

STAFF REPORT

Derby Review Board

Meeting Date: July 16, 2019

Case Planner: Caitlin Long

Case #: DRB-074-19

Location: 6526 East 72nd Place, Commerce City, CO 80022

**Applicant/
Owner:** Joel David Martinez
6526 East 72nd Place, Commerce City, CO 80022

Request: 1. The applicant is requesting Derby Review Board approval of fencing improvements.

Staff Recommendation:

Staff is recommending approval of the fencing improvements as the proposal meets the design principles of the Derby Design Guidelines and the requirements of the Land Development Code.

Current Zone District: PUD (Planned Unit Development District)

Comp Plan Designation: Commercial/Mixed Use

Surroundings

Existing Land Use		Occupant	Zoning
North	Commercial	Multi-tenant retail, art gallery	PUD
South	Commercial	Yellow Rose Event Center parking lot	PUD
East	Residential	Single-family detached house	PUD
West	Residential	Yellow Rose Event Center parking lot, Single-family detached house	PUD

Background Information

City Council approved PUD zoning for the Derby area in September 2007. The zoning supports the Derby Master Plan by designating the district as a mixed-use commercial district. The PUD boundaries are East 72nd Avenue to the south, Highway 2 to the west, and Magnolia Street to the east. Building improvements, demolition and construction within this geographic area are subject to review by the Derby Review Board.

The subject property is located along the south side of East 72nd Place between Monaco Street and Magnolia Street. The applicant is the owner of the subject property. The entire lot area is 5,227 square-feet and consists of a legally non-conforming single-family detached house, in which the applicant resides. The subject property is designated as commercial/mixed-use.

The applicant also owns the adjacent property at 7240 Monaco Street, which consists of a single-family detached house and a parking lot to serve the Yellow Rose Event Center. Fencing improvements for this property along Monaco Street and East 72nd Place were approved in case DRB-066-17. This project has been completed.

Summary of Applicant's Request

The applicant is proposing to install fencing improvements for the subject property. Specifically, he proposes to replace the existing chain link fence and to continue the use of the previously approved 4-foot tall open-style white vinyl fence on top of the existing concrete retaining wall along the side fronting East 72nd Place. He also proposes to cover the concrete retaining wall with stone to match the adjacent property to the west. Along the west side property line, the applicant proposes a 6-foot tall solid white vinyl fence for privacy, the same as the existing interior fence on the adjacent property. The proposed improvements will enhance the appearance of the streetscape along East 72nd Place while providing consistency with the adjacent property in the heart of Derby.

Staff Analysis

The applicant's request for fencing improvements has been reviewed by staff in conformance with the Derby Sub-area Master Plan, the Derby Design Guidelines, PUD Zone Document and the Land Development Code (LDC). As part of this analysis, staff reviewed the history and architectural character of the subject property and the context of the surrounding buildings and properties in order to establish sufficient detail for design review of the proposed improvements.

Property History

The subject property is located near the prominent Derby Diamond intersection. The applicant is the owner of the Yellow Rose Event Center and the adjacent residential/parking lot property. He purchased the subject property in 2018, where he and his family now reside. According to the Adams County Assessors records, the house was constructed in 1953. It was previously owned by Denver Black, Jr. and Earlea E. Black, owners of Black's Auto Supply and Garage. The 2014 Historic Derby District Survey Report identifies the architectural style as Minimal Traditional with its lack of decorative detailing, low roof pitch with close eaves, and wood exterior wall finish. However, this particular house is non-contributing to a potential historic district because it is not and never has been used commercially, which is a key defining feature of Derby.

Architectural Character

The applicant's proposed improvements are intended to be consistent with the previous fencing improvements located on the adjacent property to the west, which were approved in case DRB-066-17. While the fencing style does not directly relate to the architecture of the house, it does compliment the overall character of this section of Derby. The Derby Design Guidelines desire the use brick or stone masonry elements, and the proposed stone veneer on the retaining wall will complement the brick color of the commercial buildings across the street and the brick and stone used as part of the planters in the Derby Diamond.

Figure 1: Subject Property



Surrounding Properties

The subject property is near the Derby Diamond at Monaco Street and East 72nd Place. This house (built in 1953) as well as those adjacent and to the southeast are the only legally non-conforming residences within the Derby Downtown District. The surrounding commercial buildings to the north and west were generally constructed the 1950s/1960s in a Modernist architectural style comprised of blonde and tan brick with sandstone accents. Figures 2 and 3 show the adjacent buildings to the subject property.

Figure 2: Adjacent residential property to the west (fencing approved in case DRB-066-17)



Figure 3: Adjacent in-line commercial center to the north



Although the architectural styles throughout Derby vary and are not all a match with the subject property, the variety tells the story of commercial development over time within the Derby Downtown District. This context has been considered by staff and is important to the review of the proposed fencing as well as the unique character of the Derby District as a whole.

In Derby, proposed projects are evaluated by their conformance with applicable guidelines and codes. The Derby Design Guidelines contain design-related criteria to govern how well a project aligns with its goals. The Derby PUD contains the regulations that dictate what land uses are allowed in addition to performance standards for the zoning. Finally, the Commerce City Land Development Code provides the regulating framework for specific development standards that govern physical characteristics of a project before construction or installation. The proposed improvements have been reviewed against the standards of the Land Development Code and found to meet the intent of the code when taking into consideration that the applicant proposes to replace an existing fence and match other previously approved fencing improvements in the district.

Composition of Derby Design Guidelines

The Derby Design Guidelines utilize standards and principles to determine which design criteria must be followed (standards) and which design criteria is desired but not required (principles).

Standards: Objective criteria providing specific direction based on the Guideline Goals, used to define issues considered critical to achieving the Guideline Goals. Standards use the term “shall” to indicate that compliance is mandatory unless it can be demonstrated that an acceptable alternative meets one or more of the following conditions:

1. The alternative better achieves the Guideline Goals
2. The Guideline Goals will not be achieved by application of the Standard in the circumstance
3. The effect of other Standards or Principles will be improved by not applying this Standard
4. Unique site factors make the Standard impractical.

Principles: Statements of non-binding policy, explanation or direction to assist the City Planning office and applicant with application of standards. Principles use the term “should” to express desired outcomes.

Conformance with the Derby Design Guidelines

The Derby Design Guidelines state that improvements to non-1950s era properties shall retain and preserve the historic character of the building, remaining an expression of their time, and conform to the design standards with respect to design, materials, and color.

The applicant proposes to install fencing that is compatible with the Minimal Traditional architectural character of the residence itself, and also coordinates with the character prevalent in the surrounding properties. The picket-style fence along East 72nd Place provides some privacy for the residential use at a busy intersection in Derby while still allowing some transparency and visibility into the property to enhance the pedestrian experience from the sidewalk. The use of stone to cover the existing concrete retaining wall will enhance the appearance of the streetscape along East 72nd Place. Stone is a commonly used material in both traditional and modern architecture, and the colors to be used complement the existing blonde and tan brick found throughout the Derby district.

Derby Design Guidelines -- Goals for this Application:

Goal #2: Re-establish Derby as a destination through:

- **A friendlier and safer pedestrian environment.**
- **Elegant and cohesive landscaping, appealing to all the senses.**

Goal #4: Revitalize Derby through:

- **Multi-functional spaces that ensure a variety of uses at different times.**
- **Support and promotion of existing businesses and property owners.**

Goal #7: Transform Derby into a healthy and multi-modal traffic environment, while continuing to support the necessity of the automobile, through:

- **Elegant and cohesive landscaping, lighting, and wayfinding signage.**
- **Pedestrian connection improvements to community assets.**

Conformance with the Derby PUD Zone Document

The Derby PUD is a custom zoning designation produced specifically for the Derby Downtown District. The zoning establishes a mixed-use zone district comprised of commercial and residential land uses. In addition to establishing the parameters of the Derby Sub Area, the zone document primarily outlines the allowed land uses within the district. Designated on the Derby Master Plan as a commercial/mixed-use property, the applicant's residential use of the subject property is considered a legal non-conforming use in Derby.

Final Analysis

When considering new streetscape improvements, the nearby architectural character should be complemented and the visual aesthetic should be improved to promote Derby as a walkable mixed-use destination. Based on staff's review, the proposed fencing will improve the pedestrian view of the frontage along East 72nd Place, enhancing the district's character through the Derby Design Guidelines.

In keeping with DRB Policy 2016-1, which was approved by the Derby Review Board in 2016 regarding type of properties which are eligible for catalyst funds, the applicant is not requesting catalyst funds for the proposed improvements to this residential property.

City staff concludes that the proposed fencing improvements are harmonious with the principles of the Derby Design Guidelines and fulfills the goals of the redevelopment program. The vinyl fence with upgraded masonry retaining wall will coordinate with the materials and style of nearby fencing and buildings while enhancing the pedestrian realm through a consistent appearance at the prominent Derby Diamond intersection.

As a result, the Planning Division recommends **approval** of the request. However, the Board has several options to choose from in making a decision:

1. The Board can choose to approve the proposed fencing improvements;
2. The Board can choose not to approve the proposed fencing improvements;
3. The Board can recommend approval with changes to the proposed fencing improvements and to work with the Planning staff to finalize the approval; or
4. The Board can recommend changes be made to the proposed fencing improvements and ask that the applicant present a modified design to the Board at a subsequent DRB meeting.

Staff Recommendation

Recommended Motion: “Based upon the finding that the application meets the design principles of the Derby Design Guidelines, I move that the Derby Review Board grant approval in case DRB-074-19, a Derby Redevelopment application for the property located at 6526 East 72nd Place.”

Advisory: The applicant shall obtain an approved building permit from the Community Development Department prior to installation of the fence.

Alternative Motions

Approval with Conditions Motion: “Based upon the findings that the application meets the design standards and principles of the Derby Design Guidelines, I move that the Derby Review Board grant approval in case DRB-074-19 subject to conditions and one advisory, a Derby Redevelopment application for the property located at 6526 East 72nd Place.”

List conditions

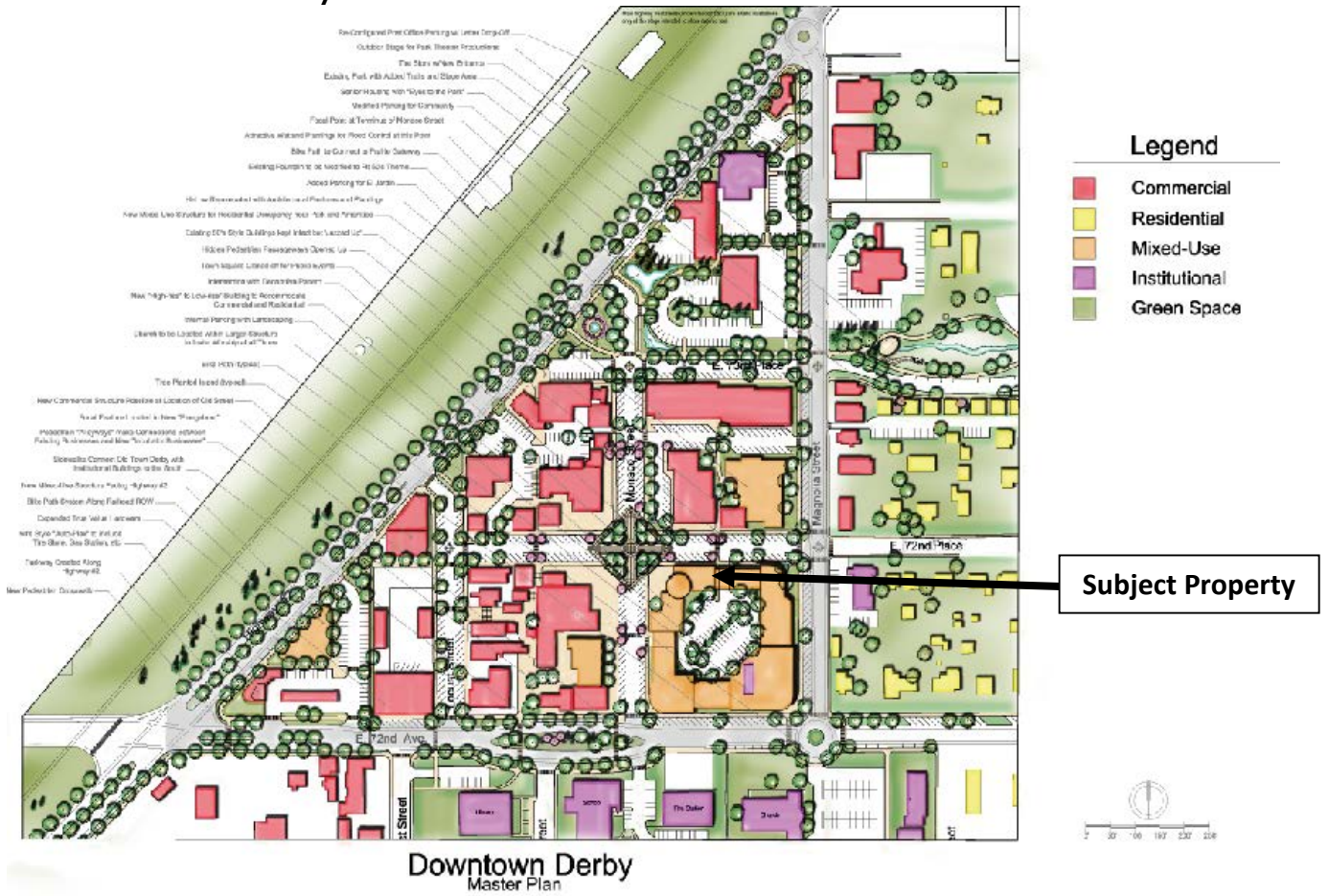
Denial Motion: “Based upon the finding that the application does not meet the design standards and principles of the Derby Design Guidelines, I move that the Derby Review Board **deny** case DRB-074-19, a Derby Redevelopment application for the property located at 6526 East 72nd Place.”

Attachments

Please see the following pages for illustrations and plans of the proposed project which include:

- Location within the Derby Downtown District
- Aerial view of site
- Applicant’s project description and drawings

Location within the Derby Downtown District:



Aerial view of site:

