



# Zone Change Report

## Case #Z-989-23

*Planning Commission Date: May 16, 2023*

*City Council Date: June 5, 2023*

### **GENERAL INFORMATION**

<b>PROJECT NAME</b>	88 <sup>th</sup> & Rosemary Rezoning
<b>LOCATION</b>	8705 Rosemary St. (SWC of E. 88th Ave. and Rosemary St.)
<b>SITE SIZE</b>	6.57 Acres
<b>CURRENT ZONING</b>	I-1 (Light Intensity Industrial District) and AG (Agricultural District)
<b>APPLICANT</b>	Evergreen Devco Inc.
<b>OWNER(S)</b>	Frank and Julia Agazio
<b>CASE PLANNER</b>	Michael Rosso

### **REQUEST**

The request is to rezone the property from I-1 (Light Intensity Industrial District) and AG (Agricultural District) to I-2 (Medium Intensity Industrial District).

### **BACKGROUND AND CASE HISTORY**

In 1980, this property was annexed into the City and zoned AG. Then, in 2019, a portion of the lot was rezoned to I-1 (Z-956-19). A condition was placed on the rezoning that a subdivision would be required to separate out the I-1 portion of the lot. This condition was never fulfilled, resulting in the current split-zoning of the lot. Please refer to the zoning map at the end of this report for a visual representation of the split-zoning.

### **ADDITIONAL INFORMATION**

There is a proposed Development Plan (D-551-23) which is currently under review for this site. The plan consists of one warehouse building, approximately 54,600 sf. in size.

### **COMPREHENSIVE PLAN (CP) CONSISTENCY**

The subject property is designated on the Future Land Use Map as Industrial / Distribution, while the Irondale Neighborhood & Infrastructure Plan designates the property as General Industrial. The proposed zoning designation of I-2 is consistent with the Future Land Use Map in the Comprehensive Plan, and with the Irondale Neighborhood & Infrastructure Plan. In addition, as part of this lot is still zoned AG, rezoning the entire lot to I-2 will bring the property into conformance with the future land use designations of the Irondale Neighborhood & Infrastructure Plan and the Comprehensive Plan, while also correcting the split-zoning.

Furthermore, this case is supported by Fiscal Stability Goal (Goal FS 2) in the Comprehensive Plan, which strives to retain/increase the employment base. The proposed development plan is for a large warehouse building which will bring jobs and tax revenue to the City. Therefore, the request appears to be consistent with the comprehensive plan.

## **PROJECT ANALYSIS**

### **Site Overview**

The requested rezoning is for a 6.57 lot, located at the southwest corner of E. 88th Avenue and Rosemary Street. A small portion of the lot is developed with an existing single family residence. Per the submitted development plan, all structures currently on the site would be demolished before the site is redeveloped.

In general, Irondale has shifted from residential in character to more industrial in character over the years. In this particular area of Irondale, the majority of land uses are industrial. This site is bordered by industrial uses with I-1 and I-2 zoning to the south, and a railway directly to the west. The nearest residential use to this property is a small cluster of 14 residences a quarter mile to the east; and the closest major residential neighborhood is almost a third of a mile to the west. In addition, this property is currently split-zoned I-1 and AG, so rezoning the entire property to I-2 will fix the issue that it was never subdivided per the original rezoning condition.

As previously mentioned, the applicant intends to develop this lot with a warehouse structure, which is an allowed use in the requested I-2 zoning district.

### **Road Network Impacts**

According to Public Works, E. 88<sup>th</sup> Ave. is a Minor Arterial and there are plans to generally widen it to 4-lanes west of Rosemary St., and 3-lanes east of Rosemary Street. Meanwhile, Rosemary St. is a Major Collector and there are plans to widen it to 3-lanes for the majority of the length between E. 81<sup>st</sup> Ave. and E. 88<sup>th</sup> Avenue. The E. 88<sup>th</sup> Ave. widening project is expected to be at least partially out-to-bid by fall of 2023; while the Rosemary St. widening project is expected to be completed by spring of 2024. These widened rights-of-way will be able to better handle the amount of traffic generated by industrial uses.

### **Overall Analysis**

Staff have determined that the lot in question currently meets, or will be able to meet once developed, all the relevant City standards and Land Development Code (LDC) requirements for the proposed I-2 zoning. These requirements include, but are not limited to: access, floor area ratio (FAR), minimum lot area, minimum lot frontage, and setbacks.

The proposed zone change has been reviewed by the Development Review Team, including Planning, Public Works, and South Adams County Water and Sanitation District. Code Enforcement, Parks, Building Safety, Economic Development, District 14 Schools, Xcel Energy, and the Police Department had no comments.

## **ZONE CHANGE APPROVAL CRITERIA**

A decision for this case must be based on the following criteria from Sec. 21-3232(5) of the Land Development Code. An application may be approved if:

**(a):** The zone change corrects a technical mistake on the part of the city in classifying a parcel within a specific zoning district; or

*Not Applicable.*

**(b):** The zone change meets all of the following:

**Criteria (i):** The proposed zone district and allowed uses are consistent with the policies and goals of the comprehensive plan, any applicable adopted area plan, or community plan of the city;

This application is consistent with the Irondale Neighborhood & Infrastructure Plan, which identifies these parcels as 'General Industrial'. *Therefore, it can be found that this application meets Criteria (i).*

**Criteria (ii):** The proposed zone district and allowed uses are compatible with proposed development, surrounding land uses and the natural environment;

The I-2 zone district is compatible with the proposed warehouse development. In addition, the site is bordered by industrial uses with I-1 and I-2 zoning to the south, and a railway directly to the west. Furthermore, the entire surrounding area is designated as either Industrial / Distribution or General Industrial on the Future Land Use Map in the Comp. Plan and in the Irondale Neighborhood & Infrastructure Plan. *Therefore, it can be found that this application meets Criteria (ii).*

**Criteria (iii):** The proposed zone district will have, or future development can provide, efficient and adequate provision of public services, including but not limited to, water, sewerage, streets, and drainage;

This zone change application was reviewed by the applicable public service providers, namely Public Works and South Adams County Water and Sanitation District, and there are no outstanding concerns. *Therefore, it can be found that this application meets Criteria (iii).*

**Criteria (iv):** The proposed zone district will have, or future development can provide, efficient and adequate provision of public uses including but not limited to, parks, schools, and open space;

Future development at this location would have access to public uses. As a non-residential zone district, future development would not be subject to school/parks impact fees. *Therefore, it can be found that this application meets Criteria (iv).*

**Criteria (v):** There is a community need for the zoning district in the proposed location, given need to provide or maintain a proper mix of uses both within the city and the immediate area of the proposed use; and

The Irondale Neighborhood & Infrastructure Plan and the Comprehensive Plan Future Land Use Map have both designated this lot, and all of the surrounding lots, for industrial uses. *Therefore, it can be found that this application meets Criteria (v).*

**Criteria (vi): The area for which zone change is requested has changed or is changing to such a degree that it is in the public interest to allow a new use or density.**

Irondale has shifted from residential in character to more industrial in character over the years. In this particular area of Irondale, the majority of adjacent land uses are industrial. The nearest residential use to this property is a small cluster of 14 residences a quarter mile to the east; and the closest major residential neighborhood is almost a third of a mile to the west. In addition, this property was already partially zoned I-1 and rezoning the entire property to I-2 will fix the issue that it was never subdivided per the original rezoning condition. It will also bring the property into conformance with the Irondale Neighborhood & Infrastructure Plan and the Comprehensive Plan. Furthermore, as previously discussed, there are plans to widen both 88th Avenue. These widened rights-of-way will be able to better handle the amount of traffic generated by industrial uses. *Therefore, it can be found that this application meets Criteria (vi).*

### **CONSIDERATIONS FOR DISCUSSION**

1. Rezoning is consistent with the Comprehensive Plan and Irondale Plan
2. Rezoning brings the split-zone lot into conformance
3. Rezoning allows the site to develop

### **POTENTIAL OUTCOMES**

1. Approval
2. Denial
3. Continuance
4. Remittance back to Planning Commission (by City Council)

# Zoning Map



# Aerial Map



## Site Photos



**View from Rosemary St. facing northwest (Taken March 28th, 2023)**



**View from Rosemary St. facing northwest (Taken March 28th, 2023)**

## Site Photos (continued)



**View from corner of 88<sup>th</sup> Ave. and Rosemary St. facing southwest (Taken March 28th, 2023)**