



STAFF REPORT

Planning Commission

CASE #Z-967-23

PC Date:	2/7/2022	Case Planner:	Nathan Chavez
CC Date:	3/20/2022		
Location:	8442 Uinta Street, Commerce City, CO 80022		
Applicant:	Kris T. Zerr II	Owner:	Kris T. Zerr II
Address:	4028 S Kalispell St. Aurora, CO 80013	Address:	4028 S Kalispell St. Aurora, CO 80013

Case Summary

Request:	A zone change from Agricultural (AG) zone district to Medium-Intensity Industrial (I-2) zone district
Project Description:	This zone change is not associated with any new development at this time. This application will bring the property into legal and conforming status.
Issues/Concerns:	All comments have been addressed
Key Approval Criteria:	<ul style="list-style-type: none"> • Compliance with the Irondale Neighborhood & Infrastructure Plan • Compliance with the Land Development Code
DRT Recommendation:	Approval
Current Zone District:	Agricultural (AG)
Proposed Zone District:	Medium-Intensity Industrial (I-2)
Irondale Neighborhood & Infrastructure Plan:	General Industrial

Attachments for Review: *Checked if applicable to case.*

- | | |
|---|---|
| <input checked="" type="checkbox"/> Vicinity Map | <input checked="" type="checkbox"/> Applicant's Narrative Summary |
| <input checked="" type="checkbox"/> Site Plan | <input checked="" type="checkbox"/> Neighborhood Fliers |
| <input checked="" type="checkbox"/> Irondale Neighborhood & Infrastructure Plan Executive Summary | |

Background Information

Site Information

Site Size:	1.91 acres
Current Conditions:	A construction contractor business (K&K Construction) on the site.
Existing Right-of-Way:	Uinta St. to the west
Neighborhood:	Irondale
Existing Buildings:	Yes
Buildings to Remain?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

Site in Floodplain	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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Surrounding Properties

	<u>Existing Land Use</u>	<u>Occupant</u>	<u>Zoning</u>
North	Residential & Industrial	Residential & car storage yard	R-1 & ADCO
South	N/A	Vacant & Industrial	I-2
East	N/A	Vacant lot	ADCO
West	Residential	Residential	ADCO

Case History

The property (Figure 1) was originally annexed into Commerce City in 1988 and was approved for Agricultural (AG) zoning. In 2006, three applications were submitted: 1) 24 Lots within the Irondale Subdivision were replatted into the El Sobrante Subdivision, creating the present subject lots. 2) Old rights-of-way for East 84th Avenue, East 85th Avenue, Valentia Street, and an alley located between East 84th and East 85th Avenues were vacated and, 3) City Council approved a Land Use Plan amendment (LUP-52-06) to change the 1998 Irondale Plan from a Residential designation to I-2 Industrial to accommodate contractor business. In the [Current Land Use Map](#) of the 2018 Irondale Neighborhood & Infrastructure Plan these properties are identified as General Industrial. However, the two lots retained their Agricultural (AG) zoning and City Staff has worked with the applicant to continue with the zone change application to bring the property into legal and conforming status. Through coordination with the applicant to deal with various code violations, an application was submitted in the summer of 2020 to bring the site and business into compliance.

<u>Case</u>	<u>Date</u>	<u>Request</u>	<u>Case Type</u>	<u>Action</u>
LUP-52-06	2006	Amend the 1998 Irondale Plan from Residential to I-2 Industrial	Land Use Plan Amendment	Approved
S-457-06	2006	Replat 24 lots of the Irondale Subdivision into 4 El Sobrante lots.	Replat	Approved
V-79-06	2006	Vacation of rights-of-way for East 84 th Avenue, East 85 th Avenue, Valentia Street, and an alley located between East 84 th and East 85 th Avenues.	Vacation	Approved
Z-484-88	1988	Annexation zoning from ADCO A-1 to Agricultural	Annexation Zoning	Approved
AN-88-87	1988	Annexation into Commerce City	Annexation	Approved

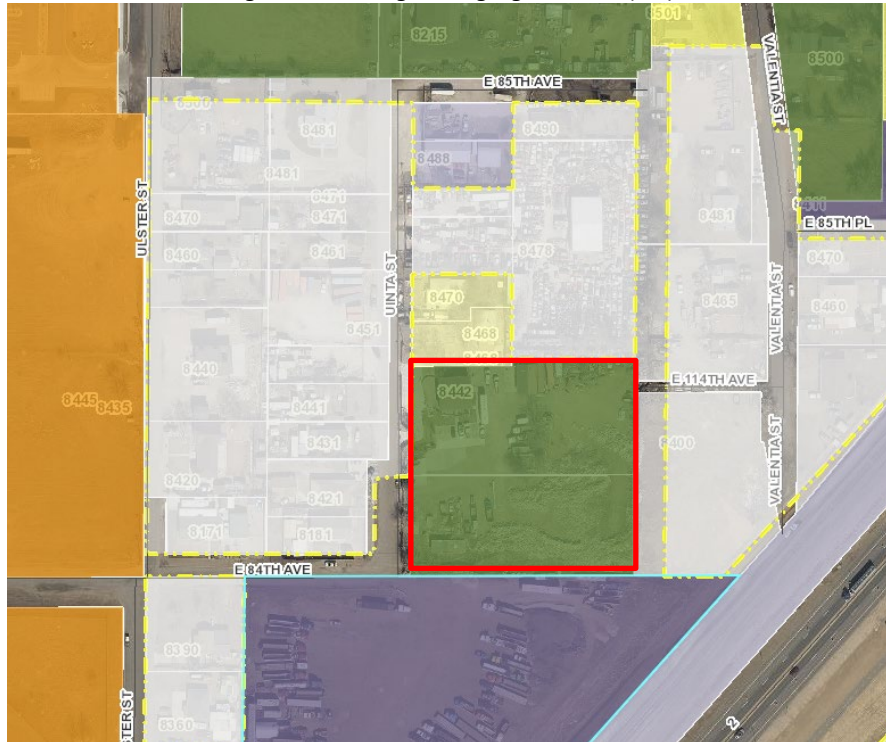
Figure 1. Aerial Image (September 5, 2022)



Applicant's Request

Kris T. Zerr II is requesting a zone change from the Agricultural District (AG) to Medium-Intensity Industrial District (I-2) for the two lots located at 8442 Uinta St. The I-2 zoning district is required for the applicant to continue running their construction contractor business (K&K Construction) at the site. The applicant's narrative states, "The I-2 designation is required for Kris T Zerr II to continue to run his business that was established in the city in 2008. The I-2 will allow for outdoor storage, which is essential to keeping the business within the city. It is not visible from Highway 2 nor East 88th Avenue."

Figure 2. Existing Zoning Agricultural (AG)



Development Review Team Analysis

Request:

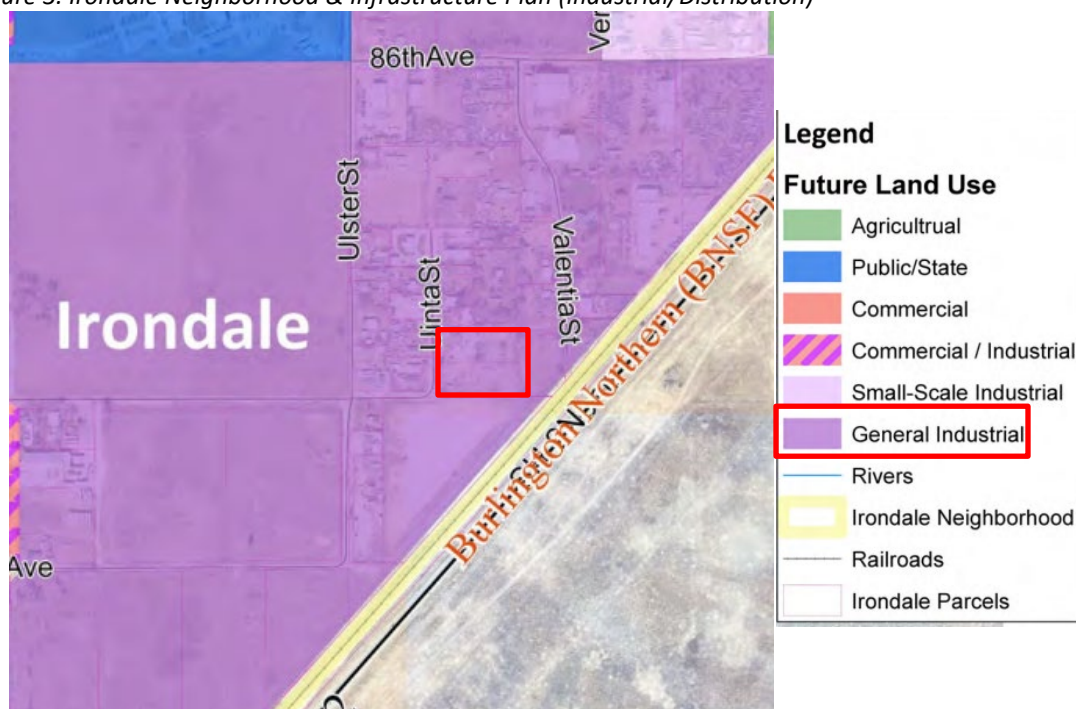
The two parcels are zoned Agricultural District (AG) (Figure 2). The applicant currently runs a construction contractor business on the site. The request is a zone change for both parcels from the existing Agricultural District (AG) zoning to I-2 Medium-Intensity Industrial in order to comply with the existing Irondale Comprehensive Plan and to bring the existing uses and property into conformance. The site consists of construction contractor business with a primary office surrounded by parking in the northwest corner of the site, two storage buildings, and outdoor storage located in the southeast corner. No new development is planned at this time. According to the Land Development Code (LDC), construction contractors need I-2 Medium-Intensity Industrial zoning to be a use-by-right.

Irondale Neighborhood & Infrastructure Plan:

The original 1998 Irondale Plan was adopted by City Council in May 1998. This Comprehensive Plan process was commissioned by Council in the 1990's to examine the Irondale area after several applicants were bringing forth applications to change land in Irondale from Agricultural to Industrial. The goal of City Council at this time was to create a graduated land use pattern, which would keep intensive industrial land uses strategically contained in Irondale and allow for less intensive uses along the outer edges and arterials.

Then, in 2018, City Council approved an updated neighborhood plan to Irondale. This plan, ([2018 Irondale Neighborhood & Infrastructure Plan](#)) designates these properties as **General Industrial** (Figure 3). The general industrial designation in the 2018 Irondale Neighborhood & Infrastructure Plan allows for light to medium industrial uses and other industrial or manufacturing operations subject to acceptable safeguards with anticipated zoning of I-1 (Light-Intensity Industrial District) and I-2 (Medium-Intensity Industrial District). Three of the stated goals for this area are to 1) minimize conflicts between low intensity uses (like residential) and higher intensity uses (like industrial) by consolidating future uses, 2) promote more compatible uses such as industrial and commercial along major transportation corridors, and 3) reduce residential pockets adjacent to industrial areas. The proposed zone change is consistent with the general industrial land use designation and the stated goals of the plan for 2018 Irondale Neighborhood & Infrastructure Plan. The main difference of the 2018 plan from the 1998 plan is that this whole area is now identified as industrial.

Figure 3. Irondale Neighborhood & Infrastructure Plan (Industrial/Distribution)



Referral Agency Review:

Staff referred this application to several city departments and outside agencies. All of the responses that staff received indicated that there were no objections to the proposed zoning or all comments were adequately addressed, including no longer requiring a traffic study or drainage report from Public Works and the size and type of buffers between the ADCO residential uses and the subject site from Adams County.

Neighborhood Meeting:

The applicant circulated fliers in the Fall of 2021 regarding input to the rezoning of the property to the proposed I-2 (Medium-Intensity Industrial) district. The applicants received five responses with no objections to the zone change. These responses range from stating how the property has only improved over the years, remembrance of the 2006 cases, to support.

Analysis:

The DRT has determined that the request meets the approval criteria for a zone change outlined in the LDC and the goals of the Irondale Neighborhood & Infrastructure Plan. This is a long lasting business and the zone change brings a city property into compliance. The DRT made a formal recommendation for approval of this case, based on the following findings that the application meets all of the following approval criteria in the LDC:

Criteria Met?	Sec. 21-3232. - Rezoning or Zone Changes	Rationale
<input checked="" type="checkbox"/>	<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;</i>	This I-2 Medium Intensity Industrial zone change is consistent with the Irondale Neighborhood & Infrastructure Plan, which identifies these parcels as 'General Industrial'.
<input checked="" type="checkbox"/>	<i>The proposed zone district and allowed uses are compatible with proposed development, surrounding land uses and the natural environment;</i>	The I-2 zone district is compatible with the existing construction contractor business. In addition, the site is surrounded by vacant lots to the east and south. A car storage exists to the north. While there is residential to the north and west, the existing business has existed since 2007 and the applicant owns the northern residential units. Lastly, there is six-foot wooden screen fence along the western property line, as well as, landscaping throughout the property which acts as an additional buffer between the business and surrounding residential uses.
<input checked="" type="checkbox"/>	<i>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;</i>	The business has operated on the site since 2007 with no issues related to public services. In addition, there are no outstanding concerns from referral agencies.
<input checked="" type="checkbox"/>	<i>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;</i>	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.
<input checked="" type="checkbox"/>	<i>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</i>	The 2018 Irondale Neighborhood & Infrastructure Plan took into consideration existing zoning and railroad ownership and potential expansion by the Union Pacific Rail Road (UPRR) to the southwest of the subject site by calling for the reduction of residential pockets. This particular block, while at one point was meant for residential within Irondale, has since been designated for industrial uses.
<input checked="" type="checkbox"/>	<i>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.</i>	Irondale has shifted from residential in character to more industrial in character over the years. On this block, in particular, the dominant land use is shifting to industrial uses. In addition, to the west is the Instel PUD, which is meant to create a railroad served multi-lot industrial project.

Development Review Team Recommendation

On December 15, 2022, the Development Review Team (DRT) reviewed this item and based on the analysis above, the DRT believes that the application meets the criteria for a zone change set forth in the Land Development Code and recommends that the Planning Commission forward the zone change request to the City Council with a recommendation for **approval**.

Recommended Motion

To recommend approval:

I move that the Planning Commission enter a finding that the requested zone change for the property located at **8442 Uinta Street** contained in case **Z-967-23** meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Zoning.

Alternative Motions

To recommend approval subject to condition(s):

I move that the Planning Commission enter a finding that the requested Zoning for the property located at **8442 Uinta Street** contained in case **Z-967-23** meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Zoning subject to the following conditions:

Insert Condition(s)

To recommend denial:

I move that the Planning Commission enter a finding that the requested Zoning for the property located at **8442 Uinta Street** contained in case **Z-967-23** fails to meet the following criteria of the Land Development Code:

List the criteria not met

I further move that, based upon this finding, the Planning Commission recommend that the City Council deny the Zoning.

To continue the case:

I move that the Planning Commission continue the requested Zoning for the property located at **8442 Uinta Street** contained in case **Z-967-23** to a future Planning Commission agenda.