



Legislation Text

File #: CU-109-16, **Version:** 1

CONDITIONAL USE PERMIT FOR A SALVAGE YARD - CASE #CU-109-16

Summary and Background Information:

USA Enterprises is requesting approval of a Conditional Use Permit for an existing salvage yard and inoperable vehicle storage located at 5255 East 48th Avenue, Denver, CO 80216. This would allow for the existing business to become legal and conforming while also enhancing the appearance of the site.

The existing USA Enterprises salvage yard business began operations on the subject property in 2012 as a tenant. The property was subsequently purchased, and the applicant has been working with staff since that time to bring the property into compliance with various city codes. Building and fire code issues have already been addressed to ensure safety on the site, and the land use is the last issue. Approval of this Conditional Use Permit would make the existing use legal and conforming with the Land Development Code, and allow the applicant to transition to a more retail-based business model, increasing sales tax revenues.

Although the site was originally developed in 1964, it does meet most of the current standards for industrial development. The overall proposed site layout provides adequate parking, and an appropriate surface for vehicle traffic and outdoor storage. In addition, the applicant is proposing to upgrade the appearance of the site with additional landscaping along East 48th Avenue and Forest Street as well as with a new screen-style fence around the perimeter of the site. The applicant worked with staff and an adjacent property owner to provide additional screening along the common property line and to relocate the main access to prevent increased cut-through traffic from a retail sales operation.

The surrounding area is developed for industrial purposes, including several other heavy industrial uses, and is identified for future general industrial uses. The outdoor storage of inoperable vehicles will be concealed with a screening perimeter fence and landscaping along public rights-of-way. In addition, a Public Improvements Agreement has been executed for future roadway improvements at such time as the Public Works Department determines it to be necessary. Therefore, there is no expected adverse impact to adjacent properties, the character of the neighborhood, traffic conditions, parking, or public improvements.

The recommended conditions deal with timing for the current upgrades to the site, certain limitations on the stacking and crushing of materials, the requirement for compliance with state regulatory agencies, the continued use of the subject site for a salvage yard and inoperable vehicle storage, and ensuring access to the property for the purpose of compliance inspections during regular business hours. The Conditional Use Permit will need to be renewed in 3 years to ensure that any potential impacts are mitigated sufficiently and that the use is still appropriate for the subject property.

Staff Responsible (Department Head): Chris Cramer, Community Development Director

Staff Member Presenting: Caitlin Hasenbalg-Long, Planner

Financial Impact: N/A

Funding Source: N/A

Planning Commission Recommendation:

On January 5, 2016, the Planning Commission held a public hearing, took testimony, and voted (5 - 0) to forward the requested Conditional Use Permit to City Council with a recommendation for approval, subject to the findings of fact and the following conditions:

1. *The conditional use permit will expire on February 1, 2019. A renewal of the conditional use permit in accordance with the Land Development Code will be required to extend operations beyond this date.*
2. *The property must be improved as shown on the approved development plan dated December 14, 2015, including drainage, landscaping, fencing, and paving, by February 1, 2017.*
3. *Any expansion of the salvage yard or inoperable vehicle storage to areas outside of what is depicted on the approved development plan dated December 14, 2015, will require an amendment to this CUP.*
4. *All work performed on vehicles, including repair, draining of fluids, and dismantling, shall occur entirely within the building. No repair or dismantling shall be performed outside.*
5. *All vehicles stored in the yard shall be arranged in a single layer, with no stacking on top of each other. No crushing of vehicles in any manner shall be permitted on the site without first obtaining approval of a separate Conditional Use Permit.*
6. *The applicant shall obtain and provide copies of any state regulatory agency permits to the City's Planning Division by April 25, 2016.*
7. *The applicant shall notify the Community Development Department in writing if the usage of the property as a salvage yard and inoperable vehicle storage is ever discontinued by Stefan Cruceanu or USA Enterprises.*
8. *City staff shall be allowed to enter the premises of the subject property anytime during regular business hours for the purposes of inspecting the operation for compliance with these conditions and other applicable code requirements.*