommendation:</b>	ApprovalWith Conditions
<b>Current Zone District:</b>	I-2 (Medium Intensity Industrial District), and R-1 (Single-Family Residential District)
<b>Comp Plan Designation:</b>	Industrial/Distribution, and General Industrial

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

- |  |   |
|--|---|
| <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"/> Proposed Plat, Development Plan & PUD Zone Document |
| <input checked="" type="checkbox"/> Applicant's Supplemental Exhibits      |   |

## Background Information

### Site Information

<b>Site Size:</b>	6.9 acres +/-
<b>Current Conditions:</b>	Developed with one industrial building and several individual storage lots.
<b>Existing Right-of-Way:</b>	E. 86 <sup>th</sup> Avenue to the north (to be completely dedicated as part of case S-652-18)
<b>Neighborhood:</b>	Irondale
<b>Existing Structures:</b>	One industrial building and several accessory structures.
<b>Structures to Remain?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<b>Site in Floodplain</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

### Surrounding Properties

Existing Land Use		Occupant	Zoning
<b>North</b>	Industrial	JBS Pipeline Company	I-2
<b>South</b>	Industrial	AAA Waterproofing	I-2
<b>East</b>	ROW	BNSF Right-of-Way	None
<b>West</b>	Industrial	Aerial Equipment Specialists	I-2

### Case History

Case history for the subject property will be broken down by address:

#### 8470 E 86<sup>th</sup> Avenue (Lot 1)

The subject property has four zoning cases, three subdivision cases, one use-by-permit, and one land use plan amendment case on record. The property also has two additional land use cases being processed concurrently with the subdivision request.

<u>Case</u>	<u>Date</u>	<u>Request</u>	<u>Action</u>
AN-7-78	October 2, 1978	Annexation of subject property into Commerce City	<b>Approval</b>
Z-164-78	November 20, 1978	Annexation Zoning from ADCO to R-1	<b>Approval</b>
LUP-17-81	May 4, 1981	Land Use Plan Amendment from Agricultural to Industrial	<b>Approval</b>
Z-268-81	May 4, 1981	Zone Change from R-1 to I-2	<b>Approval With Conditions</b>
S-72-81	September 14, 1981	Subdivision of 4 industrial lots	<b>Approval With Conditions</b>
A-668-83	August 4, 1983	Use-By-Permit for a temporary trailer	<b>Approval With Conditions</b>
S-124-84	September 17, 1984	1 <sup>st</sup> Amendment to the Valentia Industrial Subdivision	<b>Approval With Conditions</b>
Z-268-81-85	September 3, 1985	Amendment of Zoning Conditions	<b>Not Approved</b>
Z-268-81-86	June 9, 1986	Amendment of Zoning Conditions	<b>Approved</b>
S-158-87	August 11, 1987	Convert Illegal Subdivision of Lot 3 to Legal Subdivision	<b>Not Approved</b>
Z-898-11	June 22, 2012	PUD Concept Schematic	<b>Withdrawn</b>
Z-898-18	February 6, 2017	Zone Change from I-2 to PUD	<b>Pending Approval</b>
D-291-18	February 6, 2017	Development Plan for 8470 & 8510 E 86 <sup>th</sup> Avenue	<b>Under Staff Review</b>

#### 8510 E 86<sup>th</sup> Avenue (Lot 2)

The subject property has one annexation case, and one annexation zoning case on record. The property also has two additional land use cases being processed concurrently with the subdivision request.

<u>Case</u>	<u>Date</u>	<u>Request</u>	<u>Action</u>
AN-7-78	October 2, 1978	Annexation of subject property into Commerce City	<b>Approval</b>

<u>Case</u>	<u>Date</u>	<u>Request</u>	<u>Action</u>
Z-164-78	November 20, 1978	Annexation Zoning from ADCO to R-1	Approval
Z-898-12	January 24, 2014	Zone change from R-1 to I-2	Withdrawn
Z-898-18	February 6, 2017	Zone Change from I-2 to PUD	Pending Approval
D-291-18	February 6, 2017	Development Plan for 8470 & 8510 E 86 <sup>th</sup> Avenue	Under Staff Review

The subject property was annexed and zoned to R-1 as part of cases AN-7-78 and Z-164-78. An error in the official Commerce City Zoning map mislabeled the subject property as I-2 for a significant period of time, leading to the property being developed and utilized as industrial. Development Plan case D-291-18 is currently under administrative review, and Z-898-18 is running concurrent with this case.



### **Irondale (General)**

The DRT also felt it was necessary to briefly highlight the early history of Irondale neighborhood, and how it has created platting & development issues over time.

The original Irondale subdivision was platted in 1889 and, named for a foundry (Kibler Stove Works) which opened that year. It employed 200 people and the plant closed in 1893. The subdivision plat consisted of 96 blocks containing 48 lots each and an alley, at widths of 25' intended for residential uses to support employment at the foundry. Until the 1970s, there was little development in the area outside of residential development. However, beginning in the 1970s, with increasing industrial pressure from the south and the close proximity to the railroads, the agricultural land began to be converted to industrial uses.

Because of this history, as large industrial properties have attempted to consolidate the original Irondale lots to fit their needs, there have been numerous inaccuracies with technical platting issues, legal description errors, property line disputes, illegal subdivisions, and lack of public improvements and infrastructure. With the specific case history for these specific properties, the platting efforts proposed with this case will provide adequate cleanup and clarity for this specific area.

## **Applicant's Request**

The applicant is requesting a subdivision plat to consolidate numerous parcels, and remove serious prior platting issues, some which are greater than 100+ years. 8510 E 86<sup>th</sup> Avenue currently has a metes and bounds description, and has never formally been platted, while 8470 E 86<sup>th</sup> Avenue consists of lots from the Valentia Industrial Subdivision. Lot 3 of the Valentia Subdivision was illegally subdivided, and the issue has not been rectified until this application. Proposed lots 1 and 2 will share an access easement through the middle of both properties to facilitate proper internal site navigation, and adequate fire access free of any industrial activities. Lots 1 and 2 will have direct frontage along East 86<sup>th</sup> Avenue, and the proposed lot 3 will have access to East 86<sup>th</sup> avenue via "tract a," which is a permanent access easement. Tract B is to be reserved solely for drainage.

The proposed final plat would create legal and conforming lots consistent with the standards for an I-2 zone district, and would not need any variances in order to achieve conforming statuses. The lot standards within the proposed PUD zone document for case Z-898-18 are derived directly from the I-2 district standards.

## Development Review Team Analysis

The Development Review Team (DRT) has reviewed the requests with the approval criteria for final plats within Article III of the Land Development Code (LDC), and the zone district standards for I-2 zones within Article IV. The following analysis addresses the proposed subdivision and layout, approval criteria for final plats, and the recommendation of city staff based upon the analysis.

Proposed Plat Requirements – Non-Residential			
ISSUE	PROPOSED	CITY STANDARD	MEETS CITY STANDARD?
<b>Access</b>	Lots 1 & 2 will have direct access to East 86 <sup>th</sup> Avenue.	Access to Public Streets Required	Yes
<b>Comprehensive Plan</b>	General Industrial	Industrial Distribution / General Industrial	Yes
<b>Floor Area Ratio (FAR)</b>	Lot 1: 0.097 Lot 2: 0.05	0.05 (I-2 / Proposed PUD Standard)	Yes
<b>Lot Frontage</b>	Lot 1: 325.06' Lot 2: 317.52'	80' (I-2 / Proposed PUD Standard)	Yes
<b>Lot Size</b>	Lot 1: 3.014 Acres Lot 2: 2.631 Acres	8,000 Square Feet (C-3) 30,000 Square Feet (I-1)	Yes
<b>Right-of-Way Dedications</b>	Lot 1: None Lot 2: 30' for E 86 <sup>th</sup> Ave	Adequate ROW	Yes
<b>Total Lots/Tracts</b>	3 Lots, 2 Tracts	N/A	Yes

The DRT reviewed the application for compliance with article VI of the land development code, and the lot standards in article IV for I-2 zone districts. The I-2 zone district requires a minimum lot size of 50,000 square feet, and a minimum lot frontage of 80 feet, which is met by both proposed lots. The lots front onto East 86<sup>th</sup> Avenue, providing access to public right-of-way, and providing proper internal site navigation. The proposed subdivision plat meets all requirements of LDC Section 21-6220 for lots and lot configuration, has adequate vehicular circulation and navigation compliant with Section 21-6260, and meets all other applicable sections of Article VI.

Criteria Met?	Sec. 21-3241. Final Plats or Consolidation Plats	Rationale
<input checked="" type="checkbox"/>	The plat is consistent with any approved land use document;	The proposed plat will be consistent with the lot standards defined within the PUD if approved by city council.
<input checked="" type="checkbox"/>	The plat is consistent with and implements the intent of the specific zoning district in which it is located;	The proposed plat will create two lots intended for industrial uses, which are consistent with the proposed use designations in case Z-898-18.
<input checked="" type="checkbox"/>	No evidence suggests that the plat violates any laws, regulations, or requirements;	No indication has been provided through the development review process that the plat violates any laws, regulations, or requirements.

Criteria Met?	Sec. 21-3241. Final Plats or Consolidation Plats	Rationale
<input checked="" type="checkbox"/>	The general layout of the plat minimizes land disturbance, maximizes open space, preserves existing trees/vegetation and riparian areas, and otherwise accomplishes the purposes and intent of the LDC;	The proposed layout will minimize land disturbances to the greatest extent feasible. As an already developed site, it proposes little risk of harming existing trees / vegetation or open space. It has also been reviewed to ensure that it accomplishes the purpose and intent of the land development code.
<input checked="" type="checkbox"/>	The plat complies with all applicable city standards and does not unnecessarily create lots that make compliance with such standards difficult or infeasible;	The plat complies with the city standards for subdivisions, and standards proposed within the PUD Zone District, creates conforming lots, and the proposed development will not require variances to any bulk standards as a result of this plat.
<input checked="" type="checkbox"/>	The plat will not result in a substantial or undue adverse effect on adjacent properties, traffic conditions, parking, public improvements, either as they presently exist or as they are envisioned to exist in any adopted City plan, program or ordinance	This plat will not result in substantial or undue adverse effects. The plat will allow for improvements to be made to an existing site, for adequate parking to be provided to the site, and comply with all applicable regulations.
<input checked="" type="checkbox"/>	Sufficient public services (utilities, safety, etc) and uses (parks, schools etc) are available to serve the subject property;	Adequate public services are currently available to serve the subject property.
<input checked="" type="checkbox"/>	A development agreement between the city and the applicant has been executed and addresses the construction of all required public improvements; and	A development agreement was not required for this project
<input checked="" type="checkbox"/>	As applicable, the proposed phasing plan for development of the subdivision is rational in terms of available infrastructure capacity.	No phasing plan is proposed for this project.

The DRT also felt it was necessary to briefly highlight the early history of Irondale neighborhood, and how it has created platting issues over time.

The original Irondale subdivision was platted in 1889 and, named for a foundry (Kibler Stove Works) which opened that year. It employed 200 people and the plant closed in 1893. The subdivision plat consisted of 96 blocks containing 48 lots each and an alley, at widths of 25' intended for residential uses to support employment at the foundry. Until the 1970s, there was little development in the area. However, beginning in the 1970s, with increasing industrial pressure from the south and the close proximity to the railroads, the agricultural land began to be converted to industrial uses.



Because of this history, as large industrial properties have attempted to consolidate the original Irondale lots to fit their needs, there have been numerous inaccuracies with technical platting issues, legal description errors, property line disputes, illegal subdivisions, and lack of public improvements and infrastructure. With the specific case history for these specific properties and the various conditions placed on prior subdivisions for the subject properties, the platting efforts proposed with this case will provide adequate cleanup and clarity for this specific area.

The proposal would clean up significant platting issues, rectify a previous illegal subdivision, dedicate adequate right-of-way for East 86<sup>th</sup> Avenue, and provide through connection along East 86<sup>th</sup> Avenue to Xenia Street.

### 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 1a	<b><u>Future Land Use Plan (FLUP) as a Guide:</u></b> Use the Future Land Use Plan (FLUP) to guide development patterns and mix of uses and amendments to the Land Development Code (LDC).
<b><u>Analysis:</u></b>	The FLUP identifies the subject property for both a General Industrial / Industrial Distribution development. The proposed zoning is to create this type of development.	
<u>Section</u>	<u>Goal</u>	<u>Description</u>
Land Use	LU 1d	<b><u>Coordinated Rezoning:</u></b> Coordinate rezoning of multiple parcels together in key locations to implement the coordinated pattern on the FLUP.
<b><u>Analysis:</u></b>	The proposed PUD Zone Document will help the properties redevelop in alignment with the FLUP.	
Appearance and Design	AD 2b	<b><u>Consolidate Properties</u></b> Acquire and consolidate properties in redevelopment areas.
<b><u>Analysis:</u></b>	The proposed development would consolidate small industrial parcels that currently do not abut public right-of-way, and create larger industrial lots that are well suited for redevelopment and reinvestment in the future.	

## Development Review Team Recommendation

Based upon the analysis above, the Development Review Team believes that the application meets the criteria for a Final Plat set forth in the Land Development Code and recommends that the Planning Commission forward the Final Plat 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 Final Plat for the property located at **8470 & 8510 E 86<sup>th</sup> Avenue**, contained in case **S-652-18** meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Final Plat.

### 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 Final Plat for the property located at **8470 & 8510 E 86<sup>th</sup> Avenue** contained in case **S-652-18** meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Final Plat subject to the following conditions:

*Insert Condition(s)*

#### *To recommend denial:*

I move that the Planning Commission enter a finding that the requested Final Plat for the property located at **8470 & 8510 E 86<sup>th</sup> Avenue** contained in case **S-652-18** 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 Final Plat.

#### *To continue the case:*

I move that the Planning Commission continue the requested Final Plat for the property located at **8470 & 8510 E 86<sup>th</sup> Avenue** contained in case **S-652-18** to a future Planning Commission agenda.