



STAFF REPORT

Planning Commission

CASE # Z-957-20

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:	▪ A Zone Change
Project Description:	▪ The applicant is proposing to change the subject properties Zoning from R-1 to I-1.
Issues/Concerns:	▪ Land Development Code (LDC) approval for a Zone Change ▪ Future Land Use Plan Compatibility
Key Approval Criteria:	▪ Compliance with the Future Land Use Plan ▪ Compliance with the LDC
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.*

- ☒ Proposed Zoning Change Map
- ☒ Vicinity Map

- ☒ Application Narrative

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.

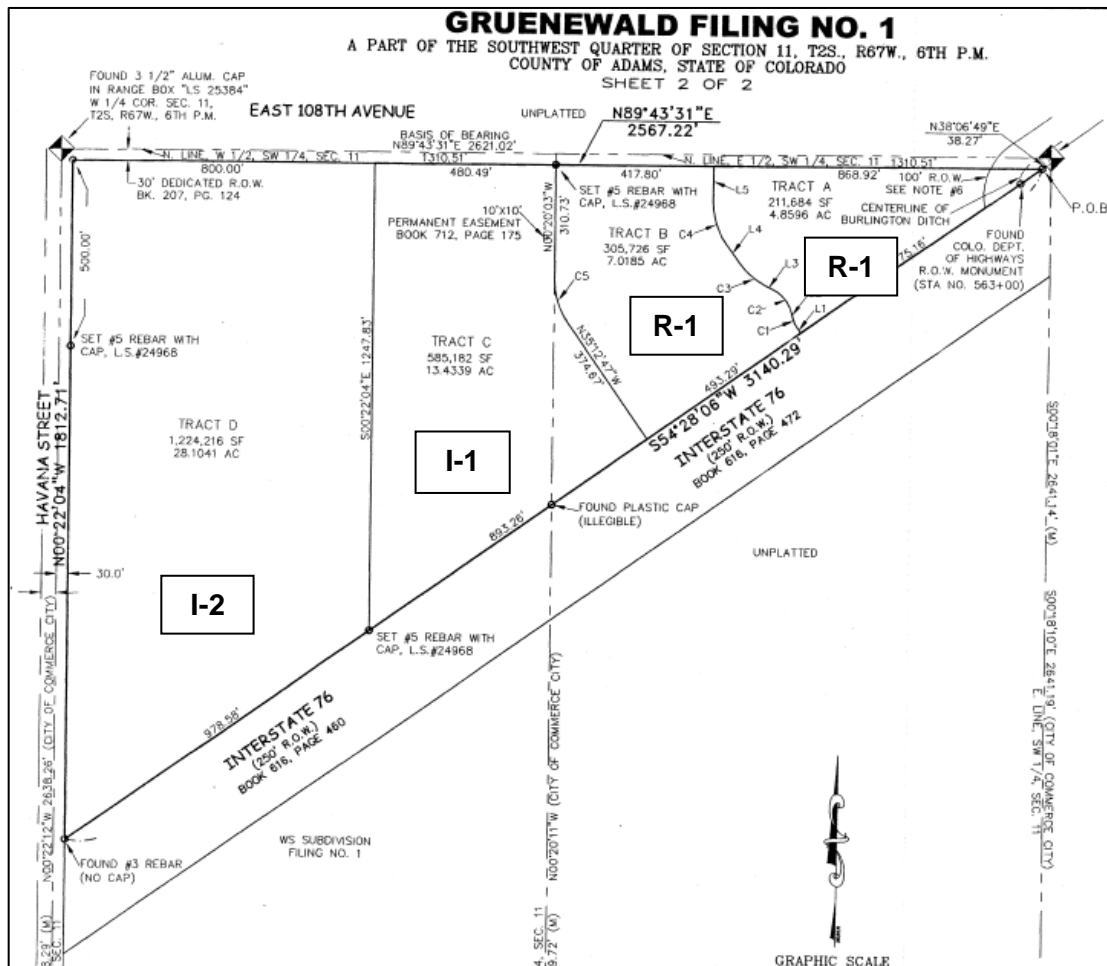
Applicant's Request

Huntington Industrial requests the City change the existing Zoning for the Gruenewald Filing 1 Subdivision Tracts A & Tract B from the Commerce City designation of R-1 (Residential 1) to I-1 (Industrial 1). 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 current zoning compatible with the existing development on the site. This application will bring the property Zoning in-line with the Future Land Use Plan (FLUP) Amendment proposed in case LUP-56-20.

Development Review Team (DRT) Analysis

Introduction:

The subject Gruenewald Filing 1 Subdivision Tracts A & B were created in 2008 after the area was Annexed and Zoned in 2008 as part of the larger Northern Enclave Annexation Area. The Gruenewald Filing 1 Subdivision consists of 4 separate Tracts. Tracts A & B were zoned Commerce City R-1 (Residential 1) as part of the Annexation and Zoning in 2008. Tract C was zoned I-1 and Tract D was zoned I-2 (see plat below). At that time, the city and the applicant did their best analysis to anticipate future land uses in the subject area of this application. The layout of the zoning was designed to create a residential buffer between existing and future Industrial development to the west and future residential development to the east.

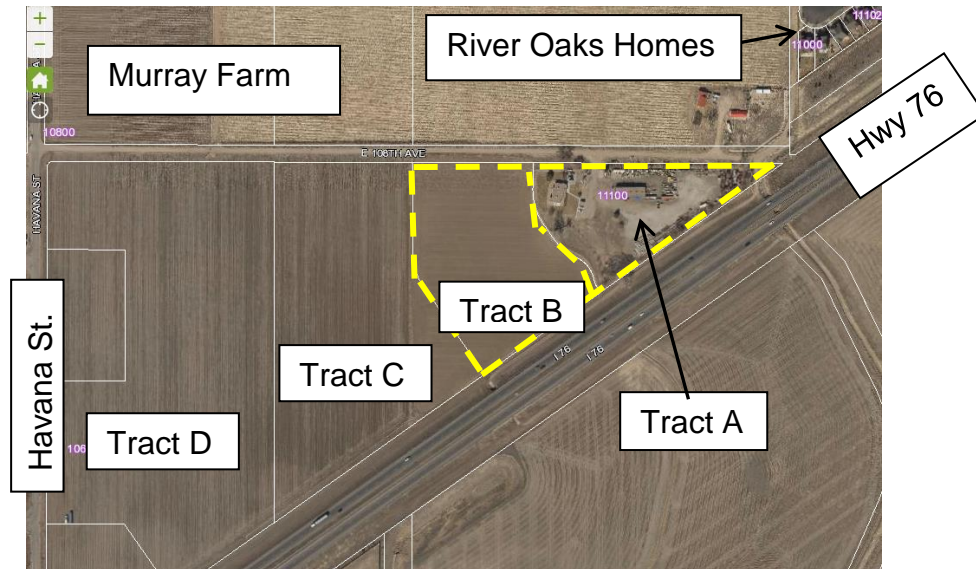


The land planning done as part of the Commerce City FLUP designation for the Gruenewald Subdivision Tract A & Tract B has been revised to Industrial / Distribution per the associated case LUP-56-20. The DRT notes that no land use changes are being proposed to the Murray Farm north of the subject Tracts.

Site Location:

The area that is subject to the requested Zone Change is part of the Gruenewald Filing 1 Subdivision, which is generally located south of E. 108th Ave. and east of Havana Street (see below). The 2 Tracts total approximately 11.84 acres and are bordered by Hwy 76 to the east & south, and undeveloped land that is zoned I-1 to the west and R-1 to the north. The DRT notes that the R-1 land area, known

as Murray Farm, to the north, is across E. 108th Avenue Right-of-Way, which is classified as a Local Commercial road. It should be noted that E. 108th Avenue will not create (direct or indirect) access to River Oaks Subdivision. In addition, 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. Tract B is currently undeveloped, and technically is the only remaining undeveloped R-1 zoned Tract south of E. 108th Avenue.



Scope of review:

The request being considered at this time is for a Zone Change. The LDC sets out the specific criteria upon which Zone Changes can be approved or denied. Therefore, the analysis and evaluation is limited to those criteria. Staff notes that this Zone Change is preceded by application LUP-56-19, Future Land Use Plan Amendment. Furthermore, there are 2 associated cases that are under administrative review for the proposed Industrial Park on Gruenewald Filing 1 Tracts B & C. There is Subdivision Case S-744-20, which is proposed to convert Tracts B & C into Lot 1 & Lot 2 respectively. There is also Development Plan Case D-433-20, which is proposing the industrial development of Lot 1 with 2 Buildings (63,317 sq.ft. & 99,428 sq.ft.) and Lot 2 with 1 Building (64,307 sq.ft.), see image below. It should be noted that current Tract C is already zoned I-1 and is not part of the subject Zone Change or Future Land Use Plan Amendment.

Section	Goal	Description
Land Use and Growth Strategies	LU 2	Phase Growth in an Orderly and Compact Manner
Analysis:	The proposed Zone Change is located in an area that already contains a significant amount of existing and current Industrial Development and helps separate the industrial uses from the residential uses. Without this change, there would be a residentially zoned lot (Tract B) between 2 industrial ones, as Tract C is zoned I-1 and Tract A has already been developed for Industrial Use. This area is adequately served by the necessary utilities.	

Section	Goal	Description
Fiscal Stability	FS 2	Retain/Increase Employment Base
Analysis:	The proposed Zone Change will create 1 additional lot for industrial development, and allow the existing development of Tract A to become Legal Conforming. Together, the 2 Tracts will provide industrial land for light industrial opportunities. This industrial zoning will provide increased opportunities for both employees and employers in the area.	

The DRT's analysis of this request compared to the existing Zoning:

The Gruenewald Filing 1 Subdivision was created in 2008 after the area was Annexed and Zoned in 2008 as part of the larger Northern Enclave Annexation Area. The applicant is attempting to coordinate the development of Tracts B & C into an Industrial Park. The city and the applicant have worked collaboratively to create a project that fits in the context of the surrounding zoning and existing land uses. Currently, the subject area is designated for Residential. In order to change the Zoning, case LUP-56-20, Land Use Plan Amendment, must be approved in order for the proposed zone change to be consistent with the city's FLUP.

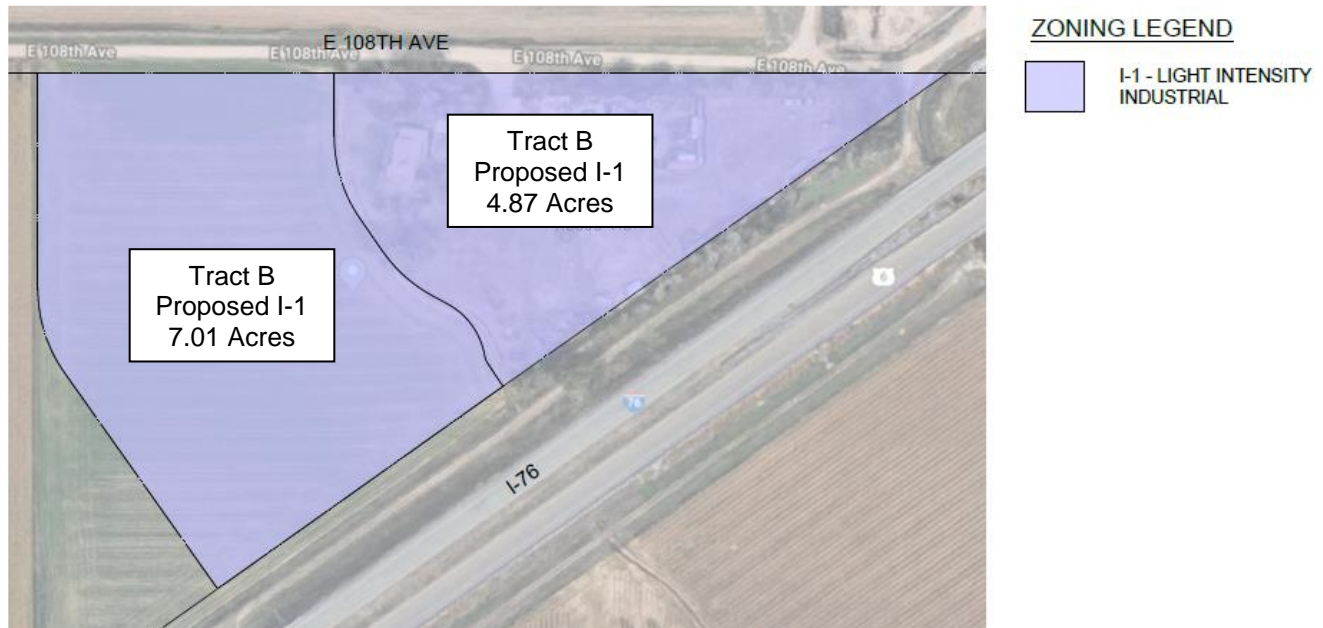
Existing Zoning:

In accordance with the 2008 Northern Enclave Annexation and Zoning, the subject Tracts are currently designated R-1 (Residential 1) as depicted below. The DRT notes that 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.



Proposed Zoning Change:

The proposed Zone Change, converting both Tracts from R-1 to I-1, is depicted below with associated acreages. This Zone Change will bring the Gruenewald Subdivision Filing Tracts A & B into conformance with the revised FLUP associated with case LUP-56-20. The DRT notes that there are significant differences between Commerce City I-1 and I-2 or I-3 Zoning. Specifically, I-1 Zoning represents light intensity industrial districts which are to provide for a general commercial and restricted industrial zoning for a variety of compatible business, warehouse, wholesale, office, and limited industrial uses. The I-1 Zoning does not allow for uses typically associated with heavy industrial zoning (I-2 & I-3) such as no outdoor storage, no contractor operations, no heavy manufacturing, and no truck repair.



Project Benefits:

As part of the analysis for this application, the DRT concluded that the approval of I-1 (Industrial 1) zoning could be beneficial for the overall development of the Gruenewald Subdivision, and should not negatively impact the future residentially zoned area that is adjacent to the subject area but north of E. 108th Avenue. The increase in light industrial land area will allow the applicant to develop an Industrial Park which will allow for more business to expand or relocate to Commerce City. Light Industrial development is consistent with the existing industrial development that already exists on subject Tract A. Furthermore, the land area is generally bordered by a Highway to the south and east, Heavy Industrial (I-2) to the west and E. 108th Avenue to the north. As the area north of E. 108th Avenue is still zoned for residential, the applicant and city are working to provide a high level of industrial design and landscape to mitigate visual impact. It should also be noted that E. 108th Avenue (a Local Commercial road) connects to Havana Street to the west, which serves a variety of Industrial Uses. As is, the vacant 7.01 acre, residentially zoned Tract B, does not provide enough acreage for meaningful medium-density residential uses given the industrial constraints to the east, west and the Hwy 76 to the south.

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 Zone Change would not create conflicts with their regulations and no objections have been received.

The DRT recommendation:

Based on the requested plat's compliance with the comprehensive plan as outlined above and its compliance with the approval criteria for a final plat listed below, the DRT is recommending that the Planning Commission send this application to the City Council with a favorable recommendation.

Criteria Met?	Sec. 21-3232. Rezoning or Zone Changes	Rationale
<input checked="" type="checkbox"/>	There is, or will be, adequate public services, (water, sewerage, streets, drainage, etc.);	There will be adequate public services to serve the subject area. E. 108 th Avenue will be developed as part of the proposed Industrial Park. Water & Sewer connections are available in Havana Street for immediate connection, and when the residential area is developed to the north, water & sewer connections can be made to E. 112 th Ave. Drainage will be handled with on-site detention ponds until the residential area is developed to the north and storm drain connection can be made to E. 112 th Ave.
<input type="checkbox"/>	There is, or will be, adequate public uses (parks, schools, and open space);	NA
<input checked="" type="checkbox"/>	The change is needed to provide/maintain a proper mix of uses in the area/City;	The change is needed both to support existing industrial development on Tract A, and to allow Tract B to develop in such a way that is compatible with Tract C to the west and Tract A to the east.
<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.	The area south of E. 108 th Ave. is responding to market demand and is rapidly being developed for industrial use. Given this development and that Tract A is already an Industrial Use, it is unlikely that a low to medium density residential use would fill Tract B.

Development Review Team (DRT) Recommendation

Based upon the analysis above, the Development Review Team believes that the application **meets** the approval criteria for a Zone Change as set forth in Section 21-3232 of the Land Development Code and recommends that the Planning Commission forward the Zone Change 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 Zone Change for the property, generally known as Gruenewald Filing 1 Tract A & Tract B, contained in case Z-957-20 **meets** the criteria of the Land Development Code and based upon such finding, recommend that the City Council **approve** the Zone Change.

Alternative Motions

To recommend denial:

I move that the Planning Commission enter a finding that the requested Zone Change for the property, generally known as Gruenewald Filing 1 Tract A & Tract B, contained in case Z-957-20 **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 Zone Change.

To continue the case:

I move that the Planning Commission continue the requested Zone Change for the property generally known as Gruenewald Filing 1 Tract A & Tract B, contained in case Z-957-20, to a future Planning Commission agenda.