



# STAFF REPORT

## Planning Commission

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### CASE #Z-948-19

<b>PC Date:</b>	April 2, 2019	<b>Case Planner:</b>	Domenic Martinelli
<b>CC Date:</b>	May 6, 2019		
<b>Location:</b>	8600 Verbena Street Commerce City, Colorado 80022 AND Parcels 172128106002 and 172128106006		
<b>Applicant:</b>	James & Kathy Parent JBS Pipeline Company	<b>Owner:</b>	Same
<b>Address:</b>	8600 Verbena Street Commerce City, CO 80022	<b>Address:</b>	Same

### Case Summary

<b>Request:</b>	The applicant is requesting the approval of a zone change from AG to I-2
<b>Project Description:</b>	The applicant is requesting to rezone the two unaddressed parcels from AG to I-2, and consolidate them with the lot zoned I-2 at 8600 Verbena Street. The proposed use will be a continuation of the existing construction contractor use and vehicular storage, which is the current use on the existing property at 8600 Verbena.
<b>Issues/Concerns:</b>	Compatibility with future development in the area Compliance with industrial development standards
<b>Key Approval Criteria:</b>	I-2 Zone District Standards LDC Section 21-5254 Outdoor Storage Requirements
<b>Staff Recommendation:</b>	Approval
<b>Current Zone District:</b>	Existing Property: I-2 (Medium Intensity Industrial District) Proposed properties to be consolidated: AG (Agricultural District)
<b>Comp Plan Designation:</b>	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"/> Site Plan                              |  |

## Background Information

### Site Information

<b>Site Size:</b>	2.6 Acres
<b>Current Conditions:</b>	8600 Verbena Street is currently developed as a construction contractor and outdoor storage yard. The two lots to be rezoned are currently undeveloped.
<b>Existing Right-of-Way:</b>	Verbena Street (West), E 86 <sup>th</sup> Avenue (South)
<b>Neighborhood:</b>	Irondale
<b>Existing Buildings:</b>	Yes
<b>Buildings to Remain?</b>	<input checked="" type="checkbox"/> Yes <input 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>	Agricultural	Horse Training	AG
<b>South</b>	Industrial	Various Industrial Uses	PUD
<b>East</b>	Residential	Private Residences	AG
<b>West</b>	Undeveloped	Undeveloped	ADCO

### Case History

<u>Case</u>	<u>Date</u>	<u>Request</u>	<u>Action</u>
AN-07-78	8/7/1978	Annexation of the subject property	<b>Approval</b>
Z-164-78	11/20/1978	Annexation zoning of the subject property to AG	<b>Approval</b>
LUP-53-09	7/6/2009	Land use plan amendment	<b>Approval</b>
AV-1704-12	5/18/2012	Several variances to the industrial development standards	<b>Approval with Conditions</b>
Z-885-13	12/16/2013	Zone change from AG to I-2	<b>Approval</b>
S-564-13	12/16/2013	Subdivision to formally plat the subject property.	<b>Approval</b>
D-188-14	1/7/2014	Development plan for construction contractor and outdoor storage	<b>Approval</b>
S-705-19	In Progress	Consolidation plat to combine two adjacent lots with the existing property zoned I-2	<b>In Progress</b>
D-383-19	In Progress	Development plan to expand the existing use on two adjacent parcels	<b>In Progress</b>

#### AN-7-78:

On August 7, 1978, the City of Commerce City approved the annexation of the subject property along with several others in this area.

#### Z-164-78:

On November 20, 1978, the City of Commerce City zoned the subject property to an Agricultural designation subsequent to its annexation in AN-7-78.

#### LUP-53-09:

On July 6, 2009, the City of Commerce City approved a land use plan amendment to change the future land use designation of the subject property from a light industrial designation to a general industrial designation.

#### AV-1704-12:

On May 8, 2012, the Board of Adjustment approved several variances to the industrial development standards for the subject property. These variances were approved with the condition that a subdivision, development plan, and zone change were completed for the subject property (which they were).

#### Z-885-13:

On December 16, the City of Commerce City zoned the western property from AG to I-2, subject to no conditions.

#### S-564-13:

On December 16, the City of Commerce City approved a subdivision to formally plat the western property.

#### D-188-14:

On January 7, staff administratively approved a development plan for the subject property to allow for a construction contractor use and associated outdoor storage.



#### Irondale Overview

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.

In large part, this area remains platted similar to how it was in 1889 and the lack of development in the area from the late 1890's to the early 1970's has left the area with substandard infrastructure. The combination of platting issues (in terms of inadequate right-of-way for industrial development and property that has been consolidated outside of the plat process) coupled with inadequate infrastructure makes development in this area generally difficult.

## **Applicant's Request**

The applicant is requesting to re-zone two undeveloped parcels located to the east, from AG to I-2, and consolidate them with the existing business located at 8600 Verbena Street.

JBS is a commercial pipeline construction company that has been operating at this site since 2008. Currently, the site has a 2,000 square foot office building, a 3,200 square foot storage building to ensure the security of small tools and equipment, and is in the process of adding a 1,200 square foot office addition in between the two existing buildings. The rest of the site is used for the parking of

construction equipment and the outdoor storage of materials that JBS uses at job sites. JBS generally operates at this location between 7am and 5pm Monday thru Friday and while JBS employs 25-30 people, the vast majority of those individuals do not travel to this location on a daily basis as they generally report directly to the job site. The JBS operations that have been described are consistent with the city's future land use designation of the subject property (General Industrial) and are allowed "by right" within the requested I-2 zoning designation.

The approval of the requested zone change will also allow JBS to consolidate the two undeveloped parcels to the east into the existing property, and expand their existing use. Additionally, JBS will be modifying their existing Public Improvement Agreement to expand their improvements along the E 86<sup>th</sup> Avenue frontage that will be added to the subject property with the consolidation plat and rezoning (at such time as the city determines those improvements will be necessary).

## **Development Review Team Analysis**

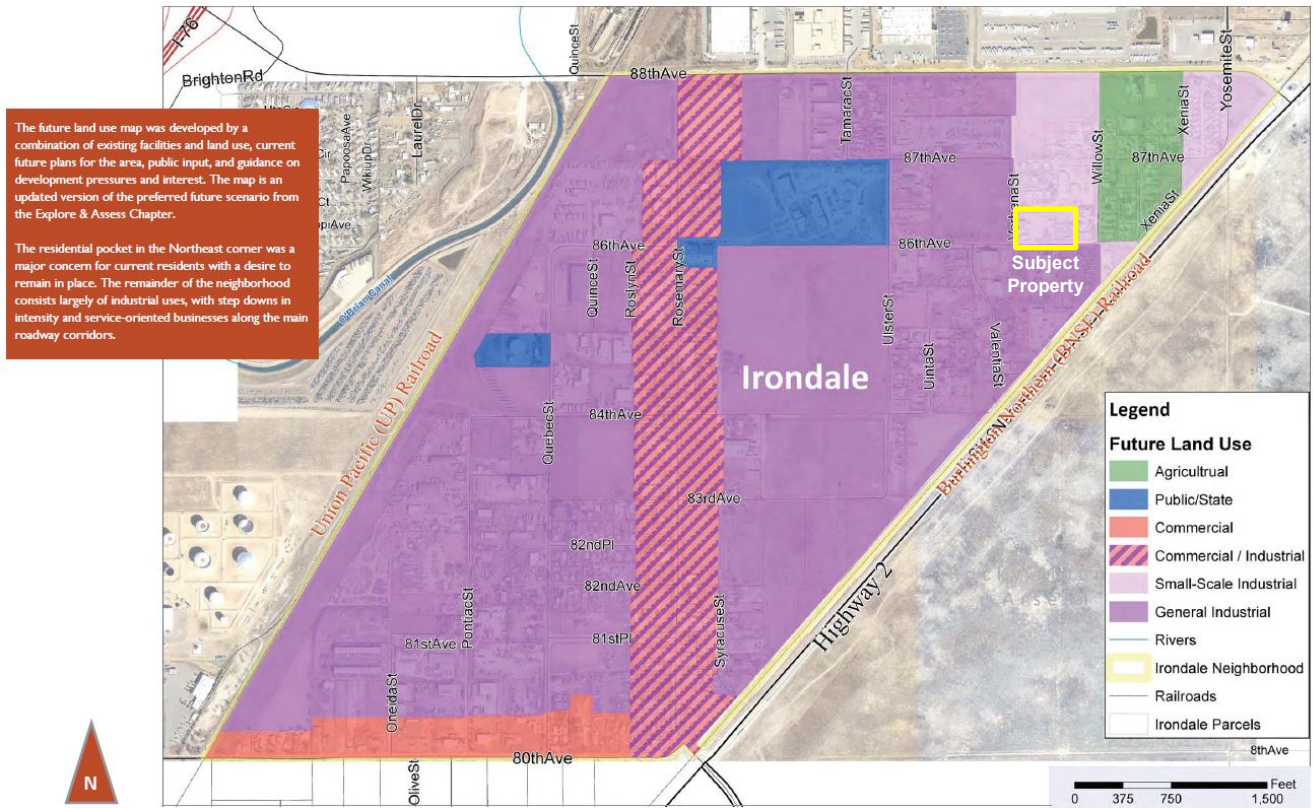
The Development Review Team (DRT) has reviewed the requests with the criteria for I-2 (Medium Intensity Zone Districts) within Article III and IV of the Land Development Code (LDC). The following analysis addresses the proposed uses & requirements, approval criteria, and the recommendation of city staff based upon the analysis.

### **Proposed Uses**

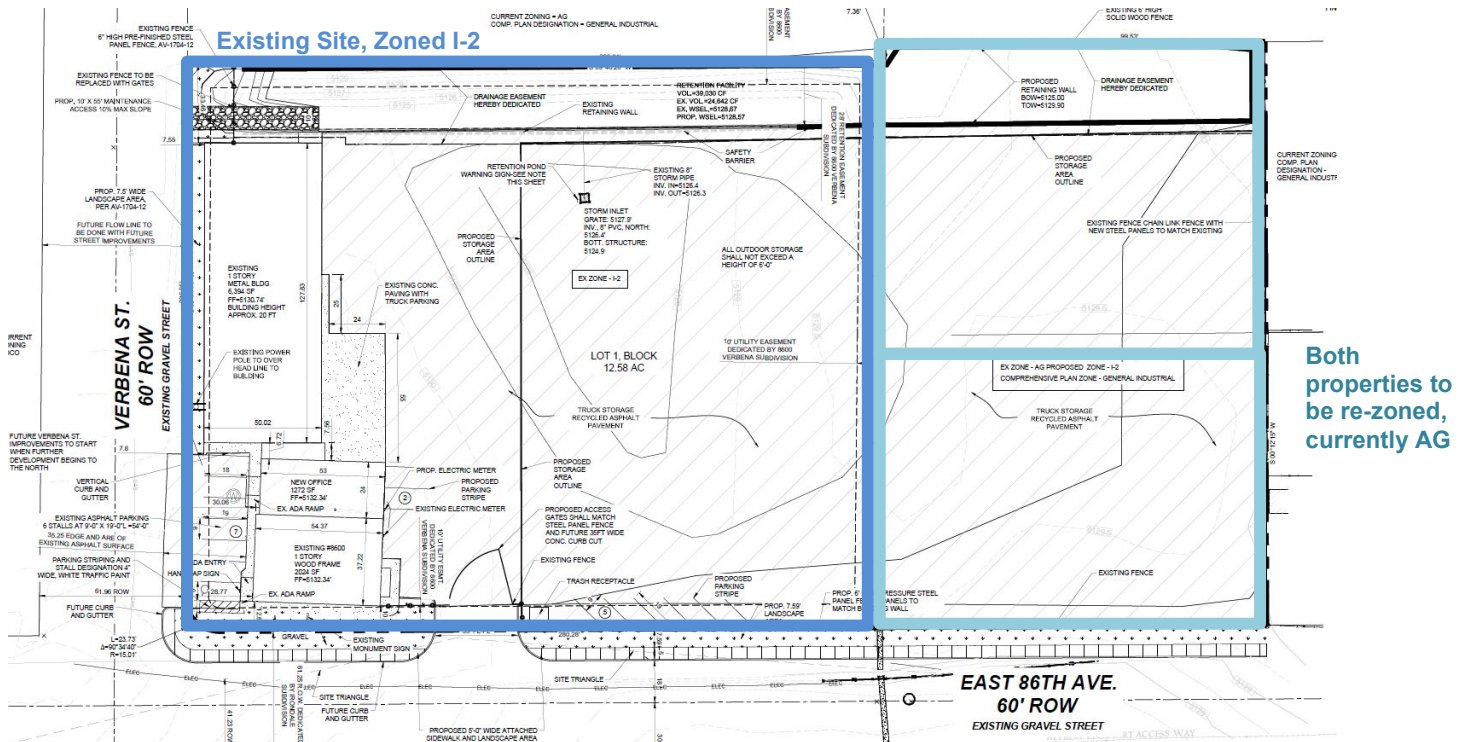
The applicant is not proposing any additional uses outside of what is currently occurring on the subject property. The applicant will be expanding the existing construction contractor and associated outdoor storage onto the two new properties to the east (totaling 0.96 additional acres), along with subsequent improvements to the property that are being reviewed as part of case D-188-19.

### **Comprehensive Plan & Irondale Neighborhood Plan**

The year following the applicant's land use plan amendment approval to general industrial, the city adopted its current comprehensive plan, which defined the majority of the surrounding properties as "general industrial" within the city's future land use map. In 2018, the city adopted the Irondale Neighborhood and Infrastructure Plan, which adopted a variety of changes to the future land uses in the Irondale neighborhood. It changed the future land use designation for the subject property to Small Scale Industrial, which is defined as a variety of warehouse, wholesale, office, and limited low impact industrial uses. The plan did allow for existing permitted uses to continue, and the proposed expansion of the existing JBS pipeline facility is harmonious with the desire of this area for limited low impact industrial use.



## Existing + Proposed Development Plan



An administrative development plan (D-383-19) is currently in process with this request. The extent of the improvements that are proposed with the development plan are surfacing the newly incorporated properties with recycled asphalt (per requirements in LDC Section 21-7242(3) for outdoor storage

surfacing), extending the existing landscaping along the E 86<sup>th</sup> Avenue frontage, and including the addition to the office.

The property is generally used as a pipeline construction contractor's office and storage yard. The western portion of the site has an existing 2,000 square foot office building, and a 3,200 square foot storage building on the western portion of the site along the Verbena street right-of-way. The applicant is also planning to add an additional 1,200 square foot office addition in between the two existing buildings. 7 existing customer and employee parking spaces are located at the southwest corner of the site, and back out onto Verbena Street. The remainder of the site is used for the parking of construction equipment and the outdoor storage of materials that JBS uses at job sites. Access to this area is located directly to the east of the main office with a gate located on E 86<sup>th</sup> Avenue. This portion of the site is screened with an opaque screening fence and surfaced with recycled asphalt. The two new parcels that are to be consolidated with the existing site will be updated to have these same improvements.

Under the existing Public Improvements Agreement, the applicant will be required to construct ½ of the city's minor collector roadway (including sidewalk, street lights, drainage, & right-of-way landscaping) along the full length of the property boundaries on E 86<sup>th</sup> Avenue and Verbena Street at the time the city deems necessary. The existing PIA is currently being updated to include the new property frontage along E 86<sup>th</sup> Avenue that will be included as part of the consolidation plat.

### **Summary**

Overall, the DRT believes that the proposed zone change, and expansion of the existing use is compatible with the surrounding area, and the adopted comprehensive plan and Irondale neighborhood plan. The proposed changes to the site are relatively minor in scope, and should not generate significant impacts to the surrounding area. The proposed expansion would be a positive for the city, since it is allowing an existing business to expand.

Criteria Met?	Sec. 21-3232. Rezoning or Zone Changes	Rationale
<input type="checkbox"/>	The change corrects a technical mistake by the city.	Not Applicable
	<b>OR</b>	
<input checked="" type="checkbox"/>	The change is consistent with any City adopted plans for the area;	The proposed rezoning to I-2 for the two adjacent parcels to the east is consistent with the existing property, the city's comprehensive plan and future land use plan, and the recently adopted Irondale Neighborhood Plan.
<input checked="" type="checkbox"/>	The change is compatible with proposed development, surrounding land uses and the natural environment;	The proposed rezoning allows for the expansion of a legal, existing operation, and conforms to the general character of the surrounding neighborhood.
<input checked="" type="checkbox"/>	There is, or will be, adequate public services, (water, sewerage, streets, drainage, etc.);	Adequate water & sewer currently exist on the site, and the applicant is modifying the existing Public Improvements Agreement to ensure adequate public services will be provided to the new area that will be incorporated into the larger site.

Criteria Met?	Sec. 21-3232. Rezoning or Zone Changes	Rationale
<input checked="" type="checkbox"/>	There is, or will be, adequate public uses (parks, schools, and open space);	There are no public spaces required to be dedicated as part of this development.
<input checked="" type="checkbox"/>	The change is needed to provide/maintain a proper mix of uses in the area/City;	The proposed rezoning is consistent with the future land use plan and the recently adopted Irondale Neighborhood Plan, which ensures a proper mix of uses and conformance with the overall vision for the Irondale neighborhood.
<input checked="" type="checkbox"/>	The area for which the change is requested has changed/is changing and it is in the public interest to allow a new use or density.	This specific area of Irondale is designated for medium intensity industrial development, and the proposed rezoning is consistent with the city's plans, and the existing use that is occurring on the existing site. Therefore, it is in the city's interest to rezone this property to the requested I-2 designation.

### Comprehensive Plan

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

Section	Goal	Description
Land Use and Growth	LU 1	<u>Maintain a balanced mix of land uses citywide and within Strategic Planning Areas:</u> Commerce City growth will occur in a manner that maintains a city-wide balanced mix of jobs and housing, and that achieves additional jobs, retail, and services.
<b>Analysis:</b>	The proposed use will help further this goal through developing in accordance with the Future Land Use Plan and the recently adopted Irondale Neighborhood Plan. Allowing for the expansion of this site in accordance with the small scale industrial land use designation will allow for the growth and expansion of an existing business in the area, and help maintain a diverse mix of land uses.	

Section	Goal	Description
Economic Development	ED 2	<u>Retain and increase a strong employment base:</u> The city will retain and expand its existing industrial base, and attract and recruit new businesses that contribute positively to city revenues.
<b>Analysis:</b>	As an existing industrial use in a targeted redevelopment area in the city, allowing for the expansion of this site will help retain this existing industrial user with 25-30 employees in the Irondale neighborhood, and allow for public improvements along the existing right-of-way frontage.	

Section	Goal	Description
Redevelopment and Reinvestment	RR 1	<u>Increase focus on infill development:</u> The city recognizes the benefits of infill to balance and retain the character of stable neighborhoods with increasing economic development opportunities.
<b>Analysis:</b>	As a currently developed property with two undeveloped adjacent parcels, this proposed development would allow for the growth and expansion of an existing business in the Irondale neighborhood, and further the goal of expanding uses in this area.	

## Development Review Team Recommendation

Based upon the analysis above, the Development Review Team believes that the application meets the criteria for a Zone Change set forth in the Land Development Code and recommends that the Planning Commission forward the Zone Change request to the City Council with a favorable recommendation, subject to the following condition:

- A. The applicant shall complete and obtain approval for the active subdivision case to consolidate parcels 172128106002 and 172128106006 with the property located at 8600 Verbena Street.

### **\*Recommended Motion\***

***To recommend approval subject to condition(s):***

I move that the Planning Commission enter a finding that, subject to certain conditions, the requested Zone Change for the property located at **8600 Verbena Street** contained in case **Z-948-19** meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Zone Change subject to the following condition:

- A. The applicant shall complete and obtain approval for the active subdivision case to consolidate parcels 172128106002 and 172128106006 with the property located at 8600 Verbena Street.

### **Alternative Motions**

***To recommend approval:***

I move that the Planning Commission enter a finding that the requested Zone Change for the property located at **8600 Verbena Street** contained in case **Z-948-19** meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Zone Change.

***To recommend denial:***

I move that the Planning Commission enter a finding that the requested Zone Change for the property located at **8600 Verbena Street** contained in case **Z-948-19** 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 Zone Change.

***To continue the case:***

I move that the Planning Commission continue the requested Zone Change for the property located at 8600 Verbena Street contained in case Z-948-19 to a future Planning Commission agenda.