



STAFF REPORT

Planning Commission

CASE # LUP-56-20

PC Date:	December 3, 2019	Case Planner:	Robin Kerns
CC Date:	January 6, 2020		
Location:	Gruenewald Subdivision Filing 1 Tract A (located at 11100 E. 108 th Avenue) and Tract B (immediately adjacent to the west of Tract A).		
Applicant:	HIP Denver-Ringsby LLC 385 Inverness Pkwy. Englewood, CO 80112	Owner:	Robert Derr 1500 Sunshine Ln. Southlake, TX 76092

Case Summary

Request:	▪ Amend the Future Land Use Plan
Project Description:	▪ The applicant is proposing to change the subject properties (Gruenewald Tract A & Tract B) from Future Residential Medium to Industrial Distribution
Issues/Concerns:	▪ Compatibility with the future development of the area.
Key Approval Criteria:	▪ Compliance with Land Development Code approval criteria.
Staff Recommendation:	Approval
Current Zone District:	R-1
Comp Plan Designation - Current:	Residential-Medium
Comp Plan Designation - Proposed:	Industrial / Distribution

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

- ☒ Vicinity Map
- ☒ Application Narrative

- ☒ Proposed Future Land Use Plan Amendment Map

Background Information

Site Information

Site Size:	Tract A = 4.83 acre and Tract B = 7.01 acre
Current Conditions:	Tract A = Developed for Industrial Use Tract B = Vacant
Existing Roads:	E. 108 th Avenue to the north of the properties
Existing Buildings:	Tract A = 3,000 sq.ft. Storage/Warehouse, built in 1983, & a 2,708 sq.ft. Office Tract B = Vacant
Buildings to Remain?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Site in Floodplain	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Neighborhood:	Murray Gruenewald

Surrounding Properties

Existing Land Use		Occupant	Zoning
North	Agricultural	Active Farm	R-1
South	Public	HWY 76	PUBLIC
East	Public	HWY 76	PUBLIC
West	Industrial	Proposed Industrial Park	I-2

Case History

The following table provides the relevant case history for the subject property:

Case	Date	Request	Action
AN-219-07 & AN-220-07	December, 2007	Annexation from ADCO to Commerce City	Approved
Z-878-08	3/17/2008	Rezoned from ADCO to Commerce City R-1	Approved
S-551-08	3/25/2010	Plat Gruenewald property into 4 Tracts	Approved

AN-219-07 & AN-220-07:

In December, 2007, the City Council approved the annexation subject properties from ADCO to Commerce City as part of a larger Northern Enclave Annexation & Zoning.

Z-878-08:

On March 17, 2008, the City Council approved the rezoning of the Northern Enclave Annexation Area from a variety of ADCO zoning designations to a variety of Commerce City zoning designations. In the case of the subject properties, they were zoned to Commerce City R-1.

S-551-08:

On March 25, 2010, the Community Development Director approved the Gruenewald Filing 1 Subdivision to plat the property into 4 Tracts.

Applicant's Request

Huntington Industrial requests the city change the Future Land Use Plan designation for the Gruenewald Filing 1 Subdivision Tracts A & Tract B from the Commerce City designation of Residential-Medium to Industrial/Distribution. This will allow Huntington Industrial to create an industrial park with Tract B and Tract C (which is already zoned I-1). Huntington Industrial does not have Tract A under contract but at the request of the city and through an agreement with the adjacent property owner, are requesting the change in designation for Tract A to make the future land use compatible with the existing development on the site.

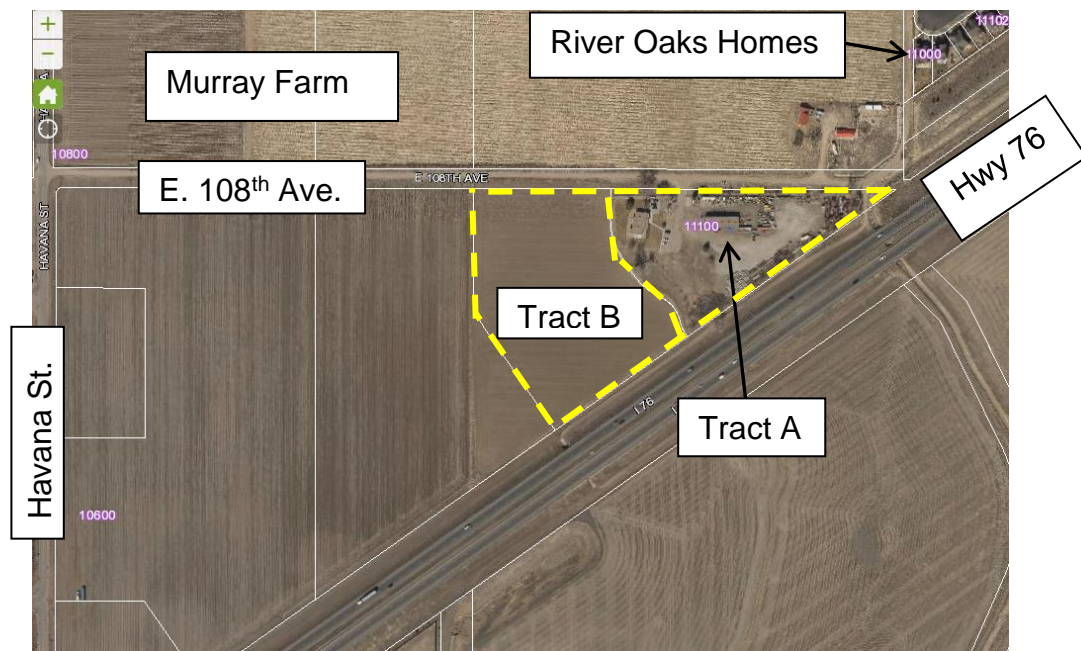
Development Review Team (DRT) Analysis

Introduction:

The subject 2 Tracts are part of the Gruenewald Filing 1 Subdivision, which was created to allow for existing and future development after the area was Annexed and Zoned in 2008 as part of the larger Northern Enclave Annexation Area. At that time the city and the applicant did their best analysis to anticipate future land uses in the subject area of this application, and thus the subject 2 Tracts were zoned Commerce City R-1 (Residential 1). Thus, when the Commerce City Future Land Use Plan (FLUP) was adopted on May 1, 2010, the Gruenewald Subdivision Tract A & Tract B were designated Residential-Medium to coincide with the R-1 zoning. DRT notes that no land use changes are being proposed to the Murray Farm.

Site Location:

The area that is subject to the requested FLUP Amendment is part of the Gruenewald Filing 1 Subdivision, which is generally located south of Murray Farm and E. 108th Ave (see below), and east of Havana Street. The existing Tract A was developed in 1983 with a 3,000 sq.ft. Storage/Warehouse & a 2,708 sq.ft. Office, which are still occupied for Industrial use today. The Tract B is currently undeveloped. E. 108th Avenue is designated a Local Commercial right-of-way, and will not connect (direct or indirect) to River Oaks Subdivision.



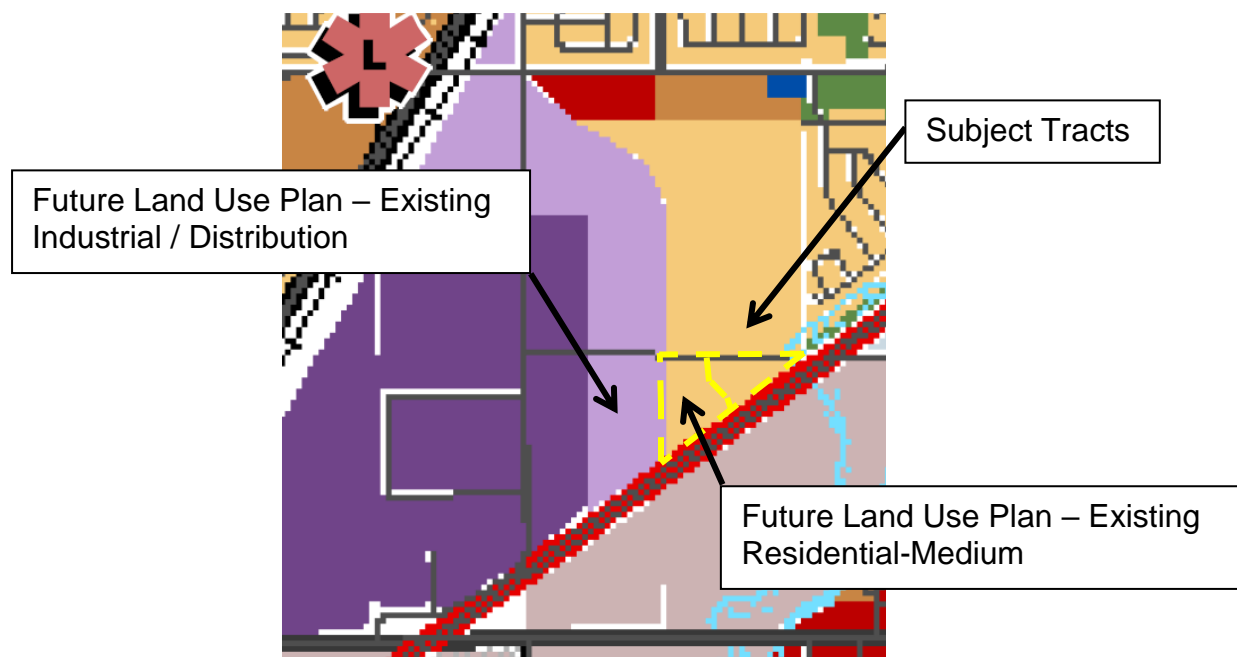
Existing Future Land Use Plan Analysis:

As shown on the image below, the current FLUP designates the subject Tracts for future Residential – Medium uses. In an effort to provide context for what this designation means, staff has provided a brief summary of this designation.

Future Residential-Medium Designation:

This designation is intended to primarily accommodate a wide range of residential development. Medium density residential development is characterized by a minimum density of 4 and up to 8 units per acre.

This designation was originally adopted on the FLUP because the subject area represents a transition between the residential areas to the east and the Industrial Areas to the west. The concept was to have Medium-Residential adjacent to the lower intensity Industrial / Distribution future land use designation, which then transitions to the more intense General Industrial designation as you move to the area west of Havana Street that was developed for heavier Industrial Uses in Adams County prior to the Northern Enclave Annexation.



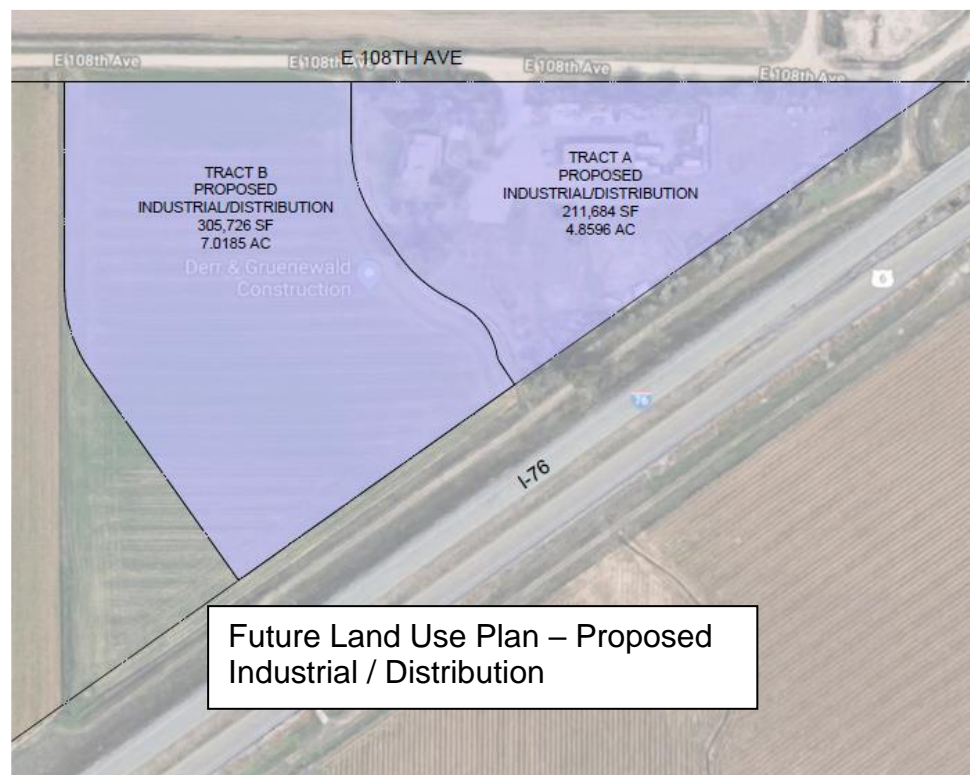
Proposed Future Land Use Plan Analysis:

The applicant proposes to amend the FLUP by changing the Residential-Medium designation for the subject Tracts A & B to Industrial / Distribution (as depicted below). The reasoning for the change in designation is due to multiple factors. Primarily, the 4.83-acre Tract A, which is currently zoned R-1 and has the Residential-Medium designation, was developed in 1983 with a 3,000 sq.ft. Storage/Warehouse & a 2,708 sq.ft. Office, which are still occupied for Industrial use today and thus does not conform to the existing zoning. In addition, the undeveloped 7.01-acre Tract B is the only remaining area with residential potential south of E. 108th, and north of HWY 76. Given the limited land area of Tract B, and that it is bound by existing and future Industrial Use to the East & West, as well as a State Highway to the south, it is a constrained site for future residential development.

As the request relates to proposed Industrial Development, the applicant explains that the switch from Residential-Medium to Industrial / Distribution is needed to accommodate the existing Industrial Development on Tract A, as well as allow them to assemble Tracts B & C into an Industrial Park (see associated Development Plan Case D-433-20). In an effort to provide context for what Industrial / Distribution means, staff has provided a brief summary of that designation.

Future Industrial / Distribution Designation:

This designation is intended to primarily accommodate a mix of light-industrial and industrial distribution uses. The Primary Uses are typically warehouse, flex space, light manufacturing, office, and distribution facilities. It is generally characterized by densities up to 0.50 FAR and would be consistent with a traditional zoning designation of I-1.



Project Benefits:

The DRT concluded that the change to the Industrial / Distribution Land Use designation in the FLUP could be beneficial for the overall planning and development opportunity of this area of the city. The specific type of industrial development associated with Industrial / Distribution is consistent with the existing development on Tract A and the proposed development on Tract B.

Outside Agency Review:

Staff referred this application to several departments in the city as well as outside agencies. All of the responses that were received indicated that the proposed FLUP Amendment would not create conflicts with their regulations and no objections have been received.

The DRT recommendation:

Based on the application's compliance with the approval criteria for FLUP Amendments listed below, the DRT is recommending that the Planning Commission forward a recommendation for approval to City Council.

Criteria Met?	Sec. 21-2110. Amendments	Rationale
<input checked="" type="checkbox"/>	The amendment is consistent with the overall intent of the comprehensive plan;	The proposed amendment is consistent with the comprehensive plan as the area in general is bound by existing and future Industrial Use to the East & West, as well as a State Highway to the south, it is currently a constrained site for future residential development.
<input checked="" type="checkbox"/>	The amendment is consistent with the purposes set forth in section 21-2100;	This amendment will allow the comprehensive plan to continue to promote the health, safety, order, convenience, prosperity and general welfare of the inhabitants of the city by ensuring coordinated, adjusted, and harmonious development with the city.
<input checked="" type="checkbox"/>	The amendment is necessary or desirable because of changing social values, new planning concepts, or other social or economic conditions;	The amendment will make the land use designation more in line with existing Industrial development to the east, proposed Industrial development to the west and a major highway to the south.
<input checked="" type="checkbox"/>	The amendment will not have a negative effect on the immediate area;	The proposed amendment will allow for the appropriate level industrial development in an area that already has existing and proposed industrial development.
<input checked="" type="checkbox"/>	The amendment will not have a negative effect on the future development of the area; and	The amendment will not have a negative effect on the future development of the area because it will support and be consistent with the adjacent sites.
<input checked="" type="checkbox"/>	The amendment will promote the public health, safety, and general welfare of the people of the city.	The DRT believes that this amendment will not adversely affect the public health, safety, and general welfare of the people of the city.

Development Review Team (DRT) Recommendation

Based upon the analysis above, the Development Review Team believes that the application **meets** the approval criteria for a Future Land Use Plan Amendment as set forth in Section 21-2110 of the Land Development Code and recommends that the Planning Commission forward the Future Land Use Plan Amendment request to the City Council with a **favorable** recommendation.

Recommended Motion

To recommend approval:

I move that the Planning Commission enter a finding that the requested Future Land Use Plan Amendment for Gruenewald Filing 1 Tract A & Tract B, contained in case LUP-56-20, **meets** the criteria of the Land Development Code and based upon such finding, recommend that the City Council **approve** the Amendment.

Alternative Motions

To recommend denial:

I move that the Planning Commission enter a finding that the requested Future Land Use Plan Amendment for Gruenewald Filing 1 Tract A & Tract B, contained in case LUP-56-20, **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 Future Land Use Plan Amendment.

To continue the case:

I move that the Planning Commission continue the requested Future Land Use Plan Amendment for the Gruenewald Filing 1 Tract A & Tract B, contained in case LUP-56-19, to a future Planning Commission agenda.