



STAFF REPORT

Planning Commission

CASE #CU-122-20

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|-------------------|--|----------------------|--|
| PC Date: | February 4, 2020 | Case Planner: | Robin Kerns |
| CC Date: | March 2, 2020 | | |
| Location: | 5101 Quebec St. Commerce City, CO 80022 | | |
| Applicant: | Travel Centers of America | Owner: | Travel Centers of America |
| Address: | 24601 Center Ridge Rd. Westlake, Oh 44145 | Address: | 24601 Center Ridge Rd. Westlake, Oh 44145 |

Case Summary

| | |
|-------------------------------|---|
| Request: | Conditional Use Permit for a truck stop in the I-1 zone district. |
| Project Description: | The subject property has been used as a truck stop since the 1990s. The regulations for truck stops have since changed, making the existing use a legal non-conforming use. At this time, Travel Centers of America is proposing to expand the truck parking area by 61,800 sq.ft. and build a 5,600 square foot storage building. The proposed expansion requires the existing non-conforming use to come into compliance with the current standards of the Land Development Code. |
| Issues/Concerns: | <ul style="list-style-type: none">• Impacts to adjacent properties |
| Key Approval Criteria: | <ul style="list-style-type: none">• Compliance with the Comprehensive Plan• Conditional Use Permit Approval Criteria |
| Staff Recommendation: | Approval with Conditions |
| Current Zone District: | I-1 (Light Intensity Industrial District) |
| Comp Plan Designation: | Commercial |

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

- | | |
|---|---|
| <input checked="" type="checkbox"/> Applicant's Narrative | <input checked="" type="checkbox"/> Vicinity Map |
| <input checked="" type="checkbox"/> Site Improvement Plan | <input checked="" type="checkbox"/> Traffic Study |

Background Information

Site Information

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|-------------------------------|--|
| Site Size: | 26.488 acres |
| Current Conditions: | Existing truck stop |
| Existing Right-of-Way: | I-270 to the south; Quebec Street to the east; East 53rd Place to the north. |
| Neighborhood: | Rose Hill South |
| Existing Buildings: | 36,305 sq.ft. truck stop |
| Buildings to Remain? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Site in Floodplain | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

Surrounding Properties

| <u>Existing Land Use</u> | | <u>Occupant</u> | <u>Zoning</u> |
|--------------------------|----------------|------------------------------|---------------|
| North | Industrial | Existing Business | I-2 |
| South | Public/Utility | Interstate 270 | PUBLIC |
| East | Industrial | U.S. Postal Service | Denver |
| West | Industrial | Truck Wash, Glacier Ventures | I-1, I-2 |

Case History

There are two relevant cases in the history of the subject property, as shown below:

| <u>Case</u> | <u>Date</u> | <u>Request</u> | <u>Action</u> |
|-------------|-------------|--|---------------------------------|
| A-1422-99 | Feb. 1999 | Sign variances: (1) sign number variance of 30; (2) sign area variance of 1750-sq.ft., (3) 17-ft. sign height variance, (4) 2-ft. sign height variance, (5) two 7.5 ft. sign height variances, (6) 38 ft. sign setback variance, (7) 41 ft. sign setback variance, & (8) a 37 ft. sign setback variance. | Approval with Conditions |
| CU-110-16 | May 2016 | Same as current request. | Withdrawn |

Records indicate that the subject property has been zoned I-1 since 1962. The existing truck stop was built in 1999 on the subject property as it currently exists today. The original building permit review, 1997-1998, included a landscape plan which still governs the site today. The applicant also requested and received a variance in case #A-1422-99 to allow a variety of sign variances.

On May 3, 2016, case CU-110-16 was heard before the Planning Commission and was subsequently continued to a date "To be Determined." The case was continued because the Planning Commission requested additional information and analysis related to traffic and project design, specifically:

- Will additional tractor-tractor parking cause back-ups on Quebec St.?
- Have there been traffic problems on Quebec St. related to the existing Truck Stop?
- Can a semi-tractor with trailer moving northbound on Quebec St. pull-in, go westbound, into the subject site from Quebec St. at the same time as a semi-tractor with trailer is pulling out to go southbound?
- Who will enforce the illegal semi-tractor parking that is occurring along Quebec St. south of the existing building site, and on I-270?

On May 31, 2016, the applicant decided to withdraw case CU-110-16.

Applicant's Request

Travel Centers of America, owner of the TA Truck Stop located at 5101 Quebec Street, is requesting approval of a Conditional Use Permit in order for the existing use to be conforming in the I-1 zone district and allow for future expansion. They are proposing to expand the tractor-trailer parking area by 61,800 sq.ft., to build a new 5,600 sq.ft. storage building for tire storage, and to provide additional landscaping along Quebec Street and I-270. The storage building will be used to store truck tires with the intent of eliminating the existing shipping containers and outdoor storage (with associated screen fence) presently used for this purpose located at the south end of the property.

The property is prominently located at the south entrance to Commerce City on Quebec Street. Travel Centers of America wants to be a "good neighbor" and finds value in improving the street appearance and attractiveness of their operation. Improving the streetscape should provide a benefit to truckers, neighbors and visitors alike.

Statement of Operations:

Daily operations consist of refueling, maintenance and overnight parking for tanker truck delivery traffic. Additional services provided on site include refueling for automobiles, multiple restaurants, a convenience store, restrooms, shower rooms, and truck parts & maintenance repair shop.

- Hours of Operations: 24 hours, 7 days / week
- Number of Employees: 145
- Existing - Number of Parking Spaces: 205 Tractor-Trailer, 20 Truck Cab., and 164 Automobile
- Additional Proposed - Number of Parking Spaces: 30 Tractor-Trailer, 6 Truck Cab.
- Total Proposed - Number of Parking Spaces: 235 Tractor-Trailer, 26 Truck Cab., and 164 Automobile
- Avg. daily Peak Trips: Tanker deliveries 4-5 times / day
- Equipment Used: 18 wheeler trucks, 2-1/2 ton pick-up trucks.
- Hazardous Materials: MSDS Sheet provided, materials are typical of Truck Stop operations.

Development Review Team Analysis

Comprehensive Plan:

The Development Review Team (DRT) began by reviewing the Conditional Use Permit (CUP) request against the goals found in the City's Comprehensive Plan. That analysis is provided below:

Comprehensive Plan

The DRT recommendation (see Recommendation Section) for this case is supported by the following Comprehensive Plan Goals:

| <u>Section</u> | <u>Goal</u> | <u>Description</u> |
|-------------------------|--|---|
| Land Use | LU 1a | Future Land Use Plan as Guide: Use the Future Land Use Plan (FLUP) to guide development patterns and mix of uses and amendments to the Land Development Code (LDC). |
| <u>Analysis:</u> | The Future Land Use Plan identifies the subject property for Commercial uses, which includes different scales of retail to serve the community. This truck stop provides a range of retail services that are used by both the Trucking community, as well as the residents of Commerce City. In addition, granting the CUP allows the existing use of the property to become a conforming use. | |
| <u>Section</u> | <u>Goal</u> | <u>Description</u> |
| Economic Development | ED 4.2 | Encourage improvements to upgrade landscaping, facades, parking areas, undergrounding utilities, and other upgrades for retail centers. |
| <u>Analysis:</u> | The existing truck stop has lost most of all the original perimeter landscaping. Granting the CUP would mean that with the proposed site and building expansions, a high quality and robust landscape plan will be implemented that includes requirements for irrigation and maintenance. This landscaping will upgrade the entire site from near by properties and rights of way. | |
| <u>Section</u> | <u>Goal</u> | <u>Description</u> |
| Fiscal Stability | FS 2.2 | Core Employment Uses: Retain and strengthen the industrial and employment land base by ensuring that the new employment is consistent with the designations on the Future Land Use Plan map. |
| <u>Analysis:</u> | This truck stop currently employs approximately 145 employees that work directly at this site. Granting the CUP would give this existing business the stability of a conforming use, encouraging future expansion and strengthening its position in the community. | |

The subject property is located at the northwest corner of I-270 and Quebec Street, an important gateway into Commerce City. Both Commerce City and the City of Denver have made significant roadway and landscape improvements along the Quebec Street right of way in recent years. The TA Truck Stop has been operating on this site since approximately 1999, and has become an established Commerce City business. In order to meet demand and improve service, the applicant is proposing a variety of site improvements.

Land Development Code:

Truck Stops have certain supplemental regulations for the use which can be found in the Land Development Code (LDC) Sec. 21-5270. These regulations identify that the use of the property as a truck stop was by right before the applicable LDC update in 2009. This code section requires that any building permit which increases the size of any covered structure, truck bay, or building larger than 200-square feet on the property will require the current use to obtain a Conditional Use Permit (CUP), approved by city council, prior to approval of a building permit.

Travel Centers of America was developed via building permit BLD98-0363, as a use by right in 1998, and is the primary business located on the site, with all other operators and vendors contained within the primary structure. No new businesses are proposed. Since the applicant is proposing a 61,800 sq.ft. parking lot expansion and a 5,600 square-foot storage building, they are required to apply for this CUP for the existing Truck Stop use as required by the provisions of the LDC.

During the review of this application, staff found the existing shipping containers, outdoor storage and the associated screen fence to be in violation of LDC requirements. In addition, most all of the perimeter landscape approved as part of building permit BLD98-0363, no longer exists, and the current use of the subject property needs a CUP approval for the property to be in compliance the standards and requirements of the I-1 zone district.

Existing Site Layout:

The subject property is approximately 26 acres, and includes a main building which includes a repair shop, retail, restaurant uses, a diesel canopy, a gas canopy, and an empty lot to the north, where the expansion is proposed. The site has three main access points along Quebec St. (two serving automobiles and one serving tractor-trailers), and one access point on E. 53rd Place serving tractor-trailers.

Proposed Parking Lot Expansion:

Due to increased demand which has resulted in illegal parking along Quebec St. and I-270 right-of-way, the application proposes to expand the site by 61,800 sq.ft. in order provide an additional 30 tractor-trailer, and six truck cab parking spaces. This expansion area design is integrated into the overall site plan and will have adequate landscape to meet LDC requirements for parking lot landscape buffering. The applicant is proposing to rebuild the damaged median section in Quebec St. adjacent to the north access point that provides tractor trailer access to the subject property.

Proposed Storage Building:

Currently, the applicant has been using unpermitted mobile storage containers to keep truck tires. This kind of storage container can only be permitted on a temporary basis, whereas the need for this storage is long term. The proposed 5,600 square-foot storage building, will allow the property to come into conformance with LDC requirements by removing storage containers and fencing. Furthermore, this building is located in a highly visible location from the adjacent I-270 corridor. The exterior elevations facing I-270 and Quebec Street incorporate stucco to meet visibility requirements from publi right-of-way.

Existing & Proposed Site Landscaping:

The original building permit for the TA Truck Stop, BLD98-0363, included a final "As-Built" landscaping plan dated October 14, 1999. Over the years, most of the perimeter landscaping has died, but the interior landscaping adjacent to the truck stop building still exists. Given the combination of an older existing industrial property, and new improvements along an important visual entry way to the City, the applicant has worked with staff to address the issue of landscaping in a fair and practical manner. In order to address the site and building expansion, the applicant has proposed a new landscape plan as part of the subject Conditional Use Permit application, which will dictate all the perimeter

landscaping. This plan meets staff expectation to improve the visual nature of this important site, as well as meet LDC requirements. Conversely, the interior landscaping will continue to be dictated by the "As-Built" landscaping plan dated October 14, 1999. The installation and maintenance of this landscaping is required to keep the property in conformance with building permit BLD98-0363. The applicant is also proposing to replace the broken fencing along the western property boundary, located along the cul-de-sac of E. 52nd Place.

Pedestrian Access:

The subject property has an existing bus stop along Quebec Street, however, only a partial section of sidewalk along the north east portion of the site is currently in place to provide access to the bus stop. Given the existing parking lot development on the TA Truck Stop site and the development and widening of Quebec Street, there is very limited room for a sidewalk to be incorporated.

Pedestrian Access UPDATE:

The application as revised in subject case CU-122-20, proposes a new sidewalk extending south from the existing section, which traverse into the subject property, along the existing parking lot and then back to the bus stop. The DRT is accepting of the 8-foot wide detached sidewalk as shown on the plans connecting to the existing bus stop on Quebec Street as the proposed design is appropriate for the limitations this site has along Quebec Street and will be required to meet ADA access standards. Routing the public sidewalk through private property in this configuration requires the appropriate safety features, that handicap access be incorporated into the construction of this pedestrian access to the existing bus stop, and the dedication of a sidewalk easement.

Truck Traffic:

The subject property is bordered by City-approved truck routes, with E. 53 Pl. to the north and Quebec St. to the east. Furthermore, Quebec Street is designated Principal Arterial by the Commerce City Transportation Plan, and the portion along the TA Truck Stop is within the City of Denver jurisdiction.

Truck Traffic UPDATE:

A Traffic Impact Analysis and Truck Traffic Ingress/Egress Exhibits were submitted and reviewed as part of the subject case CU-122-20. The City Engineer notes that the location of the truck stop and its adjacency to approved truck routes and an arterial roadway ensures that there is minimal impact to adjacent properties due to truck traffic from the expansion. In addition, it was determined that the level of traffic increase with the expansion is acceptable and the turning radi are adequate for the north & southbound trucks. In addition, the City of Commerce City will enforce illegal parking along Quebec Street, and Colorado State Patrol will enforce illegal parking along I-270.

Future City Monument Signage:

The DRT notes that the triangle shaped land area south of the proposed storage building and adjacent to I-270 is vacant, with no proposed plans for the Truck Stop to expand in this area. This area is highly visible and is essentially the southern Gateway to Commerce City, which means that it would make a great place for a future monument recognizing the entry into the City. Therefore, the city has requested that the applicant allow, or not interfere with future negotiations for future City signage in

this location. The DRT recognizes that the land is owned by a third party, with whom negotiations would need to occur. The applicant has recognized this request and would not protest the installation of the City signage.

Approval Criteria:

| Criteria Met? | Sec. 21-3230. Conditional Use Permits | Rationale |
|-------------------------------------|--|--|
| <input checked="" type="checkbox"/> | The proposed use will not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, either as they presently exist or as they are envisioned to exist in any adopted City plan, program or ordinance; | The TA Truck Stop has been in operation on this property since 1999. Traffic conditions, parking, and public improvements have been reviewed as part of the proposed expansion. The existing use has thus far not resulted in undue adverse effect on adjacent property or the character of the neighborhood and the proposed increase should not substantially change this condition. |
| <input checked="" type="checkbox"/> | Any adverse effect has been or will be mitigated to the maximum extent feasible, including but not limited to sufficient landscaping and screening to ensure harmony for adjoining uses; | The applicant is proposing to mitigate any potential impacts by implementing a new landscape plan that incorporates all the landscape areas along the perimeter of the site and new expansion area. |
| <input checked="" type="checkbox"/> | The characteristics of the site are suitable for the proposed use; | This subject property is zoned Industrial, is located along Quebec St., a Principal Arterial, and is in close proximity to I-270. In 1999, the site was designed, constructed for use as a truck stop. Therefore, the characteristics of the site are suitable for a truck stop use. |
| <input checked="" type="checkbox"/> | The proposed use will be adequately served by and will not impose an undue burden on any of the existing improvements, facilities, and services of the city or its residents or the applicant has committed to provide such improvements, facilities, utilities and services in sufficient time to serve the proposed use; | The subject property is already developed, and is adequately served by existing city services. Impacts to public services will be considered during the development review process for any future expansion of the use. |
| <input checked="" type="checkbox"/> | The applicant has provided adequate assurances of continuing maintenance; | The applicant has adequately maintained some of the improvements on the property since their development in 1999. However, the perimeter landscaping was not maintained, and therefore, the new landscape plan includes requirements for irrigation and maintenance. |
| <input checked="" type="checkbox"/> | No evidence suggests that the use violates any federal, state, or local requirements. | There is no indication that the use violates any federal, state, or local requirements. |
| <input checked="" type="checkbox"/> | The proposed use complies with the general purposes, goals, objectives, policies, and standards of all City plans, programs, and ordinances | The proposed use complies with all applicable regulations, requirements, and standards, including those specifically for truck stops found in the Land Development Code. |
| <input checked="" type="checkbox"/> | One of the following criteria must be met: The use complies with the general purposes, goals, objectives, policies, and standards of the comprehensive plan and all other plans or programs adopted by the City. | As shown in the analysis provided earlier, the use complies with the general purposes, goals, objectives, policies, and standards of the Comprehensive Plan. |

Summary:

Travel Centers of America, owner of the TA Truck Stop, is requesting approval of a CUP to allow a truck stop and the associated expansion in the I-1 zoning district. The CUP is necessitated by the proposed 61,800 sq.ft. tractor-trailer parking lot expansion and construction of a 5,600 square-foot storage building. These improvements would allow them to meet current demand and site storage needs.

The site was originally developed as a truck stop in the late 1990s, and so the characteristics of the site are suitable for its continued use as a truck stop. The overall site layout and the buildings located on the property promote circulation, facilitate the movement of automobiles and tractor-trailers, and provide a variety of jobs. The truck parking area expansion and storage building development and future addition will not change any circulation patterns for either truck or employee traffic, and new landscaping is being provided to reduce visual impact from I-270 and Quebec Street.

Based on the information provided by the applicant as well as analysis of the Comprehensive Plan, the Land Development Code, and the Approval Criteria for Conditional Use Permits, the DRT recommends approval of the Conditional Use Permit.

Development Review Team Recommendation

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

CONDITIONS:

- A. The full extent of landscaping, parking lot expansion and 5,600 sq.ft. storage building must be installed and or constructed as shown on the approved Site Improvements and Landscape Plan dated November 15, 2019, by September 1, 2021.

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 Conditional Use Permit for the property located at **5101 Quebec Street** contained in case **CU-122-20** meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Conditional Use Permit subject to the following conditions:

- A. *The full extent of landscaping, parking lot expansion and 5,600 sq.ft. storage building must be installed and or constructed as shown on the approved Site Improvements and Landscape Plan dated November 15, 2019, by September 1, 2021.*

Alternative Motions

To recommend approval:

I move that the Planning Commission enter a finding that the requested Conditional Use Permit for the property located at **5101 Quebec Street** contained in case **CU-122-20** meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Conditional Use Permit.

To recommend denial:

I move that the Planning Commission enter a finding that the requested Conditional Use Permit for the property located at **5101 Quebec Street** contained in case **CU-122-20** 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 Conditional Use Permit.