



Commerce City

7887 E. 60th Ave.
Commerce City, CO 80022
c3gov.com

Council Communication

File Number: CU-131-24

Agenda Date: 9/16/2024

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Conditional Use Permit

TSL Company Holdings, LTD. on behalf of Crown Associates LLC, is requesting approval of a Conditional Use Permit for the stacking of shipping containers higher than 20 feet. The subject property is currently zoned I-3 (Heavy-Intensity Industrial), consisting of approximately 28.24 acres, and is located at 10051 Dallas Street.

Summary and Background Information:

The subject property was annexed into Commerce City in 2007 and is fully surrounded by I-3 zoning. A Conditional Use Permit was approved by Adams County in 2000 to allow the stacking of storage containers above the fence height. Therefore, the property was annexed with legal non-conforming stacking height. The applicant is now requesting a CUP through Commerce City to allow the stacking of shipping containers to exceed 20 feet in height.

Each container is approximately eight feet tall. The maximum number of containers the applicant will stack is four, which equals about 32 feet in height. Stacking of four containers will not occur on the perimeter of the site, only internally. Stacking of 2 and 3 containers will occur along the property lines. Storage and stacking of containers will not occur in the front yard of the property and must be on the side and rear of the property. Storage and stacking of containers is prohibited within the detention pond on the west side of the property. The applicant has indicated that the method of stacking containers is done in a way that reduces risk for falling over due to high wind or weather.

Additionally, the applicant is proposing an expansion of the existing building as part of this request. Site improvements will occur as part of these requests including surfacing, screening, and landscaping. Per Section 21-5254 of the Land Development Code, outdoor storage shall be paved with recycled asphalt or other road-based material in accordance with the Engineering Construction Standards and Specifications. All outdoor storage shall be enclosed by a fence or wall adequate to conceal such areas from public right-of-way. The applicant will be providing adequate surfacing as well as perimeter walls and landscaping as part of this application.

The site meets all relevant City standards and Land Development Code (LDC) requirements. There are no conditions proposed in conjunction with the Conditional Use Permit.

A full analysis of the approval criteria is provided in the attached Conditional Use Permit report. Relevant approval criteria are as follows (LDC Sec. 21-3230(3)):

A conditional use permit may be granted if:

- a) All of the following criteria are met:
 - i. 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 may exist in the future as a result of the implementation of provisions and policies of the comprehensive plan, this land development code, or any other plan, program or ordinance adopted by the city;
 - ii. 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;
 - iii. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features;
 - iv. 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. Where any such improvements, facilities, utilities or services are not available or are not adequate to service the proposed use in the proposed location, the applicant shall, as a part of the application and as a condition of approval, be responsible for establishing an ability, a willingness, and a binding commitment to provide such improvements, facilities, utilities and services in sufficient time to serve the proposed use;
 - v. The applicant has provided adequate assurances of continuing maintenance;
 - vi. There is no evidence to suggest that the use violates any federal, state, or local requirements; and
- b) One of the following criteria is met:
 - i. There is a community need for the use at the proposed location, given existing and proposed uses of a similar nature in the area and of the need to provide and maintain a proper mix of uses both within the city and the immediate area of the proposed use; or
 - ii. 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.

Staff Responsible (Department Head): Jeff Brasel, Interim Community Development Director

Staff Presenting: Dalton Guerra, Senior Planner

Financial Impact: N/A

Funding Source: N/A

Planning Commission Recommendation: On August 6, 2024, this case was presented to the Planning Commission. The Planning Commission held a public hearing, took testimony, and voted (5 to 0) to forward the Conditional Use Permit request to City Council with a recommendation for approval.

Actions:

- Approve the application, in accordance with the PC recommendation;
- Approve the application with conditions;
- Deny the application; or
- Continue the application