



Conditional Use Permit Report

Case #CU-131-24

Planning Commission Date: August 6, 2024

City Council Date: September 16, 2024

GENERAL INFORMATION

PROJECT NAME	Crown Container
LOCATION	10051 Dallas Street
SITE SIZE	28.24 acres
CURRENT ZONING	I-3 (Heavy Intensity Industrial)
APPLICANT	TSL Company Holdings, LTD
PROPERTY OWNER	Crown Associates, LLC
CASE PLANNER	Dalton Guerra

REQUEST

The request is for a Conditional Use Permit (CUP) to allow for the stacking of shipping containers higher than 20 feet.

BACKGROUND AND CASE HISTORY

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 perimeter of the site with a minimum 30-foot setback from 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, a new security gate, and a fueling area as part of this request. These additional requests are permitted within the I-3 zoning district and meet the I-3 district standards. 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 areas 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.

COMPREHENSIVE PLAN CONSISTENCY

The subject property is zoned I-3 and is designated on the Future Land Use Map as General Industrial. The proposed request to store and stack shipping containers above 20 feet in height is a permitted use within I-3 zoning. The General Industrial designation allows for heavy industrial uses and outdoor storage as an accessory use. This property is located within the Industrial Enclave Focus Area as identified in the Comprehensive Plan. One of the policies in this focus area is to retain industrial uses and jobs focus. Allowing this existing use/company to stack additional containers and grow their business is in line with this policy.

PROJECT ANALYSIS

Site Overview

The areas surrounding the subject property are zoned I-3 and contain heavy industrial uses including outdoor storage. There is currently one access point on the north side of the site off of Dallas Street. The proposed site plan will include an additional access point on the south end of the property off of Dallas Street. On-site circulation has been reviewed by Commerce City Engineering and South Adams County Fire Department and will meet all applicable City and Fire Department standards.

Overall Analysis

The Development Review Team has determined that the proposed CUP meets the relevant City standards and the approval criteria as outlined in Section 21-3230(3) of the Land Development Code. The proposed CUP has been reviewed by the Development Review Team including Planning, Public Works, South Adams County Water and Sanitation District, and South Adams County Fire Department. There were no comments in opposition to the proposed CUP.

CONDITIONAL USE PERMIT APPROVAL CRITERIA

A decision for this case must be based on the following criteria from Sec. 21-3230(3) of the Land Development Code. An application may be approved if:

(a): All of the following criteria are met:

Criteria (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;

The subject property currently stores and stacks shipping containers and the surrounding properties are heavy industrial uses within I-3 zoning. The request to stack shipping containers above 20 feet is not expected to create a substantial adverse effect

on the neighborhood as the applicant will be screening the site adequately. *Therefore, it can be found that this application meets Criteria (i).*

Criteria (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;

There is an existing landscape buffer along Dallas Street that screens the property from the public Right-of-Way. Additional screening and landscaping is being proposed with this request that will further mitigate any potential adverse effect to neighboring properties. *Therefore, it can be found that this application meets Criteria (ii).*

Criteria (iii): The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features;

This site has been used for storage and stacking of shipping containers since it was annexed into the City. The use will not be changing and the site surfacing, screening, and landscaping will be improved as a result of the request. *Therefore, it can be found that this application meets Criteria (iii).*

Criteria (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;

The site has been in operation prior to its inclusion into the City in 2007 and is adequately served by the necessary utilities. Commerce City Engineering, South Adams County Water and Sanitation District, and South Adams County Fire Department reviewed the request and had no outstanding issues. *Therefore, it can be found that this application meets Criteria (iv).*

Criteria (v): The applicant has provided adequate assurances of continuing maintenance;

The applicant has indicated that the site will be maintained to the standards of the City and has ensured that the stacking of the containers will be done in line with industry practice to reduce risk and promote safety. *Therefore, it can be found that this application meets Criteria (v).*

Criteria (vi): There is no evidence to suggest that the use violates any federal, state, or local requirements; and

City Staff did not receive any comments to suggest that the applicant violates any Federal, state, or local requirement. *Therefore, it can be found that this application meets Criteria (vi).*

(b): One of the following criteria is met:

Criteria (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

Not applicable.

Criteria (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.

The storage and stacking of shipping containers is consistent with the I-3 zoning of the property and is in line with the future land use designation of General Industrial. It also accomplishes a goal of retaining industrial development within the Industrial Enclave Focus Area. *Therefore, it can be found that this application **meets Criteria (ii).***

CONSIDERATIONS FOR DISCUSSION

1. The property has stored and stacked containers since before it was annexed into the City.
2. The surrounding properties are zoned I-3 with heavy intensity industrial uses including outdoor storage.
3. The site surfacing will be improved and adequate screening and landscaping will be added to the site as part of the request.
4. Stacking of the containers will not exceed 40 feet in height.

POTENTIAL MOTIONS

1. Approval

a. Planning Commission

I move that the Planning Commission enter a finding that the requested **Conditional Use Permit** for the property located at **10051 Dallas Street**, contained in case **CU-131-24**, meets the criteria of the Land Development Code, and based upon such finding, recommend that the City Council approve the **Conditional Use Permit**.

b. City Council

I move that the City Council enter a finding that the requested **Conditional Use Permit** for the property located at **10051 Dallas Street**, contained in case **CU-131-24**, meets the criteria of the Land Development Code, and based upon such finding, approve the **Conditional Use Permit**.

2. Approval with conditions

a. Planning Commission

I move that the Planning Commission enter a finding that the requested **Conditional Use Permit** for the property located at **10051 Dallas Street**, contained in case **CU-131-24**, meets the criteria of the Land Development Code with conditions, and based upon such finding, recommend that the City Council approve the Conditional Use Permit with the following conditions:

Proposed conditions

b. City Council

I move that the City Council enter a finding that the requested **Conditional Use Permit** for the property located at **10051 Dallas Street**, contained in case **CU-131-24**, meets the criteria of the Land Development Code with conditions, and based upon such finding, approve the Conditional Use Permit with the following conditions:

Proposed conditions

3. Denial

a. Planning Commission

I move that the Planning Commission enter a finding that the requested **Conditional Use Permit** for the property located at **10051 Dallas Street**, contained in case **CU-131-24**, fails to meet the following criteria of the Land Development Code and based upon such finding, recommend that the City Council deny the Conditional Use Permit.

→ *List criteria not met*

b. City Council

I move that the City Council enter a finding that the requested **Conditional Use Permit** for the property located at **10051 Dallas Street**, contained in case **CU-131-24**, fails to meet the following criteria of the Land Development Code and based upon such finding, deny the Conditional Use Permit.

→ *List criteria not met*

4. Continuance

a. Planning Commission

I move that the Planning Commission continue the public hearing of the requested **Conditional Use Permit** for the property located at **10051 Dallas Street**, contained in case **CU-131-24**, to:

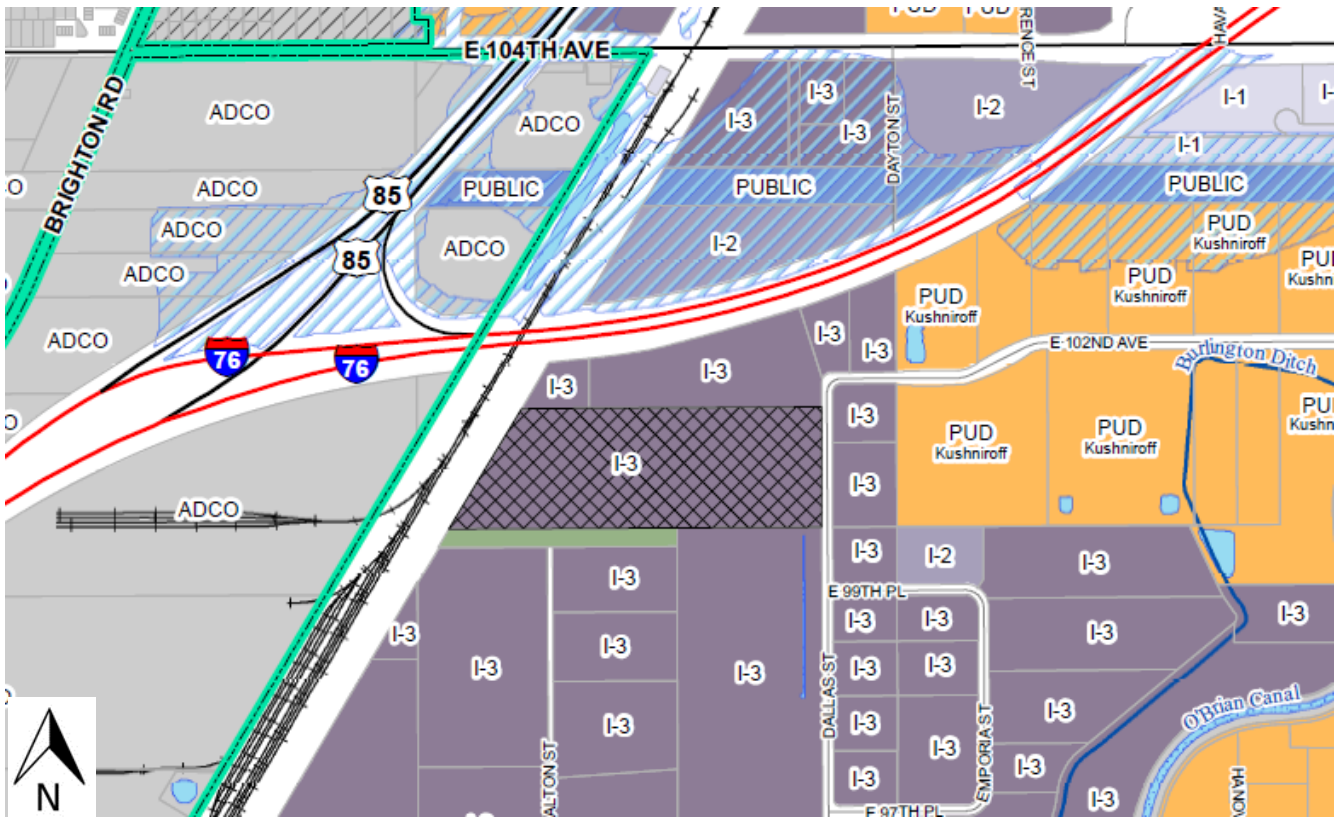
1. The next regularly scheduled Planning Commission meeting; or
2. A date certain.

b. City Council

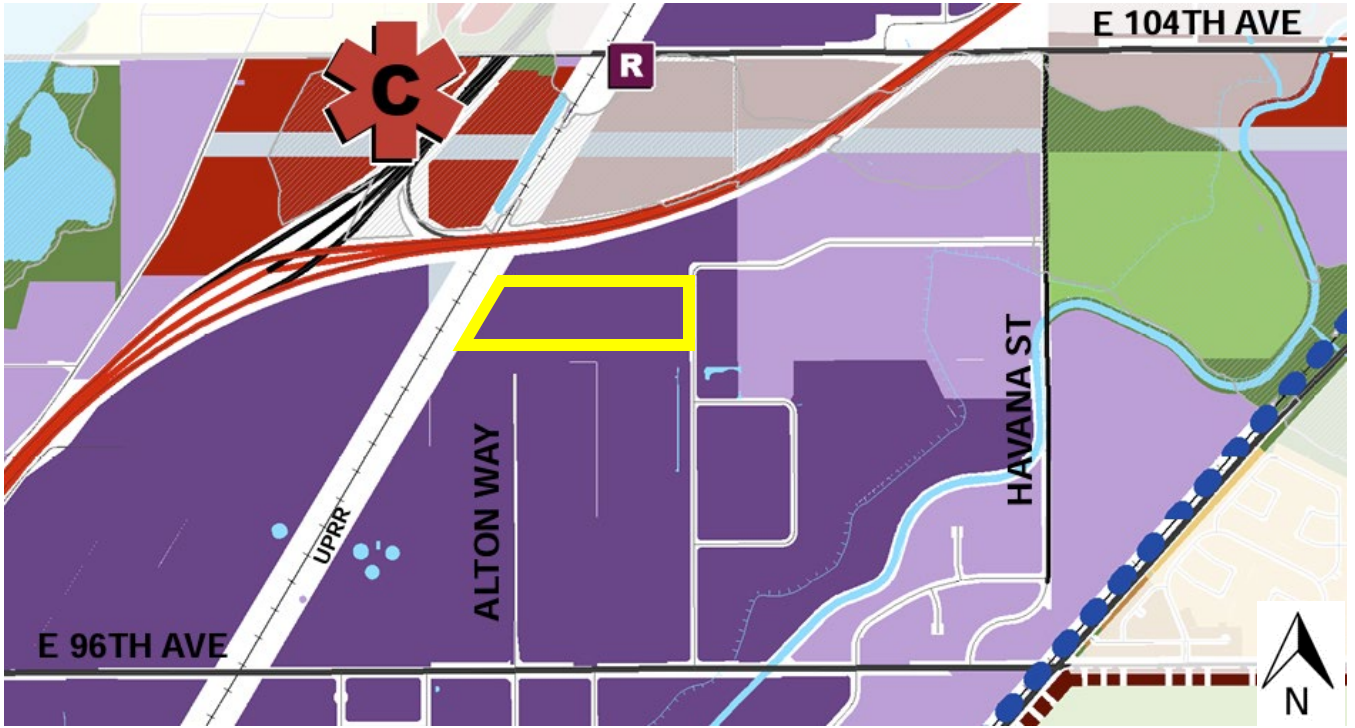
I move that the City Council continue the public hearing of the requested **Conditional Use Permit** for the property located at **10051 Dallas Street**, contained in case **CU-131-24**, to:

1. The next regularly scheduled City Council meeting; or
2. A date certain.

Zoning Map



Future Land Use Map



General Industrial

Aerial Map

