

PLANNING COMMISSION SUMMARY

ITEM: Use by Special Review (USR) Request for an Office and Warehouse/Shop Use with an enclosed vehicle/equipment storage yard on a 13.311-acre site within the C-H (Commercial High Intensity) Zone District

FILE NUMBER: USR2021-0010

PROJECT: Ground Solutions West Office/Warehouse Use by Special Review

LOCATION: North of State Hwy 257 Sur and east of Missile Silo Road.

APPLICANT: Nicholas Anderson, Ridgetop Engineering, on behalf of JCK Real Estate, LLC.

CASE PLANNER: Kristin Cote, Planner II

PLANNING COMMISSION HEARING DATE:

PLANNING COMMISSION FUNCTION:

Review the proposal for compliance with Section 24-480 Use by Special Review criteria of the Development Code (Code 1998 § 1, 5-19-1998; Ord. No. 65, 2002, § 12-17-2002) and either approve, approve with conditions, or deny the request.

EXECUTIVE SUMMARY

The City of Greeley is considering a request by Nicholas Anderson of Ridgetop Engineering on behalf of JCK Real Estate, LLC for approval of a Use by Special Review (USR) for an office and warehouse/shop use with outdoor vehicle storage on a 13.311 parcel. The subject site is located north of State Highway 257 Spur, east of Missile Silo Road, and west of Promontory Parkway. The subject site is currently zoned C-H (Commercial High Intensity) (*see Attachment A*).

A. REQUEST

The applicant is requesting approval for the development of an office building and a warehouse/shop building in the C-H (Commercial High-Intensity) zone district, with overall site improvements and an enclosed vehicle/equipment storage yard.

B. STAFF RECOMMENDATION

Approval

C. LOCATION

Abutting Zoning:

North: PUD (Planned Unit Development)

South: C-H (Commercial High Intensity) & PUD (Planned Unit Development)
East: PUD (Planned Unit Development)
West: C-H (Commercial High Intensity)

Surrounding Land Uses:

North: Vacant land
South: State Highway 257 Spur
East: Outdoor storage facility proposed
West: Single-family and vacant land

Site Characteristics:

The 13.311-acre site is unimproved vacant land.

D. BACKGROUND

The subject site was part of the 257 Spur Enclave Annexation, which was approved as an enclave annexation by the City Council on May 15, 2018 (Ordinance No. 28, 2018). The property was subsequently zoned C-H (Commercial High-Intensity) on May 15, 2018 (Ordinance No. 29, 2018).

The proposed interior warehouse use is subject to Use by Special Review approval for the use “Warehousing – site over 5 acres in size”. This application was submitted to the City of Greeley on August 24, 2021 and was processed under Title 24 of the 1998 Greeley Municipal Code requirements. The owner proposes to develop the site with the construction of two (2) buildings with a combined 14,025 square-feet (1-8500 SF and 1- 5525 SF) for a material placement solution business. (*See Attachment B – Project Narrative*).

The proposed building meets architectural review standards and site and building design standards as required by Municipal Code. The south and west sides of the project area would be screened by a solid 8-foot fence installed along the perimeter of the property to ensure adequate screening from neighboring uses. The site would also be improved with concrete paving, recycled asphalt installation, parking, and landscaping. No outdoor storage of materials or supplies are allowed on this property; however, the applicant will be using the outdoor yard for vehicles and equipment associated with the business. A buffer yard, which complies with Table 24-1146.2 of Greeley Development Code (1998 Development Code), is provided along the western property line that sits adjacent to the existing single-family use on a parcel zoned C-H (Commercial High-Intensity). The proposed buffer yard will sit in front of the proposed 8-foot perimeter fence, providing adequate screening. (*See Attachment D – Landscape Plan*).

E. APPROVAL CRITERIA

- a) **Uses by Special Review:** Uses by Special Review possess characteristics that require a public hearing to determine if a proposed use has the potential to adversely affect other land uses, transportation systems, public facilities, or the like in the surrounding neighborhood. The Planning Commission may require conditions of approval necessary to eliminate or mitigate, to an acceptable level, any potentially adverse effects of the proposed use.

Section 24-480. (a) of the Development Code contains five criteria that are used to evaluate Uses by Special Review:

1. The proposed use shall be consistent with the Comprehensive Plan.

The following are Imagine Greeley Comprehensive Plan policies that apply to this request:

Objective GC-2.2-Jobs/Housing Balance

Support zoning and development patterns that expand opportunities for people who live in Greeley to also work in Greeley (or vice versa).

Staff Comment: The proposal complies with this policy. The development of the subject property into an office and warehouse/shop site helps to continue the City's goal of providing an expansion of job opportunities for individuals who live and work in Greeley.

Objective GC-6.3-Neighborhood Character

Maintain, enhance, and protect the character of established neighborhoods while recognizing the need for established neighborhoods to evolve to meet community needs.

Staff Comment: The proposal complies with this policy by assisting to provide a mix of uses within this area, which continues to advance the City's goal of helping neighborhoods evolve to meet the needs of the community.

2. The location, size, design, and operating characteristics of the proposed use shall be compatible with the existing and future land uses within the general area in which the proposed use is to be located and will not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity. Reasonable conditions may be placed on uses by special review to protect the public health, safety, and welfare by mitigating impacts to achieve compatibility and complementary design, especially where a nonresidential use is located adjacent to a residential use.

Staff Comment: The subject property is located in an area surrounded by similar zoning such as C-H and the Golden Triangle PUD, which allows for commercial and some industrial uses. There is an existing single-family home adjacent to this property, which is zoned C-H. The applicant has provided solid fencing and a buffer yard along the shared property line to screen the proposed use.

The applicant has made efforts to mitigate any negative impacts to the neighboring properties by complying with the City's architectural and design guidelines, by utilizing a color scheme to compliment the character of the surrounding area, and by providing adequate screening of their improvements.

The adjacent site to the east is under the same ownership and is proposed to be improved as an outdoor storage facility to support this request. The site is part of the Golden Triangle PUD and has an industrial designation.

Additionally, any substantial changes to this proposal, such as additional improvements, would require amending the Use by Special Review (USR) approval.

The proposal complies with this criterion.

3. The site shall be physically suitable for the type and intensity of the proposed land use.

Staff Comment: The subject site is approximately 13.311 acres in size, and the property is physically suitable to accommodate the proposed use. Over 42% of the site will remain as landscaped area.

Water is available via an existing 8" main located along State Highway 257 Spur. The site has also obtained a septic permit from Weld County.

The proposal complies with this criterion.

4. The proposed land use shall not adversely affect traffic flow or parking in the neighborhood.

Staff Comment: A traffic impact memo was provided for this project, which as proposed would have minimal effects on trip generation. A traffic impact study was conducted in March of 2019 assuming the site to be developed with an office, truck wash, truck storage, and RV/boat outdoor storage (outdoor storage was not permitted in this zone district). The March 2019 TIS assumed 80 daily truck trips per day and 150 daily car trips per day for all uses defined. The study did not require site related improvements beyond an improved driveway. The report summarizes that short and long term conditions would be acceptable at all critical intersections with the development and that the project is viable from an engineering perspective.

The site shares a driveway with the neighboring single-family use on the west side of the property. The proposal includes a redesign of the current entrance, including paving, to improve the shared use.

The proposal complies with this criterion.

- 5. The location of other approved uses by special review in the neighborhood shall be determined so that a concentration and/or cumulative effect of such uses can be evaluated.**

Staff Comment: The immediate area and neighborhood does not contain any other approved uses by special review. Therefore, no concentration or cumulative effect is experienced.

The proposal complies with this criterion.

- b) Use by Special Review applications shall also be reviewed to ensure that all of the applicable development standards of Chapter 18.38 Zoning District Development Standards have been met, as well as any applicable overlay district provisions.**

Staff Comment: The proposed Use by Special Review (USR) meets the applicable zoning district development standards. The site is not located within any overlay districts.

The proposal complies with this criterion.

- c) In addition to those criteria and requirements listed in Sections 18.20.070(a) and (b), Use by Special Review applications shall meet all applicable General Performance Standards found in Chapter 18.40, Parking Standards in Chapter 18.42, Landscaping and Buffering Standards in Chapter 18.44, all applicable Design Review Performance Standards in Chapter 18.46, Accessory and Temporary Uses, Structures and Buildings in Chapter 18.52, if applicable, Areas of Ecological Significance, in Chapter 18.48, Hillside Standards in Chapter 18.50, and Overlay Districts in Chapter 18.34.**

Staff Comment: The proposal demonstrates compliance with the applicable General Performance, Parking, Landscaping, Buffering, applicable Design Review Performance, Structures, and Buildings Standards. This proposal is for the construction of two buildings with a total combined square footage of 14,025 SF and the development of an outdoor storage area for vehicles. The applicant is proposing to utilize a color scheme on the buildings and site fixtures that compliments the character of the surrounding area. A solid 8' screening fence will be installed along the south and west sides of the yard. Landscaping is being installed between the screen fence and the residential property to the west, which provides adequate screening of their improvements. Landscaping on the southerly portion of this property, abutting State Highway 257 Spur, meets the requirements for landscaping adjacent to a road designated as a major collector.

Hillside Standards, Accessory and Temporary Uses, Areas of

Ecological Significance, and Overlay District standards are not applicable to this proposal.

The proposal complies with this criterion.

F. PHYSICAL SITE CHARACTERISTICS

1. SUBDIVISION HISTORY

The subject site was platted as Lot B, Recorded Exemption No. 0957-2-4-RE4941 (Recordation No. 3655696 dated October 23, 2009). The property has not undergone any additional subdivisions.

2. HAZARDS

Staff is unaware of any potential hazards that presently exist on the site.

3. WILDLIFE

The site is not located in an area identified as having moderate or high ecological significance.

4. FLOODPLAIN

The property is not located within any flood zones.

5. DRAINAGE AND EROSION

A water quality and detention pond has been constructed at the North Central portion of the site and outlets to its natural path. The owner will be required to record an *Operations and Maintenance Manual for Stormwater Control Measures* with the Weld County Recorder's Office for the on-site extended detention basin. The existing site is covered by a well-established mix of native grasses and recycled asphalt from previous development. There are no areas or features unusually sensitive to erosion on this site.

6. TRANSPORTATION

The subject site is only accessible from State Highway 257 Spur, which is classified as a major collector.

G. SERVICES

1. WATER

The applicant would tie in to an existing 8" municipal water service line located along State Highway 257 Spur. A ¾" domestic water tap is proposed to serve the proposed development.

2. SANITATION

The subject site is not currently served by the City's sanitary sewer service. Rather, the property utilizes a septic tank and leach field system. A new septic permit is required to upgrade the system from the existing capacity to an engineered commercial onsite wastewater treatment system. The Weld County Department of Public Health and Environment has approved the permit and will conduct the required inspections associated with the installation of the system (*see Attachment G – Septic Permit*).

3. EMERGENCY SERVICES

The subject site is currently served by the City of Greeley Police and Fire Departments, and this would not change with the proposed request.

4. PARKS/OPEN SPACES

No public parks or regional open space areas are proposed and/or required as part of this request.

5. SCHOOLS

This project proposal does not generate the need for any additional schools.

H. NEIGHBORHOOD IMPACTS

1. VISUAL

Visual impacts to the surrounding neighborhood will be mitigated through the use of a solid screening fence and landscape buffering from the adjacent single-family use to the southwest.

2. NOISE

The immediately adjacent neighbors may experience some noise from truck traffic during operation hours. However, the noise levels should be minimized by the landscape buffers that are required to be installed along the property's perimeter and the provided solid screening fence. Additionally, the Municipal Code would regulate any excessive noise created by the proposed development.

I. PUBLIC NOTICE AND COMMENT

Mineral estate owner and lease notices were mailed by the applicant on March 26, 2020.

Neighborhood notices were mailed to surrounding property owners on February 16, 2022, per Development Code requirements. A sign also posted on the site on February 18, 2022. Staff has not received any written comments to date.

J. PLANNING COMMISSION RECOMMENDED MOTION

Approval:

Based on the application received and the preceding analysis, the Planning Commission finds that the proposed Use by Special Review for an Office and Warehouse/Shop Use with an enclosed vehicle/equipment storage yard on a 13.311-acre site within the C-H (Commercial High Intensity) Zone District on a lot that is more than five (5) acres in the C-H (Commercial High Intensity) Zone District is consistent with the 1998 Development Code criteria of Section 24-480(a) (Items 1 through 5), and; therefore, approve the Use by Special Review as submitted.

Denial:

Based on the application received and the preceding analysis, the Planning Commission finds that the proposed Use by Special Review for an Office and Warehouse/Shop Use with an enclosed vehicle/equipment storage yard on a 13.311-acre site within the C-H (Commercial

High Intensity) Zone District on a lot that is more than five (5) acres in the C-H (Commercial High Intensity) Zone District is not consistent with the 1998 Development Code criteria of Section 24-480(a) (Items 1 through 5), and; therefore, deny the Use by Special Review as submitted.

ATTACHMENTS

- Attachment A – Vicinity & Zoning Map
- Attachment B – Project Narrative
- Attachment C – Site Plan
- Attachment D – Landscape Plan
- Attachment E – Building Elevations
- Attachment F – Septic Permit