



STAFF REPORT

Board of Adjustment

CASE #AU-1746-19

BOA Date:	March 12, 2019	Planner:	Robin Kerns	Phone:	303-289-3693
Location:	15521 E. 104th Ave. (Lot 6, 2nd Creek Village), Commerce City, CO 80022				
Applicant:	Brakes Plus Inc.	Owner:	Thompson Thrift Dev.		
Address:	6911 S. Yosemite St. Centennial, CO 80112	Address:	3131 E. Camelback Rd. #115 Phoenix, AZ 85016		

Case Summary

Request:	The applicant is requesting the approval of a Use-by-Permit for Vehicle Repair, minor.
Project Description:	The applicant is proposing to construct a one story, 4,914 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.*

<input checked="" type="checkbox"/> Applicant's Use Narrative	<input checked="" type="checkbox"/> Vicinity Map
<input checked="" type="checkbox"/> Applicant's Use Narrative Addition	<input type="checkbox"/> Neighborhood Meeting Notes
<input checked="" type="checkbox"/> Site Plan	<input type="checkbox"/>
<input checked="" type="checkbox"/> Development Review Team Recommendation	<input type="checkbox"/>

Background Information

Site Information

Site Size:	0.936 Acres (40,772 Square Feet)
Current Conditions:	The site is currently undeveloped
Existing Right-of-Way:	E 104th Avenue to the South (Private Internal Drive to North – Under Construction)
Neighborhood:	Second Creek Village
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	Private Internal Drive	PUD
South	Right-of-Way	E. 104 th Avenue	ROW
East	Commercial	TBD	PUD
West	Commercial	Panda Express	PUD

Case History

The subject property has two annexation cases, one annexation zoning case, 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-174-02	11/3/2003	Annexation of 56 Acres	Approval
AN-198-06	11/3/2003	Annexed remaining 3 Acres	Approval
Z-770-02	4/10/2007	Rezoned property from ADCO to Commerce City PUD	Approval
Z-770-02-06	4/2/2007	Amended the PUD to include newly annexed 3 Acres	Approval with Conditions
S-688-17	11/09/2017	Consolidated multiple existing properties	Approval
S-708-18	7/10/2018	Subdivided Commercial Area	Approval
Z-770-D-416-19	TBD	PUD Permit for Brakes Plus Automotive	Under Staff Review

Cases AN-176-03 & AN-198-06 and cases Z-770-02 & Z-770-02-06, effectively annexed and zoned the entire Second Creek Village property located on the northeast corner of E. 104th Ave. and Chambers Road, which includes both Residential and Commercial land areas. Case S-688-17 was the first filing of the Second Creek Village Subdivision, which consolidated many older, pre-existing lots into 2 lots and 1 Tract; 1 Lot for Residential Use, 1 Lot for Commercial Use, and 1 Tract containing the 2nd Creek Floodplain. Case S-708-18 subdivided the 1 Commercial Lot into 7 Lots and 1 Tract, which includes the subject Lot 6 of the Second Creek Village Amendment No. 1.

Case Z-770-D-416-19 is currently being reviewed by staff as a PUD Development Permit for the technical site plan and architectural details of the proposed Brakes Plus Automotive Service Facility.

Applicant's Request

The applicant, Brakes Plus Inc, is requesting a use-by-permit to construct a 4,914 square foot automotive service facility, which will include light automotive repair. According to the applicant, 85% of their services are Oil Changes, Brakes, Alignments, and Front End Parts Replacement such as shocks and struts, which will be performed in eight (8) designed bays. Major repair services such as engine overhauls, body work, and tire capping are not offered. Furthermore, they sell batteries, filters, and complete other minor parts replacements. Typically, most all of their services are completed in three to four hours. The applicant estimates roughly 20-25 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. Seven to Ten employees are estimated to be employed at the site, and the hours of operation will be between Monday – Friday 8 AM – 6 PM, Saturday 8 AM – 5 PM, and closed on Sundays. The applicant also states that Brakes Plus has the clean modern facilities and state-of-art equipment, and that they operate based on the idea that they deliver high-quality technology and unparalleled customer service.

Development Review Team Analysis

Per the Second Creek Village PUD, all commercial uses shall comply with the requirements specified in the C-2 Commercial District Chapter of the City of Commerce City Zoning Ordinance. 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 Second Creek Village 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 main access point to the north, onto Private Street A, and also allow for a cross-access easement to the west for circulation purposes associated with the adjacent Panda Express restaurant. The main office will be situated towards E. 104th Ave., with eight vehicle repair bays on the east side of building. 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 design used by Brakes Plus meets the Design Guidelines established for the overall Second Creek Village “Marketplace” commercial area.

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 rapidly growing northern range market. Currently the other light automotive service facilities in the northern range are; the Les Schwab Tire Center, which exists in the Reunion Marketplace, and a Grease Monkey and Christian Brothers Automotive center in the North Range Town Center. The Board of Adjustment recently approved case AU-1741-17, a Use-By-Permit for Grease Monkey, and case AU-1745-17, a Use-By-Permit for Christian Brothers Automotive which are both located south of the subject property in the North Range Town Center. If this case (AU-1746-19) is approved, it would be the only automotive repair facility within the Second Creek Village “Marketplace” commercial area.

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 Brakes Plus 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. The bay doors face east towards a landscape buffer and future adjacent commercial. Per LDC Section 21-5271(2), inoperable vehicles are prohibited from being kept or stored outdoors. The applicant has indicated that they do not store inoperable vehicles outside. If they do keep a vehicle overnight it will be kept inside the building for work to be completed the following morning. 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 stated that they comply with all federal, state, and local regulatory agencies regarding the disposal and management of automotive fluids.

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 site lighting meets LDC requirements. The proposed building utilizes the same material types and colors allowed by the Second Creek Marketplace Design Guidelines, 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>In addition, with rapid population growth in the Northern Range and a high rate of vehicle use,</p>

Criteria Met?	Sec. 21-3221. Uses-by-Permit	Rationale
		there is a strong demand for light automotive repair service. While auto part sales stores and services exist, there are limited opportunities for quick lube and basic vehicle servicing in the growing Northern Range. This proposed use would help fulfil the demand for this service in the area.

Comprehensive Planning Documents

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

<u>Section</u>	<u>Goal</u>	<u>Description</u>
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>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 Second Creek Village commercial area, 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 in a primary retail center in the Northern Range, which created individual pad sites for phased infill development. The overall development is designed to 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 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 **15521 E 104th Avenue** contained in case **AU-1746-19** 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 **15521 E 104th Avenue** contained in case **AU-1746-19** 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 **15521 E 104th Avenue** contained in case **AU-1746-19** because it fails to meet the following criteria of the Land Development Code:

List the criteria not met