



# STAFF REPORT

## Planning Commission

### CASE #S-697-18

<b>PC Date:</b>	March 6, 2018	<b>Case Planner:</b>	Brad Callender
<b>CC Date:</b>	April 2, 2018		
<b>Location:</b>	6091 Dexter Street, Commerce City, CO 80022		
<b>Applicant:</b>	M.J. Cassutt Architects, P.C.	<b>Owner:</b>	Risas Real Estate & Equipment, LLC
<b>Address:</b>	7563 South Salida Court Centennial, CO 80016	<b>Address:</b>	3030 N. Central Ave., Suite 1500 Phoenix, AZ 85012

### Case Summary

<b>Request:</b>	Subdivide one tract into two lots.
<b>Project Description:</b>	The applicant is requesting approval of a subdivision plat to subdivide the subject property into two (2) lots. There are concurrent requests submitted for consideration along with this subdivision plat, including a request for a zone change from I-3 to C-3 under zoning case Z-947-18, a development plan for the proposed dental office under development plan case # D-367-18, and a minor modification request to increase the maximum number of allowable off-street parking spaces by 200% under minor modification case # MM-97-18.
<b>Issues/Concerns:</b>	<ul style="list-style-type: none"><li>Consistency with the Comprehensive Plan and Subdivision Standards</li></ul>
<b>Key Approval Criteria:</b>	<ul style="list-style-type: none"><li>Compliance with the Comprehensive Plan</li><li>Final Plat Approval Criteria</li></ul>
<b>Staff Recommendation:</b>	Approval
<b>Current Zone District:</b>	I-3 (Heavy Intensity Industrial District)
<b>Requested Zone District:</b>	C-3 (Regional Commercial District)
<b>Comp Plan Designation:</b>	Commercial

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

☒ Proposed Final Plat

☒ Vicinity Map

## Background Information

### Site Information

<b>Site Size:</b>	±1.167 acres
<b>Current Conditions:</b>	Vacant and undeveloped
<b>Existing Right-of-Way:</b>	Dexter Street to the east and East 61 <sup>st</sup> Avenue to the north
<b>Neighborhood:</b>	Clermont
<b>Existing Buildings:</b>	None
<b>Buildings to Remain?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Site in Floodplain</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

### Surrounding Properties

<u>Existing Land Use</u>		<u>Occupant</u>	<u>Zoning</u>
<b>North</b>	Industrial	Omega Products International	I-3
<b>South</b>	Commercial	Walgreens and Wendy's	I-3 & C-3
<b>East</b>	Commercial	Parkway Market Center and various fast-food restaurants	C-2 & C-3
<b>West</b>	Industrial	Pacheco Construction Products	I-3

### Case History

The parent tract of the subject property was previously developed as a semi-truck sales operation. The subject property was created from subdividing the parent tract for Walgreens into two (2) lots under case # S-424-04. Buildings associated with the semi-truck sales operation were demolished and removed from the site in 2005.

<u>Case</u>	<u>Date</u>	<u>Request</u>	<u>Action</u>
S-424-04	Oct. 2004	Final plat for Dexter Street Subdivision (Walgreens)	Approval

## Applicant's Request

The subject property was created from subdividing the parent tract for Walgreens into two (2) lots under case # S-424-04. The applicant is requesting subdivision plat approval to subdivide the subject property into two (2) lots. The proposed dental office will occupy the easternmost lot adjacent to Dexter Street.

The proposed final plat creates two (2) lots, which comply with the lot size and bulk standards for the C-3 zoning district. Vehicular access will be from an existing private drive established when the subject property was created in 2004. The right-of-way for the future East 61<sup>st</sup> Avenue will remain north of the site, but will not be constructed as part of this application.

# 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	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.
<b><u>Analysis:</u></b>	The zone change aligns the subject property with the Commercial designation for the site on the Future Land Use Plan.	

<u>Section</u>	<u>Goal</u>	<u>Description</u>
Land Use	LU 2.1	Infill Development Promoted Promote infill development and redevelopment to use utilities and services efficiency, to support multi-modal transportation, to revitalize neighborhoods, and to maintain prosperous businesses. Infill means development on vacant unplatted parcels scattered throughout the city, or in county enclave areas.
<b><u>Analysis:</u></b>	Developing a portion of the subject property for a dental office will enable successful infill development on a vacant parcel.	

<u>Section</u>	<u>Goal</u>	<u>Description</u>
Economic Development	ED 3.2	Reinvestment/Redevelopment of Targeted Areas: This Plan identifies targeted areas for reinvestment and redevelopment, including Clermont, Wembley, the FasTracks Station Site, Derby, and East 104 <sup>th</sup> Avenue infill.
<b><u>Analysis:</u></b>	Through rezoning of the subject property, the applicant will be able to develop the site for a dental office building, bringing additional investment and improvements to the Clermont neighborhood that would not otherwise have been possible.	

The Development Review Team (DRT) also reviewed the application for compliance with the lot standards for the requested C-3 (Regional Commercial District). Specifically, the C-3 zone district requires that all lots with this zoning district have a minimum lot frontage of 20 feet. Lot frontage may include frontage on a private street or drive or platted easement. Lots in the C-3 zoning district have a minimum lot size of 8,000 square feet. The easternmost lot proposed for the dental office has two frontages, with both frontages exceed the minimum 20-foot standard. The westernmost lot also has two frontages along a proposed private drive, with both frontages also exceeding the minimum 20-foot standard. In addition, the proposed lot sizes are 27,065 and 23,740 square feet, which exceeds the minimum lot size required for the C-3 zoning district.

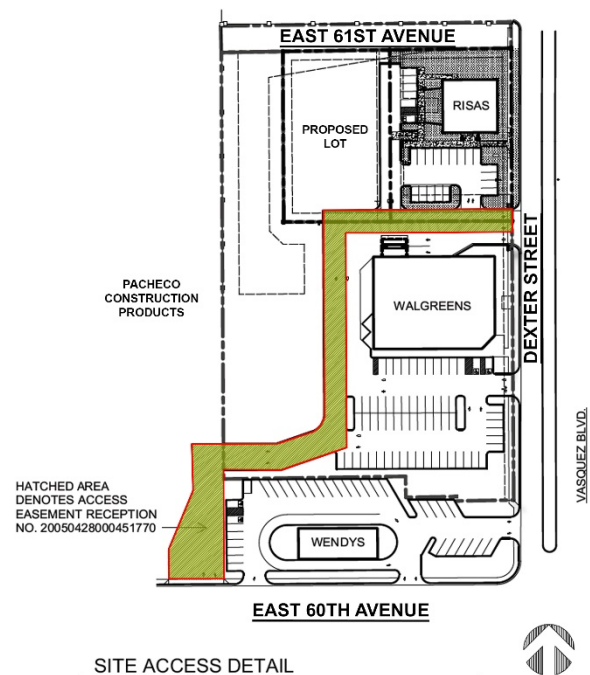
<b>Issue</b>	<b>City Standard</b>	<b>Proposed</b>	<b>Meets Standard?</b>
<b>Lot Size</b>	8,000 Sf	Min. lot size 23,740 Sf	Yes
<b>Lot Frontage</b>	20 feet	434.74 and 272.44 feet	Yes
<b>Lot Access</b>	Access is required to be provided via public street or other approved access	Access to both lots will be via paved access drives	Yes

<b>Street Width</b>	To dedicate and install R-O-W that complies with City standards	No roadway improvements or dedications are required.	Yes
<b>School Land</b>	None for commercial zoning	No dedication needed for commercial zoning	N/A
<b>School Capacity Fee</b>	None for commercial zoning	No fee required for commercial zoning	N/A
<b>Comprehensive Plan</b>	Commercial	Commercial	Yes
<b>Neighborhood Issues</b>	N/A	Staff has received no comments or objections	N/A

Vehicular access to the subject property was established in 2004 when Walgreens subdivided its property into two tracts. As shown in the illustration to the right, a joint access easement serves the subject property and the Walgreens lot from Dexter Street, through the Walgreens lot and neighboring Pacheco Construction property to East 60<sup>th</sup> Avenue.

The Public Works Department has reviewed the proposed plat and has no issues or objections to the existing access locations. The requested final plat approval was referred to a variety of agencies within the City and outside of the City. The referral agencies had no objections or did not provide a response to the referral request.

After reviewing the proposed plat and determining that the lot will meet the minimum lot requirements for the C-3 zone district, as well as analyzing the request against the specific approval criteria for a final plat as shown on the next page, the DRT is recommending that the subdivision plat be approved as proposed.



<b>Criteria Met?</b>	<b>Sec. 21-3241. Final Plats or Consolidation Plats</b>	<b>Rationale</b>
<input checked="" type="checkbox"/>	The plat is consistent with any approved land use document;	The proposed plat is consistent with the lot standards for property that is zoned C-3.

Criteria Met?	Sec. 21-3241. Final Plats or Consolidation Plats	Rationale
<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 (2) lots intended for commercial development, which is consistent with the requested C-3 zoning designation.
<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.
<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 have minimal impact to the land, and has been reviewed to ensure that it accomplishes the purpose and intent of the LDC.
<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 a subdivision, creates two (2) conforming lots in the C-3 zone district, 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;	The plat will not result in substantial or undue adverse effects. The subdivision will not increase the intensity of the use of the property.
<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	Not applicable; a development agreement was not required as part of 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.	Not applicable; there is no phasing plan proposed for this project.

## 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 **6091 Dexter Street** contained in case **S-697-18** 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 **6091 Dexter Street** contained in case **S-697-18** 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 **6091 Dexter Street** contained in case **S-697-18** 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 recommend continuance:*

I move that the Planning Commission continue the requested Final Plat for the property located at **6091 Dexter Street** contained in case **S-697-18**.