

## Letter of Introduction

From:

David Gertz: Applicant of 1330 South Abilene Self-Storage

Owner: Balsam GWG LLC

Contact Number: 303.807.9504

To:

The City of Aurora

The Planning and Zoning Commission

15151 E. Alameda Parkway, Suite 2300

Aurora, Colorado 80012

Dated:

March 28, 2024 (revised)

Description of Proposed Project: Redevelopment Site Plan and Conditional Use with Adjustments

Proposed Use: Commercial; Self-Storage Facility

Location: 1330 South Abilene Street

Dear Planning Commission Members,

The property at 1330 South Abilene Street in question is currently zoned as MU-C Mixed-Use - Corridor District, in Subarea A. The proposed use is intended to be Self-Storage Facility. The application type outlined here is a Site Plan (Redevelopment Plan) with Conditional Use.

This is an outside self-storage facility that has been in operation for over 9 years. It started in 2015, but in 2018 the zoning laws were changed, and we found that we are no longer in compliance with these new regulations. We have worked with the city to develop a new Site Plan that rectifies the problem. However, because of the age and layout of the facility there are several items that we are asking for relief on. One of them being the requirement of a two-story building. We are respectfully asking you to approve a new site plan that would allow us to operate, with conditional use, as we have been for the past many years.

In addition, this use will only be temporary since the master plan for the city envisions a large multi-use project because of its proximity to the light rail stop on Ilif. Our strategy is to continue to operate the facility, to pay the bills, keep it from being developed into yet one more orange storage facility and wait for the market to be ripe to sell to developers that have the wherewithal to develop the property into its highest and best use.

This facility should be deemed an enclosed site since the entire facility is surrounded by buildings except for the north and south gates. This facility is a former lumberyard. It consists of buildings that are 17 feet tall and these buildings and the newer buildings (sheds) that have been added by the surrounding property owners actually enclose the site and essentially, the facility from the outside, looks like an “enclosed structure that is 2 stories in height”.

There will be no on-site office for this facility. Budget Trucks has vacated and the U-Haul is run by another entity who leases their space from us.

The purpose of this letter and subsequent application request is to follow the regulations, guidelines, and standards set forth in the City of Aurora Unified Development Ordinance (UDO). The methods by which this intent is proposed is through the following efforts:

- A) **Illustrate the proposed site's compliance with the criteria of the Conditional Use, and**
- B) **Detail my intended use of the facility as a compliant and meets the requirements of a Self-Storage Facility.**

Finally, addressing the comments and items as presented on the Pre-Application Letter and Key Note Items have been extracted from this Letter of Introduction and provided in a separate document entitled as such.

**A) Does the proposed site comply with the Standards set forth in the City of Aurora Unified development Ordinance Conditional Use Criteria (Chapter 146.5.4.3.A.3)?**

I understand that a Conditional Use shall be approved only if the Planning and Zoning Commission determines that the following items are addressed and are deemed acceptable in association with the proposed site development:

**a.** The application complies with the applicable standards in this UDO, other adopted City regulations (including but not limited to any use-specific standards for the proposed conditional use in Section 146-3.3), any approved Master Plan that includes the property, and any conditions specifically applied to development of the property by the Planning and Zoning Commission or City Council in a prior decision affecting the property;

Gertz response to this comment: We are asking to waive the requirement that requires a two-story structure with a roof. We are asking for an adjustment in this regard.

**b.** The application is consistent with the Comprehensive Plan;

Gertz response to this comment: I have reviewed the City of Aurora Comprehensive Plan as it pertains to the proposed site development and section 5.5 – Pre-existing conditions and non-conformities is relevant in this case as this business has been ongoing for over 7 years since its inception in 2015. The Facility was in operation in its current form before 2019 when a new ordinance was passed that made it a non-conforming use. The property itself has been there for over 40 years and has not changed since its original construction.

**c.** The size, scale, height, density, multi-modal traffic impacts, and hours of operation of the proposed use are compatible with existing and planned uses in the surrounding area;

Gertz response to this comment: The existing uses in the surrounding area are to the north, west, and south of commercial areas. There is a residential development to the east, but there have never been complaints from the residents. This matter is further outlined in Part B herein, the Operation Plan; The proposed use and operation hours will be enforced as regulated by (Chapter 146. 3. 3. 5. Y. 7)

**d.** The proposed use will not change the predominant character of the surrounding area.

Gertz response to this comment: There are no plans to change the existing character of the site. As stated in the above overall site description the facility in its current state has been in place and used accordingly for over 40 years.

**e.** The City's existing infrastructure and public improvements, including but not limited to its street, trail, and sidewalk systems, have adequate capacity to serve the proposed development, and any burdens on those systems have been mitigated to the degree practicable; and

Gertz response to this comment: The intended use should not affect the current infrastructure or add additional encumbrances there to.

**f.** The application demonstrates that the proposed use will not create significant dislocations of tenants or occupants of the property, or that any impacts are outweighed by other public benefits or progress toward other Comprehensive Plan goals that would be achieved by approval of the application.

Gertz response to this comment: The intended use will not create any dislocations of tenants or occupants on the property.

**g.** The application mitigates any adverse impacts on the surrounding area to the degree practicable.

Gertz response to this comment: The site was formally a lumberyard, and the buildings are 19 ft tall. Because of the surrounding buildings, the only area that does not look closed in is the required entry and exit gates. The 17-foot walls adjoining the residential subdivision form a divider that acts as a great separator for the two disparate uses. In fact, when contacted by the applicant, Mr. Author Acosta stated that “He likes the wall because it gives him privacy from all the commotion on Abilene Street.”

**B) Does the proposed site comply with the Standards set forth in the City of Aurora Unified Development Ordinance (Chapter 146.3.3.5.Y) regarding Self-Storage Facilities?**

The original Pre-Application Response and Plan Letter presented to Mr. Gertz by the City of Aurora; dated September 18, 2022, provided specific comments regarding the compliance of the proposed site in association with standards for a Self-Storage Facility. These comments and the associated responses are as follows; additional standards aside from the ones listed in the said provided letter are addressed herein:

- 1) Enclosed Storage - The lack of enclosed self-storage, which is a design requirement, should be improved with your proposal. Your application should demonstrate to the Planning Commission how you intend to improve this circumstance and or explain why your improvements may be limited. **(Chapter 146. 3. 3. 5. Y. 8)**

Gertz response to this comment: The height of the buildings hides the interior use of the facility. We have removed the chain link from the fence and gates and replaced it with wrought iron pickets.

- 2) Attendant "Office" - The current situation with the attendant's "office" being located in an RV, in the yard, is not permitted. An office (not a residence) will need to be a permanent structure included on the site plan if desired. **(Chapter 146. 3. 3. 5. Y. 1)**

Gertz response to this comment: There is no on-site office.

- 3) Idling Trucks - In your application, please identify if these spaces will be used for truck cabs and idling, which are incompatible with adjacent residential uses.

Gertz response to this comment: This is not a reoccurring aspect of the proposed site and it has not bothered adjoiningers up until now.

- 4) Hours of operation must be strictly enforced (6:00 am to 10:00 pm). Given the proximity to residences, a closing time of 6:00 pm may be more appropriate. **(Chapter 146. 3. 3. 5. Y. 7)**

Gertz response to this comment: The hours of operations (from 6:00 am to 10:00 pm) has been the policy for all this time and no complaints have been received by us or the city. Additionally, lighting on site is internal to the lot and does not shine on any adjacent residential neighborhoods.

Additionally, as per the said referenced UDO (Chapter 146.3.3.5.Y) further standards are addressed accordingly as follows:

**Chapter 146. 3. 3. 5. Y.**

Note: The Managing Director, during the lease application process will qualify lessee to be sure vehicles are operable and will not lease spaces to renters with inoperable vehicles. Operations manager shall be responsible for enforcing this rule on site. Specifically items 2, 3, and 4 will be enforced accordingly.

- 1.** An accessory caretaker's residence or office may be included in the self-storage facility, provided the residence or office shall:

- a. Be located along the street frontage;
- b. Incorporate a gable, hip or shed roof forms; and
- c. Include a prominent entry to add to visual interest from the street.

Gertz response to this comment: There is no on-site office.

- 2.** Only storage of goods and materials are allowed in self-storage rental spaces. The use of storage spaces as a location to conduct a business is prohibited.

Gertz response to this comment: Business will not be permitted from the rental spaces; enforcement of this standard will be performed. Owner will be responsible for the enforcement of this item.

**3.** The storage of hazardous materials is prohibited. Storage of feed, fertilizer, grain, soil conditioners, pesticides, chemicals, explosives and other hazardous materials, asphalt, brick, cement, gravel, rock, sand and similar construction materials, inoperable vehicles, or bulk storage of fuels shall be prohibited.

Gertz response to this comment: The storage of the hazardous materials/items noted will not be permitted; enforcement of this standard will be performed. Owner will be responsible for the enforcement of this item.

**4.** The use of power tools, paint sprayers, or the servicing, repair or fabrication of furniture, boats, trailers, motor vehicles, lawn mowers, appliances, and other similar equipment on the premises is prohibited.

Gertz response to this comment: The use of such equipment and services outlined will not be permitted; enforcement of this standard will be performed. Owner will be responsible for the enforcement of this item.

**5.** Where the site is adjacent to residentially zoned land, loading docks are prohibited on the side of the facility facing the residentially zoned land.

Gertz response to this comment: Loading docks are not an aspect of the existing and/or proposed site development.

**6.** A permanent screen shall be required and shall conform to landscaping and screening requirements in Section 146.4.7 (Landscape, Water Conservation, Storm water Management).

Gertz response to this comment: This is an unusual site in that since it was built before the adjoining residential homes were built, there was a 10-foot setback requirement from the property line on the east side. Once the residential homes were built that left a dead zone between our buildings and the homeowners property line. The Homeowners to the east have extended their yards and fences to our building and essentially incorporated the dead zone into their property. We have no intention of evicting them from this space and they allow us access to the building through their fence gates so we can perform maintenance on the building.

**8.** If the facility is located in an MU-C or MU-R district all storage shall be contained within a fully enclosed structure that:

a. Is at least a two-story structure with storage units on upper floors with access doors to storage units accessed from interior hallways.

b. Does not have any garage doors or access doors to any storage unit facing any public street, park, or open space, unless the doors are screened from all visible public streets, parks, and open spaces.

Gertz response to this comment: The facility does not have any of these conditions except the two-story structure requirements that we are requesting relief from.

**9.** In the APZ district all buildings and structures shall comply with the development standards of the APZ zone district, Federal Aviation Administration standards, and all other applicable federal regulations.

Gertz response to this comment: Site not in the APZ district and does not apply to this application.

### **Final comments:**

The facility sits behind the Carpet Mill Outlet, which is in front of the Get Shooting gun range which is in front of an ongoing church facility. We are at the back of all that. (See Exhibit A, a map that shows the physical layout of the facility). In other words, not one can see us.

Given the location of this particular lot, behind and screened by so many other buildings and not visible from any street, it makes sense to continue to operate in the near future.

The site in question is approximately 500 ft from the light rail stop known as Iliff Station. The current zoning of the site would allow for a large mixed-use facility and since this and the connecting properties have the lowest cost to demolish, this is the perfect site that the city has envisioned for a landmark structure to anchor the properties up and down this section of Abilene St. Therefore, the current use as a self-storage facility is only temporary in nature and will go away when the market catches up to this part of the city. In fact, the 24 hour fitness building has already been raised and a new project is slated to be built. I think the wishes of the city's master plan could be realized on this site if it allowed to

continue in its current form until the market is ripe. If not, we would be forced to sell and at present, the only buyers are the large storage companies and they could build, with the current zoning, a giant storage facility on the acre and one half. . Initially there were several plans to upgrade the storage facility by building expensive structures to house the storage units. None of these plans ever went forward given the cost to complete them and the owners and the cities desire to put this entire property to a higher and better use. Obviously the more that was spent in the short run, the longer it would take for the numbers to work, to justify tearing down the temporary structures. Then, the longer it would take for the highest and best use of the property to be realized. Therefore, temporary, low-cost use of the property as a short-term placeholder is the correct strategy for this property.

The supplemental Site Plan (Redevelopment Plan) and Conditional Use with Adjustments plan will depict the overall layout of the existing facility, and the alterations that will be made once the application is passed. The alterations are details for the fencing and parking are outlined accordingly in the plan.

If you have any further questions; please do not hesitate to reach our any time.

Sincerely,

David Gertz, Applicant for Balsam GWG LLC, owner.