



STAFF REPORT

Planning Commission

ORDINANCE #2203

PC Date:	April 2, 2019	City Staff:	Steve Timms and Caitlin Long
CC Date:	May 6, 2019		
Location:	City-Wide		
Applicant:	City of Commerce City		
Address:	7887 East 60 th Avenue, Commerce City, CO 80022		

Case Summary

Request:	Commerce City is requesting to update the Land Use Table (Table V-1), and Section 21-11200 (Definitions) and to add a new Section.21-5225 of the LDC (Commercial Indoor Self-Storage Facilities) which describes the allowed zone districts, definition, and supplemental design standards of Commercial Indoor Self-Storage Facilities.
Project Description:	Over the last few years, staff has received several inquiries regarding development of self-storage facilities in commercial zone districts. The proposed facilities have been all or mostly indoor-access, climate-controlled, multi-story types of facilities with exterior appearances similar to office buildings or multi-family residential buildings. Currently, the Land Development Code (LDC) only allows self-storage facilities (mini-storage) in industrial zone districts. The purpose of this amendment is to create regulations and design standards which would allow these new, commercial-style, indoor, self-storage facilities to be allowed in the C-3 zone district (as well as industrial districts) subject to additional design standards. This change would not impact most PUDs in the Northern Range, although they could opt to amend their zoning to allow this use as well. The proposed amendment consists of a new land use classification for the land use table, a new definition, and new design standards.

Staff Recommendation: Approval

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

- ☒ Proposed Language of Amendment.
- ☒ City Comparison Slide and Photos of Similar Facilities

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 signs) while others have been general or "housekeeping" in nature, which work to advance the goals and desires of the community. The item for this ordinance is topic specific and deals only with the floodplain section of the LDC.

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	<u>Land Development Code (LDC) Amendments/Focus Areas:</u> 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>	The amendment that is proposed takes into account the unique needs of infill development, and some of the unique situations within Commerce City, such as updating design standards for a new generation of commercial indoor self-storage facilities which mimic office and multifamily construction.	
<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 the new use to the Land Use Table, the city will increase the number of potential uses that can occur in the non residential areas of the city.	

<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>	The amendment being proposed is intended to encourage additional reinvestment in the city through allowing a new land use classification and accompanying thoughtful design standards, that correspond to the marketplace occurring in the area.	

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.

Study Sessions:

On February 4, 2019, staff held a study session with Planning Commission to discuss the proposed amendment. During the course of this study session, Planning Commission expressed their support for the proposed amendment, and encouraged the prohibition on gathering spaces, a minimum % of glazing/windows per façade and to expand the hours of operation to midnight.

On March 18, 2019, staff held a study session with City Council to discuss the proposed amendment, with the feedback from Planning Commission incorporated. City Council expressed their overall support for the proposed amendment, stating that they saw the merit in allowing these if they looked like office structures. They also wanted to see ground floor retail space encouraged, but not required. Finally, they also were supportive of the Planning Commission's changes, except they wanted the closing time to be 10 pm rather than midnight.

Request and Analysis:

Over the last few years, staff has received multiple inquiries regarding development of self-storage facilities in commercial zone districts. The proposed facilities have been all or mostly indoor-access, climate-controlled, multi-story types of facilities with exterior appearances similar to office buildings or multi-family residential buildings. Currently, the Land Development Code (LDC) only allows traditional self-storage facilities (mini-storage) in industrial zone districts. These types of facilities are the traditional self-storage use with exterior garage door, one-story in height, with distinctive colors. The purpose of this amendment is to allow the next generation of self-storage facilities (commercial indoor self-storage facilities) to be allowed in the C-3 (and industrial) zone districts subject to additional, high quality design and performance standards. This change would not impact most PUDs in the Northern Range, as most PUD's reference C-2 commercial uses or have their own complete list of allowed uses. These PUD's could opt to amend their zoning to allow this use as well via a public hearing through Planning Commission and City Council.

Traditional self-storage, sometimes called mini storage or mini-warehousing, is typified by long rows of connected storage units with roll-up doors open to the outdoors and often clustered in groups of buildings constructed to a minimal industrial standard. Commercial indoor climate controlled self-storage facilities are proposed storage units that are fully enclosed in a building with the access to the individual storage units being from interior hallways of the building, rather than from accessing the unit directly from the outdoors. Staff proposes to redefine commercial indoor self-storage facilities

and separate this new use from the traditional definition of industrial mini-storage. The intent is to have the both the traditional industrial style and the new commercial style.

Based on these inquiries, staff has been researching these type of commercial indoor self-storage facilities across the region. It appears that a new generation of indoor self-storage facilities are emerging, characterized by locations in non-industrial zoning districts and aesthetics in construction and design compatible with office and retail development. Staff reviewed the codes for surrounding jurisdictions and reviewed what additional design and performance standards may be needed to allow this new generation of self-storage use within commercial areas.

As part of the analysis, staff has researched 16 other Front Range jurisdictions to compare how Commerce City regulates self-storage facilities, and found 11 allow self-storage in at least one commercial zone district, while five prohibit such facilities in commercial zone districts. Of those that allow self-storage facilities in commercial zone districts, most require an enhanced level of design (such as minimum 2-story structure, restrictions on outdoor access to units, or limiting proximity to highly-visible corridors). Several adjacent jurisdictions have allowed the commercial-style facilities to be built, including Denver (Stapleton), Thornton, and Aurora.

Some of the potential benefits for allowing self-storage facilities in commercial areas include:

1. Supporting residential and commercial growth. Typical users of self-storage include households in transition due to moving, marriage, divorce, estate management, etc.; home occupations, such as pharmaceutical representatives and direct sales; businesses storing excess inventory and supplies, such as real estate signs, stock, files, and equipment; and sports leagues with seasonal equipment like balls, goals, and protective gear.
2. Locating on under-used or difficult to develop sites. Commercial indoor self-storage has a relatively low impact for the building size since most of it is storage space, so it can fit on sites that would otherwise be undeveloped due to access, utility, or similar constraints. Traffic generation is typically not a concern, the demand for restrooms is limited to the office space, and lack of need for interior finishes keeps construction costs low. Allowing difficult properties to develop also adds more to the property tax base than leaving them vacant.
3. Allowing people to reclaim garages. Many people with garages tend to use them for storage rather than for parking. Providing easily accessible storage units near residential areas allows people to clear the garage space for parking vehicles or to store items that otherwise might be stored outdoors, such as a lawnmower, creating an unsightly appearance and potential code violations.

Some concerns with allowing self-storage facilities in commercial areas include:

1. Taking up land that could be used for higher-priority commercial uses. Economic Development staff typically seeks commercial users who create good paying jobs and generate activity in the area to support other businesses. Commercial indoor self-storage facilities typically only need a few employees to manage the office and sometimes provide security at night. Tenants generally do not regularly access their storage units, resulting in few trips and lower activity than a use like a retail store or a restaurant.
2. Large structures may feel out of place. While design standards can help encourage a more pedestrian-scale feeling rather than a larger mass of building, commercial indoor self-storage facilities themselves are still larger than many other commercial buildings. Even those with a higher-quality appearance are typically several stories, rather than the traditional one story structure which includes much of suburban retail development.

3. Repurposing buildings for other uses. In the event that a commercial indoor self-storage facility closes, the opportunities for the building to house other types of uses may be limited given the size and design. Additionally, parking requirements for commercial indoor self-storage is typically lower than other commercial uses because most people only rarely need to access their units, and provided parking may not be adequate to convert to other types of uses.

The current LDC does not provide performance, use or design standards for this type of use. In order to consider the opportunity to allow commercial indoor self-storage in C-3 (and industrial) zones, staff is recommending that performance, use and design standards for this newly classified use will help to mitigate typical negative elements such as overhead doors, outdoor storage, use of self-storage units, façade materials and form, and overall aesthetics. These standards are put in place to enhance the aesthetics and use of the facility to emulate the surrounding office, commercial, or multi-family development. Along with proposing to allow commercial indoor self-storage in the C-3 (and industrial) districts, and based on feedback received from Planning Commission and City Council, no outdoor storage will be associated with this type of land use. Outdoor storage is prohibited in the C-3 and I-1 districts due to the negative aesthetics and difficulty in screening the storage.

To mitigate the potential concerns and maximize the potential benefits of allowing commercial indoor self-storage facilities in commercial areas, based on input received from both Planning Commission and City Council, staff has created a list of potential supplemental regulations, including performance standards and design standards:

- (1) Use Standards: These use standards shall apply to commercial indoor self-storage facilities located in the applicable and allowed zone districts:
 - (a) Storage units shall only be used for the storage of goods and/or property.
 - (b) Storage units shall not be used for activities of any kind, including but not limited to:
 - i. Residences, offices, workshops, studios, hobby, meetings, gathering spaces, or rehearsal areas;
 - ii. Manufacturing, fabrication, or processing of goods, service or repair of vehicles, engines, appliances, or other electrical equipment, or any other industrial activity;
 - iii. Conducting retail sales of any kind including garage or estate sales or auctions or to conduct any other commercial activity;
 - iv. Storage of flammable, perishable, or hazardous materials or the keeping of animals.
 - (c) Accessory retail uses such as general retail storefronts, or the sale of boxes or packing materials are encouraged and allowed only if they are otherwise permitted in the zone in which the facility is located, and meet all applicable use and development standards.
 - (d) Outdoor storage is prohibited, including outdoor storage of boats, RVs, vehicles, and storage in outdoor storage pods, shipping containers, or similar.
 - (e) A night watchman, resident caretaker, or 24-hour security guard is allowed but not required.
 - (f) Hours of operation shall be limited to the hours from 6 am to 10 pm. Business activities and tenant access to storage units shall not be permitted from 10 pm to 6 am.
 - (g) All facilities shall be climate controlled, whereby both temperature and humidity are regulated.
- (2) Location Restriction: No new commercial indoor self-storage facility shall be located within 1250 feet of any other existing commercial indoor self-storage or traditional mini-storage facility.
- (3) Design Standards: For commercial indoor self-storage facilities located in the C-3 zone district, the following standards shall apply in addition to the development standards generally required for all new commercial development in Article VII regarding entrances, materials, landscaping, parking, etc.:

- (a) Commercial indoor self-storage facilities are permitted only within multi-story structures designed to emulate multi-family residential or office buildings. A minimum of 20% glass or other window openings are required per façade.
- (b) The site on which a commercial indoor self-storage facility is located shall not have frontage along an arterial street.
- (c) All individual storage units shall gain access only from the interior of the building. The primary facility loading bays, docks, or doors shall not be directly facing any adjacent residential property.
- (d) All fencing shall consist of wrought iron or similar types of decorative fencing materials. Chain link fences are prohibited.
- (e) Colors shall compliment the natural characteristics of the site and surrounding development, and shall not be used to attract attention to the facility (i.e. no red roofs, orange doors, brightly colored doors, etc.).

Staff believes that the aesthetics, operation, and activity level can be compatible with office and commercial uses and that these facilities could benefit the community by providing more opportunity for these facilities to be located closer to where the majority of users are located. In addition, these types of facilities can provide an effective buffer between traditional commercial uses and residential uses, as the amount of traffic, the hours of operations, and noise and smells can be much less than traditional commercial. Essentially, staff feels if the self-storage building can act like and look like an office building, it should be compatible with commercial development.

Summary:

Staff has proposed this amendment to the Land Development Code based on their ability to implement the City's Comprehensive Plan, modernize the current code, adjust to changing market conditions, and provide the community a full range of services. This amendment is intended to better meet the needs of the community by ensuring that the code is clear, consistent, and modern. There, the DRT is recommending that Planning Commission forward a recommendation of approval to City Council for Ordinance #2203.

Development Review Team Recommendation

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

Ordinance 2203 Recommended Motion

To recommend approval:

I move that the Planning Commission recommend that City Council approve Ordinance #2203, an ordinance amending the Commerce City Land Development Code.

Ordinance 2203 Alternative Motions

To recommend approval subject to condition(s):

I move that the Planning Commission recommend that City Council approve Ordinance #2203, 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 #2203, 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 #2122.

To recommend continuance:

I move that the Planning Commission continue the requested Ordinance #2203 to a future Planning Commission agenda.