



STAFF REPORT

Planning Commission

ORDINANCE #2158

| | | | |
|-------------------|--|----------------------|------------------------|
| PC Date: | October 2, 2018 | Case Planner: | Caitlin Hasenbalg Long |
| CC Date: | October 15, 2018 | | |
| Location: | ` | | |
| Applicant: | City of Commerce City | | |
| Address: | 7887 East 60 th Avenue, Commerce City, CO 80022 | | |

Case Summary

| | |
|-----------------------------|--|
| Request: | Commerce City Staff is requesting a series of minor amendments to the Land Development Code. |
| Project Description: | <p>The Land Development Code (LDC) (Ordinance #1798) was adopted by City Council in January 2009 and went into effect on March 1, 2009. This Land Development Code was a comprehensive update to the Commerce City Zoning Ordinance, which included a wide variety of topics dealing with development and land use, such as application types, zoning districts, use standards, subdivision procedures, design standards and signs. Thousands of items are included within the Land Development Code and overall, the updated code has been a tremendous help to staff and applicants when reviewing development proposals.</p> <p>Since that time, there have been annual amendments to this document to reflect changing development trends and community needs. This year, there are 36 proposed amendments to the LDC in five general categories: additions to the Land Use Table; new definitions; updating various fencing standards; updating various design standards; and clarifying certain processes.</p> |

Staff Recommendation: Approval

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

☒ Proposed Language of Amendments

Background Information

The Land Development Code is a “living document” that acts as a tool to guide future development of a community, protect neighborhoods, focus development, and enhance the environment. As a part of the public review process for the LDC, it was mentioned that the code would be an “on-going work in progress,” and that this document would continually evolve to reflect the needs and desires of the city. To implement this, changes or amendments are implemented periodically.

Since 2010, the Planning Commission and City Council have reviewed and approved a variety of updates to the Land Development Code. Some of these updates are topic specific (floodplain, marijuana, and telecommunications) while others have been general or "housekeeping" in nature, which work to advance the goals and desires of the community.

As a growing community, Commerce City’s needs are constantly evolving and monitoring development regulations helps to ensure that the regulations are relevant and reflect the community’s values. Therefore, future amendments and updates should be expected. Currently, there are no limitations or preclusions related to the number of zoning code amendments that the city may adopt.

Request and Analysis

The Comprehensive Plan adopted in 2010 identifies provisions for regular amendments and updates to the City’s LDC. Therefore, the general concept of regular LDC amendments is supported by the Comprehensive Plan and the specific amendments are compliant with the Comprehensive Plan as identified below.

Comprehensive Plan

The Development Review Team (DRT) believes that the proposed amendments are supported by the following Comprehensive Plan Goals:

| <u>Section</u> | <u>Goal</u> | <u>Description</u> |
|-------------------------|---|---|
| Land Use and Growth | LU 2b | Land Development Code (LDC) Amendments/Focus Areas: Consider code amendments in Focus Areas that address infill development potential, including: (a) Change dimensional standards to promote contextually-based infill development (e.g. to fit traditional lot sizes and current setbacks, and building massing); (b) Provide flexibility for infill development (e.g. parking requirements, open space set aside, and setbacks). Current standards may not be appropriate for infill in traditional neighborhoods or mixed-use projects. |
| <u>Analysis:</u> | Many of the amendments that are proposed take into account the unique needs of infill development, and some of the unique situations within Commerce City, such as updating standards for fencing, screening, and outdoor storage. | |
| <u>Section</u> | <u>Goal</u> | <u>Description</u> |
| Economic Development | ED 3 | <u>Recruit New Employment and Commercial Development:</u> Attract and promote new commercial and employment uses to the Historic City that will provide jobs and services for residents and revenues for city operations. The city will reserve undeveloped lands for future commercial and employment activities, as designated on the Future Land Use Plan. |
| <u>Analysis:</u> | With the addition of new uses to the Land Use Table, the city will increase the number of potential uses that can occur in the city. These additions include arts and cultural uses, artisan/handcrafted manufacturing, and allowing more industrial uses by right. | |
| <u>Section</u> | <u>Goal</u> | <u>Description</u> |

| <u>Section</u> | <u>Goal</u> | <u>Description</u> |
|--------------------------------|---|---|
| Redevelopment and Reinvestment | RR 2e | LDC Assessment/Amendment: Assess effectiveness of parking and other standards for this Plan's goals. Amend as necessary. |
| <u>Analysis:</u> | Many of the amendments being proposed are intended to encourage additional reinvestment in the city. Some examples are amendments designed to give greater flexibility in parking requirements, updates to fencing standards to better match real-life site conditions, and simplification of requirements for certain industrial uses. | |

Comprehensive Plan Summary:

The City's adopted Comprehensive Plan is intended to be a guiding document that articulates the City's long-term vision. One of the tools the City uses to implement this vision is the Land Development Code (LDC). The LDC outlines development processes, development regulations, and subdivision regulations. In order to ensure that the LDC continues to meet the needs of the community and reflect the City's long-term vision, the Comprehensive Plan encourages regular amendments to the LDC.

Identifying LDC Amendments:

Potential amendments to the LDC are identified in a variety of ways. Some amendments are identified through the development review process, some are identified through the building permit review process, some are identified through our industry's "best practices", and some are identified by the community. When a potential amendment has been identified, staff adds the item to a list for future consideration. Once there are enough amendments under consideration, staff conducts an internal review process to determine which amendments will be carried forward for consideration by the Planning Commission and the City Council.

Request:

The 36 proposed amendments for 2018 can generally be characterized into five categories: definitions; design standards; fencing; land use table; and process clarification. The new and amended definitions add terms to the code that do not currently exist, and update others to better differentiate them from other uses or to align with state or industry regulations. The design standard amendments pertain to the physical appearance of development, including simplifying screening requirements for mechanical equipment and outdoor storage, updating standards for driveway widths, and providing greater flexibility in parking requirements, among others. The fencing amendments address widespread community concern with setbacks and height for side and rear yards along public rights-of-way and add a new courtyard wall section to provide standards for the outdoor living trend. The updates to the Land Use Table include addition of land uses which are not currently listed but which staff feels are appropriate for Commerce City, and revisions to some existing industrial uses to expand the areas in which they are allowed by right. Some of these new land uses will also have supplemental regulations regarding their operations, which will be contained in Article V of the LDC. The process clarification amendments are intended to ensure consistency throughout the code and simplify how certain processes are handled, such as revocation of approvals.

Table of Proposed Amendments:

| Category | # | Topic | Proposed Change | LDC Section |
|-------------------------|-----------|--|--|---------------------|
| Definitions | 1 | Arts and Cultural Uses | Add definition, including galleries, theaters, fine arts studios, performance space, museums, etc. | 21-11200 |
| | 2 | Artisan/Handcrafted Manufacturing | Add definition for handmade products | 21-11200 |
| | 3 | Bulk Grain Transfer | Add definition for transfer of grain from one truck to another | 21-11200 |
| | 4 | Day Care Home | Change title to Family Child Care Home, update maximum number of children from 7 to 12 | 21-11200, Table V-1 |
| | 5 | Distribution Center | Add definition to distinguish distribution uses from transportation terminals. | 21-11200 |
| | 6 | Material Piles | Add definition, including dirt, gravel, mulch, etc. Exclude metal, salvage, garbage, etc. | 21-11200 |
| Design Standards | 7 | Surface for outdoor storage yards | Add subsection requiring recycled asphalt to be consistent with other sections of LDC. | 21-5254 |
| | 8 | Outdoor Storage screening requirements | Simplify screening requirements for easier review and enforcement | 21-5254 |
| | 9 | Material quality for sheds | Add to standards that sheds must be constructed of finished materials suitable for exterior use | 21-5450 (Table V-4) |
| | 10 | Electric Vehicle (EV) parking incentive | Clarify that parking spaces dedicated for charging EV do not count toward maximum parking count | 21-7237 |
| | 11 | Criteria for Parking Reduction | Reduce number of criteria which must be met for greater flexibility | 21-7238 |
| | 12 | Rooftop Equipment screening | Simplify screening requirements for easier review and enforcement | 21-7602 |
| | 13 | Maximum garage size | Fix discrepancy between Accessory Structures and Single Family Development standards. | 21-7622 |
| | 14 | Single-family driveway width | Increase maximum driveway width for homes with 3+ car garages from 24 feet to 30 feet. | 21-7205 |
| | 15 | Eliminate driveway transition | Remove section requiring tapered transition | 21-7205 |
| | 16 | Single-family electrical upgrades exempt from undergrounding | Do not require undergrounding for existing homes which upgrade to meet current code. | 21-7220 |
| Fencing | 17 | Materials for combination-style fences | Allow additional decorative materials than just metal. | 21-7730 |
| | 18 | Fencing for vacant properties | Allow chain link or similar transparent fencing with front setback the same as a primary structure | 21-7732 |

| | | | | |
|----------------|----|--|---|------------------------|
| | 19 | Reduce restrictions for residential side and rear yards along right-of-way | Reduce setback from 5 feet to 30 inches, allow screen style if 5 feet in height or open style if 6 feet in height | 21-7732 (Table VII-21) |
| | 20 | Increase height for public properties along right-of-way | Increase maximum allowed height from 6 feet to 8 feet. | 21-7732 (Table VII-21) |
| | 21 | Simplify approval process for gate setback reduction | Allow City Engineer to review and approve reductions to gate setbacks | 21-7732 (Table VII-21) |
| | 22 | Allow courtyard walls | Add new standards for outdoor living areas enclosed by courtyard walls | 21-7736 |
| Land Use Table | 23 | Arts and Cultural Uses | Allow by right in C-1, C-2, C-3, MU-1, I-1, I-2, I-3, PUBLIC | Table V-1 |
| | 24 | Artisan/Handcrafted Manufacturing | Allow by right in C-1, C-2, C-3, MU-1, I-1, I-2, I-3, PUBLIC | Table V-1 |
| | 25 | Bulk Grain Transfer | Allow with Use-by-Permit in I-2 and by right in I-3, with supplemental regulations | Table V-1, 21-5223 |
| | 26 | Construction Crane Storage | Use by right in I-3, with outdoor storage supplemental regulations | Table V-1, 21-5254 |
| | 27 | Hazardous Materials | Add supplemental regulations for CUP in I-3 for uses requiring hazardous occupancy under building/fire codes. | 21-5239 |
| | 28 | I-1S Zone District | Add existing I-1S Zone District to Land Use Table for greater clarity of allowed uses. | Table V-1 |
| | 29 | Material Piles | Allow pile heights greater than 8 feet with CUP in I-2 and I-3, with outdoor storage supplemental regulations | Table V-1, 21-5254 |
| | 30 | Metal Manufacturing uses | Update land uses to better align with NAICS industry descriptions, allow more by right in I-3 with Hazardous Materials supplemental regulations | Table V-1 |
| | 31 | Small Cell Telecommunications | Update existing standards for placing facilities on existing pole structures, add new standards for placing new poles in the right-of-way | 21-5606, 21-5607 |
| | 32 | Strengthen Floodplain Development Permit approval criteria | Add criterion to encourage maintaining existing natural floodplain landscape and wildlife habitat. | 21-3213 |
| Processes | 33 | Discrepancy in administrative landscape reductions | Refer to Minor Modification process instead of Variance process. | 21-3215 & 21-7561 |
| | 34 | Streamline easement vacation process | Allow active easements to be vacated administratively instead of by ordinance | 21-3233 |
| | 35 | Purpose of Height Exceptions | Add paragraph describing when and why to use height exception process | 21-3220 |
| | 36 | Revocations when approval no longer needed | Allow revocation if development does not occur as approved in plans or permits, and allow hearing officer to hear administrative revocations | 21-3410 |

Study Sessions:

On February 6, 2018, staff held a study session with Planning Commission to discuss the proposed amendments. During the course of this study session, Planning Commission expressed their support for the proposed amendments, and encouraged arts and cultural uses and artisan/handcrafted manufacturing to be allowed in all non-residential zone districts.

On June 11, 2018, staff held a study session with City Council to discuss the proposed amendments, with the feedback from Planning Commission incorporated. City Council expressed their support for the proposed amendments and did not have any changes.

Summary:

Staff has proposed these minor amendments to the Land Development Code based on their ability to implement the City's Comprehensive Plan and positively impact the community. These amendments are intended to better meet the needs of the community by ensuring that the code is clear, consistent, and modern. Therefore, the DRT is recommending that Planning Commission forward a recommendation of approval to City Council for the 2018 minor amendments to the LDC.

Development Review Team Recommendation

Based upon the analysis above, the Development Review Team recommends that the Planning Commission forward the requested amendments to the LDC to the City Council with a recommendation of approval.

Recommended Motion

To recommend approval:

I move that the Planning Commission recommend that City Council approve Ordinance #2158, an ordinance amending the Commerce City Land Development Code.

Alternative Motions

To recommend approval subject to condition(s):

I move that the Planning Commission recommend that City Council approve Ordinance #2158, an ordinance amending the Commerce City Land Development Code subject to the following conditions:

Insert Condition(s)

To recommend denial:

I move that the Planning Commission recommend that City Council deny Ordinance #2158, an ordinance amending the Commerce City Land Development Code because it fails to meet the following criteria:

List the criteria not met

I further move that, based upon this finding, the Planning Commission recommend that the City Council deny Ordinance #2158.