





**Existing Conditions:**

Zoning: LI - Light Industrial  
 Lot Size: 2.74 Acres  
 Existing Use: Light Industrial - Crating Technologies, LLC

**Adjacent Land-Use/Zoning:**

	ZONING	LAND USE
<b>NORTH</b>		Trail Corridor RTD Rail Right of Way
<b>SOUTH</b>	Planned Development	Residential
<b>EAST</b>	Light Industrial	County Line Lumber – Storage yard EGarage – small engine repair
<b>WEST</b>	Light Industrial	Storage Facility

**GENERAL INFORMATION:**

In association with a light industrial use (Crating Technologies, LLC) the applicant is proposing an outdoor storage area. The storage area is proposed to be 65'x25' (1,625 sq. ft.), it will be centrally located within the site, and surrounded by an 8 foot tall masonry wall. Crating Technologies LLC builds custom wooden crates and the

lumber used to build the crates would be stored outside in this area. The property currently does not have an outdoor storage area.

Outdoor Storage as classified in Municipal Code Title 10, Table 3-2 Table of Accessory Uses requires a Special Review Use approval in the Light Industrial Zone District.

### **Requests for Alternative Equivalent Compliance:**

Pursuant to Municipal Code 10.6.1C “Alternative Equivalent Compliance”, the “Purpose” states that Alternative equivalent compliance is a procedure that allows development to occur where the intent of the design-related provisions of this Chapter is met through an alternative design. It is not a general waiver of regulations. Rather, the procedure permits a site-specific plan that is equal to or better than the strict application of a design standard.

The following applicant requests for alternative equivalent compliance from the application materials are listed below after the Code citation they are requesting to be altered.

- a. The Municipal Code 10.6.4.G.10.a.v, requirement for Screening of Non-Residential Outdoor Storage is:

*Seven feet outside the exterior perimeter of the fence or wall shall be landscaped and shall contain a minimum of 1 tree for every 150 sq. ft. of lot area. The 7 foot landscaped area shall not be located in a street right of way.*

#### Applicant Request for Alternative Equivalent Compliance:

The Landscape Plan details the proposed alternative landscaping of the site. The applicant’s narrative states “The lot area for 1121 Telleen Avenue is 123,969 square feet. The number of trees that would have to be provided under the MC is 826 trees. The outdoor storage area is 65 feet by 25 feet. It is not feasible to install 826 trees in a 7-foot strip around the outdoor storage area. The landscape plan for the proposed storage area calls for three Ponderosa Pine trees on the north side of the storage area that will substantially screen the outdoor storage wall from the users of the regional trail immediately north of the lot when the trees reach mature size. Screening the other three sides of the outdoor storage area with landscaping is not practical nor necessary given the particulars of the site and location of the storage area. The south side of the storage area lies adjacent to an access easement for the Verizon cell tower site located immediately west of the storage area. Landscaping in the Verizon easement would interfere with Verizon’s access to their facility. The proposed storage area is screened from view from the property to the west by the equipment building for the Verizon cell tower. Also, landscaping on the west side of the outdoor storage area would take up space needed for the parking of equipment by Verizon. The proposed outdoor storage area is adjacent to an asphalt drive on the east. Also, the properties to the east contain buildings that are either storage building or buildings that don’t have any windows or view of the proposed outdoor storage area.”

- b. The Municipal Code 10.6.4.G.10.c.ii, requirement for Additional Screening for Outdoor Storage for Industrial Uses is:  
*A minimum 15 foot wide planting area composed of screening landscaping is required around the perimeter of the site when the site is adjacent to non-residential districts or street right-of-ways. The 15 foot wide planting area shall not be located within a street right-of-way.*

Applicant Request for Alternative Equivalent Compliance:

The Landscape Plan details the proposed alternative landscaping of the site. The applicant's narrative states "the existing building is 20-feet off of the west property line. Installing a 15-foot planting area along the west property line would significantly impact access to the west side of the building. There is also a 5' wide Verizon utility easement along the west side of the property. Landscaping along the north property line wouldn't provide screening from the regional trail given that the north side of the property is approximately 15' lower than the proposed outdoor storage. The property to the east contains a storage building and a building with no windows on the west side. So, there is no need for screening along the east property line. The proposed landscape plans for the project landscapes the frontage of the lot along Telleen Avenue. Currently, the site contains two driveways off of Telleen Avenue. The property owner has agreed to remove the west driveway and landscape the entire area between the existing building and the Telleen Avenue right-of-way. The building is approximately 55 feet from the Telleen Avenue right-of-way. The area east of the east driveway is also being landscaped with a 15-foot wide planting area. The proposed landscape plan landscapes and beautifies the front of the lot to a level greater than what is required by the MC.

The proposed landscape plan meets the intent of the Municipal Code to screen and beautify those areas of the property and proposed improvements visible to the public".

Additionally, the property owner has committed to reviewing the exterior lighting fixtures and updating them as needed to ensure they cast light downward.

**ALTERNATIVE EQUIVALENT COMPLIANCE ANALYSIS:**

The requests for Alternative Equivalent Compliance listed above were reviewed for conformance with Municipal Code 10.6.1.C.5. Approval Criteria. Staff finds the requests in compliance with the Approval Criteria listed below.

- a. *The proposed alternatives achieve the intent of the subject design standard to the same or better degree than the subject standard;*

The intent of the standards is to mitigate the typically negative visual impacts of outdoor storage areas through screening and landscaping. In this case, the existing site lacks any landscaping or screening along Telleen Ave., existing conditions limit the ability to fully comply with the standard, and the effectiveness of the standards are limited given adjacent existing conditions. The proposal more effectively achieves the intent of the standard, because this alternative improves the appearance of the site (enhancing the streetscape and

screening the existing building) along the public right of way where these improvements will have a greater impact.

- b. *The proposed alternative achieves the goals and policies of the Town's Comprehensive Master Plan to the same or better degree than the subject standard;*

The alternatives achieve the goals and policies of the Comprehensive Master Plan.

- c. *The proposed alternative results in benefits to the community that are equivalent to or better than compliance with the subject design standard.*

The alternative proposed improves the most visually prominent area of this parcel. Landscaping the area along the public street and in front of the existing building will result in a benefit to the community equivalent to or better than compliance with the subject design standard.

### **SPECIAL REVIEW USE ANALYSIS:**

The Special Review Use was reviewed for conformance with Municipal Code, Title 10, Section 7.13.C.9, Approval Criteria and Section 3.2. Staff finds the Special Review Use for Outdoor Storage in compliance with the Special Review Use Approval Criteria as listed below.

- a. *The proposed use is generally consistent with the Town's Comprehensive Master Plan and all applicable provisions of this UDC and applicable State and Federal regulations;*

1. Outdoor Storage is subject to the following development and design standards from UDC section 10.6.4.G.8:

- a. *Each outdoor storage area shall be screened from view from all property lines and adjacent right-of-ways by an opaque fence or wall between 6 and 8 feet in height that incorporates at least 1 of the predominant materials and 1 of the predominant colors used in the primary structure. The fence may exceed 8 feet in height where the difference in grade between the right-of-way and the outdoor storage area makes a taller fence necessary to effectively screen the area. Materials may not be stored higher than the height of the primary structure. The perimeter of the fence or wall must be landscaped with a 7-foot wide strip containing a minimum of 1 tree for every 150 square feet of lot area.*

Staff: The applicant has proposed a masonry wall, 8 feet tall, in a color which matches the existing building. As previously discussed, the applicant is requesting an alternative equivalence from the 7 foot wide landscape strip. As a condition of approval materials may not be stored higher than the height of the screening wall.

- b. *A landscaped earth berm may be used instead of or in combination with a required fence or wall. The total height of the screening, including fence and berming, shall not exceed the maximum fencing height requirement.*

Staff: A landscape berm is not proposed.

- c. *If the outdoor storage area is covered, then the covering shall include at least 1 of the predominant exposed roofing colors on the primary structure.*

Staff: The storage area is not proposed to be covered.

- d. *Flammable liquids or gases in excess of 1,000 gallons shall be stored underground.*

Staff: The applicant has not proposed to store flammable gasses.

- e. *No materials may be stored in areas intended for vehicular or pedestrian circulation.*

Staff: The location selected for the storage area reflects the circulation needs for the site including the access required by the Verizon Wireless facility.

- f. *If installed, exterior lighting shall meet the functional needs of the facility and the requirements of this UDC without adversely affecting adjacent properties or the neighborhood.*

Staff: No additional site lighting is proposed as part of the outdoor storage use. In efforts to enhance the appearance of the site, as part of the alternative equivalence compliance request, the applicant has agreed to update the exterior fixtures to ensure light is down cast.

- 2. Non-Residential Outdoor Storage is also subject to the following development and design standards from UDC section 10.6.4.G.10:

- a. *Each outdoor storage area shall be screened from view from all property lines and adjacent right-of-ways by a solid fence or wall between 6 and 8 feet in height. The fence shall meet the following standards:*

- i. *The fence shall incorporate at least 1 of the predominant materials and 1 of the predominant colors used in the primary structure. However, the fencing material shall not be metal.*

Staff: The existing structure on site is a metal building therefore the applicant has design a masonry wall which will be of a similar color to the building.

- ii. *The fence may exceed 8 feet in height where the difference in grade between the right-of-way and the outdoor storage area makes a taller fence necessary to effectively screen the area. Approval for fencing that exceeds 8 feet in height shall be at the discretion of the final decision maker for the application.*

Staff: The applicant has proposed and 8 foot tall screening wall.

- iii. *Fencing of outdoor storage, adjacent to a public right-of-way, park, trail or open space, shall provide visual interest by varying the fence setback to the street and creating planting pockets. Uninterrupted*

*lengths of fence should be limited to 150 feet without providing planting pockets. Planting pockets shall be a minimum of 12 feet deep and a minimum of 50 feet long and be densely planted with shrubs and trees. Additionally 2 foot by 2 foot masonry columns shall be placed a minimum of every 75 feet of fence length.*

Staff: The relatively small storage area proposed is internal to the site and is not adjacent to any public right-of-way, park, trail or open space.

*iv. Materials may not be stored higher than the height of the fence.*

Staff: As a condition of approval materials may not be stored higher than the height of the screening wall.

*v. Seven feet outside the exterior perimeter of the fence or wall shall be landscaped and shall contain a minimum of 1 tree for every 150 square feet of lot area. The 7 foot landscape area shall not be located in a street right-of-way.*

Staff: The Landscape Plan and associated requested alternative equivalence replace this requirement.

*b. A landscaped earth berm may be used instead of or in combination with a required fence or wall. The height of the screening with a berm shall meet the fencing requirement.*

Staff: A berm is not proposed.

*c. Additional Screening for Outdoor Storage for Industrial Uses and Commercial Vehicle Storage*

The following design criteria shall be required in addition to the design criteria above and design criteria found in Subsection 3.3.G.8:

*i. A minimum 30 foot wide planting area composed of screening landscaping is required around the perimeter of the site when the site is adjacent to residential districts. The 30 foot wide planting area shall not be located within a street right-of-way.*

Staff: The closest residential district is south of the Telleen Ave. right-of-way, this standard does not apply.

*ii. A minimum 15 foot wide planting area composed of screening landscaping is required around the perimeter of the site when the site is adjacent to non-residential districts or street right-of-ways. The 15 foot wide planting area shall not be located within a street right-of-way.*

Staff: Alternative equivalence compliance has been requested for this standard.

*iii. No outdoor storage shall occur within a front or side setback on the lot.*

Staff: This standard has been met.

- b. *The proposed use is generally consistent with the purpose and intent of the zoning district in which it is located;*

Staff: As stated in the UDC the purpose of the Light Industrial zone district is “to provide areas for light industrial uses including warehousing and limited outdoor sales and storage”. The limited outdoor storage proposed by this application fits within this stated purpose.

- c. *The proposed use is generally consistent with any applicable use-specific standards set forth in Section 3.2;*

Staff: Outdoor Storage is also subject to the following use specific standards from UDC Chapter 3. The storage area shall meet all of the following requirements

- a. *Each outdoor storage area shall be incorporated into the overall site design and screening shall be complimentary in design to the primary structure on the site and shall be located at the rear or side of the primary structure. The outdoor storage shall not be located in front of the primary structure. Surfacing of the outdoor storage area shall be asphalt or concrete. Recycled asphalt, recycled concrete or equivalent may be considered for industrial uses, and the final approval of the alternative shall be the final decision maker for the application.*

Staff: The outdoor storage area has been appropriately located on the site with respect to the existing building and the screening wall has been design in order to complement the existing building.

The applicant has requested to use recycled as asphalt for the surface of the proposed storage area. The application materials state “the existing surface of the area where the proposed outdoor storage will be located is recycled asphalt. The outdoor storage area is over 300 feet from Telleen Avenue and the surface type will not be visible from Telleen Avenue. The benefit of the recycled asphalt is the permeability of the material. Storm water will drain through the material thereby not increasing the runoff from the lot. The recycled asphalt will be driven on by fork lifts and not trucks or cars, thus eliminating the chance that the recycled asphalt will be tracked onto Telleen Avenue by vehicular tires. The recycled asphalt will be a minimum of 6” thick and will be able to stand up to the loads of the material that will be located in the outdoor storage facility”. Staff has no concerns with the use recycled asphalt in this case and recommends that the Planning Commission recommend approval of the use of this material.

- b. *Goods stored in an approved outdoor storage area shall be limited to storage of materials associated with the business on the lot; business of vehicle storage; or storage of businesses’ vehicles and equipment.*

Staff: The material to be stored is lumber used by the business on site.

- c. *If the outdoor storage area is covered, then the covering shall be designed to be complimentary to the principal structure by integrating the same roofing materials and color, and roof slope as the primary structure.*

Staff: The storage area is not proposed to be covered.

- d. *Flammable liquids or gases in excess of 1,000 gallons shall be stored underground.*

Staff: There are no flammable liquids or gasses proposed to be stored.

- e. *No materials may be stored in areas intended for vehicular or pedestrian circulation.*

Staff: The location selected for the storage area reflects the circulation needs for the site including the access required by the Verizon Wireless facility.

- f. *If installed, exterior lighting shall meet the functional needs of the facility and the requirements of this UDC without adversely affecting adjacent properties or the neighborhood.*

Staff: No additional site lighting is proposed as part of the outdoor storage use. In efforts to enhance the appearance of the site as part of the alternative equivalence compliance request the applicant has agreed to update the exterior fixtures to ensure light is down cast.

- d. *The proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts);*

Staff: The proposed use is a 1,625 sq. ft. storage area located 63 feet from the western property line, 70 feet from the eastern property line, over 300 feet from the south property line and approximately 250 feet from the north property line. Given these distances and the relatively small storage area staff does not anticipate external impacts to result which would be incompatible with the surrounding land uses. The visual change in the environment is the most significant impact of this storage area. The area will be well screened by the masonry wall and the addition of landscaping along the south property line will improve the overall look of this site. The uses in this area transition from light industrial to residential at Telleen Avenue and enhancing the streetscape and screening of the existing building at this transition allows the existing site to become more compatible with the adjacent residential uses.

- e. *Any significant adverse impacts anticipated to result from the use will be mitigated or offset to the maximum extent reasonably practicable;*

Staff: The anticipated impact of Outdoor Storage is a visual change in the environment. The proposed screening wall, the landscaping proposed, and the property owner's commitment to ensure down lighting on site will result in an overall improved visual character for this property.

- f. *Facilities and services (including sewage and waste disposal, water, gas, election, police and fire protection, and streets and transportation, as applicable) will be available to serve the subject property while maintaining adequate levels of service for existing development;*

Staff: Necessary utilities and services are readily available to the site.

- g. *Adequate assurances of continuing maintenance have been provided;*  
Staff: As this is private property the property owner and/or tenant will provide the overall maintenance of the building and site.
- h. *Any significant adverse impacts on the natural environment will be mitigated to the maximum extent reasonably practicable.*  
Staff: Adverse impacts on the natural environment are not anticipated to result from the 1,625 sq. ft. area being enclosed and utilized for storage of lumber.

**NEIGHBORHOOD MEETING:**

As required by the Municipal Code a Neighborhood Meeting was held as follows:

Neighborhood Meeting Date: December 12, 2017  
Neighborhood Meeting Location: Erie Community Center

The required posted and mailed notice of the Neighborhood Meeting was provided as required.

**PUBLIC NOTICE:**

The required notice of this Public Hearing has been provided as follows:

Published in the Colorado Hometown Weekly: January 3, 2018  
Property Posted: January 2, 2018  
Letters to Adjacent Property Owners: January 5, 2018