



STAFF REPORT

Planning Commission

CASE #Z-920-15

PC Date:	April 7, 2015	Case Planner:	Jared Draper
CC Date:	May 4, 2015		
Location:	6440 E. 64 th Avenue Commerce City, CO 80022		
Applicant:	Alberto Rodriguez	Owner:	Same as Applicant
Address:	9006 E. 50 th Avenue Denver, CO 80238	Address:	Same as Applicant

Case Summary

Request:	1. Rezone the property currently zoned R-3 (Multi-family) to R-4 (Townhouse district).
Project Description:	The applicant is requesting to rezone the subject property from R-3, a multi-family zone district, to R-4, a townhouse zone district. Additionally, the applicant is requesting to subdivide the subject property (S-630-15) into 6 lots for the proposed townhouse development (D-262-15). The zone change and subdivision do not increase the density that is currently allowed on the subject property and the development is being reviewed in accordance with the City's Land Development standards. The applicant's requests allow for the potential of owner occupied housing due to the zone change and the platting of the subject property.
Issues/Concerns:	▪ Subdivision Plat ▪ Adequate parking
Key Approval Criteria:	▪ R-4 zone district standards ▪ Zone change approval criteria ▪ Design Standards
Staff Recommendation:	Approval
Current Zone District:	R-3 (Multiple-Family-Residential District)
Comp Plan Designation:	Residential - High

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

- ☒ Applicant's Narrative Summary
- ☒ Vicinity Map
- ☒ Site Plan

Background Information

Site Information

Site Size:	15,074 sf.
Current Conditions:	Undeveloped
Existing Right-of-Way:	E. 64 th Avenue to the North
Neighborhood:	Central
Existing Buildings:	Vacant
Buildings to Remain?	☐ Yes ☒ No
Site in Floodplain	☐ Yes ☒ No

Surrounding Properties

Existing Land Use		Occupant	Zoning
North	Church	Servant's Heart Church	C-1
South	Residential	Multi-family residential	R-3
East	Church	Rose Hill Church of Nazarene	R-3
West	Residential	Multi-family residential	R-3

Case History

The following cases are being processed concurrently with the zone change request.

Case	Date	Request	Action
S-630-15	May, 2015	Subdivide the subject property into 6 lots for townhome development	Pending Approval
D-262-15	May, 2015	Development Plan for 6 townhomes on the subject property	Under Review
MM-049-15	April, 2015	Minor Modification to reduce the minimum lot size for 5 of the 6 requested lots by less than 1%.	Under Review

Applicant's Request

The applicant is requesting a zone change for the subject property at 6440 E. 64th Avenue from R-3 to R-4. According to the applicant, the requested zone change will allow townhouse development on the subject property, creating six new townhomes that will be used for primary residences and not rentals. Compatibility with the surrounding neighborhood is also addressed by the applicant. He states that there is a combination of high-density residential, churches and businesses in the surrounding area.

The applicant explains that the requested zone change will benefit the surrounding area through additional housing options. New development in this area can positively impact businesses while providing the opportunity for home ownership. Additionally, the development of the subject property will transform a vacant lot into a viable residential option for several occupants.

A subdivision plat (S-630-15) is being proposed along with the zone change. The request is to subdivide the existing lot into 6 lots for townhome development. Subdividing the property by formal plat allows for ownership of not only the townhome but the lot itself. The applicant states that through the zone change and concurrent subdivision plat that it would benefit the city to allow the proposed density on a currently vacant high-density lot within the historic part of Commerce City.

Development Review Team Analysis

Comprehensive Plan

The DRT recommendation for this case is supported by the following Comprehensive Plan Goals:

<u>Section</u>	<u>Goal</u>	<u>Description</u>
Land Use	LU 1a	Future Land Use Plan as a Guide: Use the Future Land Use Plan (FLUP) to guide development patterns and mix of uses and amendments to the land Development Code (LDC).
<u>Analysis:</u>	The rezoning keeps the subject property in alignment with the Future Land Use Plan. Furthermore, the submitted subdivision plat creates lots that can be sold to increase owner occupancy within the Historic part of Commerce City.	
<u>Section</u>	<u>Goal</u>	<u>Description</u>
Housing and Neighborhoods	HN 2.1	Variety of Housing Types and Mixed-Uses within Neighborhoods
<u>Analysis:</u>	The rezoning and subdivision of the subject property will create a new housing option within the Historic part of Commerce City. Townhome development will further diversify the housing stock in the neighborhood and provide stability through home ownership.	

The subject property is located at 6440 E. 64th Avenue. The Development Review Team (DRT) has reviewed the requests with the approval criteria for a zone change within Article III of the city's Land Development Code. The following analysis addresses the proposed use and requirements, approval criteria for a zone change, and the recommendation of city staff based upon the analysis.

Proposed Use and Requirements

The subject property is approximately 15,000 sf. in total size. Based on the applicant's requests, the property is intended for townhome development. According to the applications received, the applicant is proposing to subdivide the existing property into 6 lots. Each lot will be accessed by an access easement that will be platted along the West side of the property. In addition to the access easement, 2 garage parking spaces will be provided for each of the 6 townhomes along with 2 guest parking spaces for the property as a whole. Additional street parking is available on E. 64th Avenue within walking distance to the subject property. The proposed townhomes will be approximately 1,976 sf. in gross floor area in addition to individual backyards along the East side of the property. Each townhome is proposed to be 3 stories in height with 3 bedrooms. The applicant has provided a few renderings of the proposed townhome development for the subject property shown in Graphic 1.1.

Graphic 1.1



View from E. 64th Avenue



West Facade



East façade from E. 64th Avenue



South and East facades

The applicant's request to rezone the subject property from R-3 to R-4 allows for townhome development along with the subdivision of the property to create owner occupied units. Under the current R-3 zone district, the applicant can develop the property as condos, however due to bulk standards would not be able to subdivide the property and create individual units for sale. Furthermore, the R-3 zone district allows for a great density through apartment development than is feasible through the townhome development that is associated with the R-4 zone district for this specific property. Table 1.1 shows the bulk standards for the R-4 zone district along with the proposed lots for the subject property. Five of the lots have requested a minor modification to reduce the minimum lot size by less than 1%. The minor modification has been reviewed by the DRT and the property is being posted in accordance with the approval process for minor modifications. Upon final approval of the minor modification, the subject property will be in compliance with the bulk standards for the requested R-4 zone district.

Table 1.1

R-4	Standard		Proposed	
	Min. Gross Floor Area	1,080 sf.	All Lots	1,976 sf.
	Minimum Lot Area	2,000 sf.	Lot 1	1,983 sf. (MM-49-15)
			Lot 2	1,983 sf. (MM-49-15)
			Lot 3	1,982 sf. (MM-49-15)
			Lot 4	1,982 sf. (MM-49-15)
			Lot 5	1,981 sf. (MM-49-15)
			Lot 6	3,577 sf.
	Minimum Lot Frontage	20-feet	All Lots	Minimum 25-feet

The purpose and intent of the R-4 zone district is to be used exclusively for structures with three or more townhouse dwelling units. It is intended that this district serve as a transition between single-family residential districts and multi-family residential or commercial districts. The subject property is located within an area of the city that has been identified for high-density residential development. The current R-3 zone district would allow a greater density of 8 dwelling units based upon lot area and other development requirements on the subject property. However, the R-3 zone district would not allow for owner occupancy due to bulk standards.

Currently, there are no properties zoned R-4 within the city. The applicant's proposal aligns with the comprehensive plan designation of high-density residential and provides the opportunity for owner occupancy due to the requested subdivision plat. In addition, the proposed townhouse development enhances the residential character of the surrounding neighborhood by diversifying the housing types and increasing stability through owner occupied housing. The proposed development meets the parking standards within the Land Development Code by providing 2 garage spaces for each townhouse along with 2 guest spaces for the development as a whole. Each townhouse has an individual fenced back yard and the development as a whole meets all of the architectural design requirements. Lastly, the proposal demonstrates new residential investment into the historic part of Commerce City and will transform a currently vacant lot into a viable residential development

Approval Criteria for Zone Change

The requested R-4 zone district has been reviewed against the approval criteria within the city's Land Development Code. All of the approval criteria for the zone change request have been met and the DRT is recommending approval based on the rationale below.

Criteria Met?	Sec. 21-3232. Rezoning or Zone Changes	Rationale
☒	The change is consistent with any City adopted plans for the area;	The proposed R-4 zoning is consistent with the City's Comprehensive Plan designation for high-density residential development.
☒	The change is compatible with proposed development, surrounding land uses and the natural environment;	The proposed R-4 zoning is compatible with the surrounding area. Several of the adjacent and surrounding properties are zoned or used for multi-family residences.
☒	There is, or will be, adequate public services, (water, sewerage, streets, drainage, etc.);	There are adequate public services provided for the subject property.
☒	There is, or will be, adequate public uses (parks, schools, and open space);	There are adequate parks, schools, and open space for the subject property. Applicable fees-in-lieu will be paid at the time of building permit.
☒	The change is needed to provide/maintain a proper mix of uses in the area/City;	The requested zone change will bring the existing property into alignment with the Comprehensive Plan and provide the opportunity for owner occupied residences within a high-density development. Additionally, townhome development continues to add to the city's diverse housing options.
☒	The area for which the change is requested has changed/is changing and it is in the public interest to allow a new use or density.	A larger portion of the surrounding area is currently zoned R-3 for multi-family development. The character of the neighborhood mixes housing types and therefore the requested zone change and townhome development will be a benefit to the existing variety of options that exist.

Summary and Recommendation

The DRT has concluded that the requested zone change meets the approval criteria. Through the review it is clear that the proposed R-4 zone district is appropriate for the subject property and will increase the housing opportunities within the neighborhood. Townhome development with the concurrent subdivision request allows for owner occupancy within the Historic part of Commerce City on a currently vacant lot. All development requirements have been reviewed by the DRT and the applicant's submittal meets the design criteria along with provided sufficient parking, landscaping, and access.

In addition to meeting the standards for development within the Land Development Code, the R-4 zone district aligns with the Comprehensive Plan future land use category of high-density residential. Although the R-3 zone also meets the intent of the Comprehensive Plan, it does not allow for owner occupancy. Furthermore, the R-4 townhome development diversifies the housing options within the neighborhood, fulfilling another goal of the Comprehensive Plan. Based upon the review criteria for a zone change and the alignment with Commerce City's vision and goals, stated in the Comprehensive Plan; the DRT is recommending approval of the requested zone change from R-3 to R-4 for the property located at 6440 E. 64th Avenue.

Development Review Team Recommendation

Based upon the analysis above, the Development Review Team 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 favorable recommendation, subject to the following condition:

1. The applicant shall provide a copy of the recorded HOA documents prior to the approval of any building permits.

Recommended Motion

To recommend approval subject to condition:

I move that the Planning Commission enter a finding that the requested Zone Change for the property located at **6440 E. 64th Avenue** contained in case **Z-920-15** meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Zone Change based on the following condition:

1. The applicant shall provide a copy of the recorded HOA documents prior to the approval of any building permits.

Alternative Motions

To recommend approval subject to condition(s):

I move that the Planning Commission enter a finding that, subject to certain conditions, the requested Zone Change for the property located at **6440 E. 64th Avenue** contained in case **Z-920-15** meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Zone Change subject to the following condition(s):

Insert condition(s)

To recommend denial:

I move that the Planning Commission enter a finding that the requested Zone Change for the property located at **6440 E. 64th Avenue** contained in case **Z-920-15** 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 Zone Change.