



STAFF REPORT

Planning Commission

CASE #Z-904-12

PC Date:	November 7, 2012	Case Planner:	Jared Draper
CC Date:	December 3, 2012		
Location:	7351 Quebec Street, Commerce City, CO 80022		
Applicant:	Juan Ramirez	Owner:	Same as applicant
Address:	7351 Quebec Street Commerce City, CO 80022	Address:	Same as applicant

Case Summary

Request:	Rezone property from R-3 to R-2
Project Description:	The applicant is requesting to rezone the subject property from R-3 to R-2. A single family detached home currently exists on the property along with a detached garage. The applicant has expressed the desire to construct an addition onto the primary structure to meet the needs of the applicant's family. The applicant is requesting a zone change in order to bring the subject property into legal and conforming status, allowing him to expand the primary structure to meet his family's needs.
Issues/Concerns:	<ul style="list-style-type: none">• Changing a non-conforming use to a legal and conforming use
Key Approval Criteria:	<ul style="list-style-type: none">• Land Development Code• Comprehensive Plan
Staff Recommendation:	Approval
Current Zone District:	R-3 (Multiple-Family-Residential District)
Comp Plan Designation:	Residential - Medium

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

- | | |
|----------------------------------------------------------------------------|-----------------------------------------------------|
| <input checked="" type="checkbox"/> Applicant's Narrative Summary | <input checked="" type="checkbox"/> Vicinity Map |
| <input checked="" type="checkbox"/> Development Review Team Recommendation | <input type="checkbox"/> Neighborhood Meeting Notes |
| <input checked="" type="checkbox"/> Site Plan | <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> |

Background Information

Site Information

Site Size:	43,560 square feet
Current Conditions:	Single family detached house used as a residence
Existing Right-of-Way:	Quebec Street to the East
Existing Roads:	Quebec Street to the East
Existing Buildings:	Single family detached house and detached garage
Buildings to Remain?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Site in Floodplain	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Surrounding Properties

<u>Existing Land Use</u>		<u>Occupant</u>	<u>Zoning</u>
North	Residential	Single Family Attached	R-3
South	School	Hanson Middle School	PUBLIC
East	Undeveloped	Prairie Gateway drainage	PUD
West	Residential	Multi-family dwelling units	R-3

Case History

There is no previous case history for the subject property.

Applicant's Request

The applicant purchased the property in early 2012 in order to fix and expand the existing house. According to the applicant, the zone change is necessary in order to put an addition onto the existing house and would provide additional space for his family. The existing house is around 1,000 square-feet, constructed in 1943, and an additional two bedrooms and one bathroom are desired by the property owner. Within the applicant's narrative he indicates that the addition and ultimately the rezoning will not impact the utilities on the property.

According to the applicant the change of zoning is compatible with the Comprehensive Plan of the City because the R-2 zone district still allows for single family attached housing. The applicant has indicated that the rezoning of the property and the addition to the existing home will meet a need for his family and will not impact the surrounding properties or the character of the area.

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 while bringing the use of the property into conformity.	

<u>Section</u>	<u>Goal</u>	<u>Description</u>
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<u>Section</u>	<u>Goal</u>	<u>Description</u>
Housing and Neighborhood Strategies	HN 1b	Housing Program: Establish programs to preserve and recycle housing stock (e.g. acquire, redevelop, resell single family homes at affordable prices; and provide accessibility improvements), particularly in the Historic City.
<u>Analysis:</u>	Through the rezoning of the subject property, the property owner is capable of investing in an addition, to expand and improve the value of the property in the Historic City.	
<u>Section</u>	<u>Goal</u>	<u>Description</u>
Appearance and Design Standards	AD 2	Improve appearance of established neighborhoods and districts: Continue to identify neighborhoods and commercial districts in need of upgrades, rehabilitation/revitalization, targeted redevelopment, property maintenance, and compliance with existing appearance codes.
<u>Analysis:</u>	The rezoning allows for the upgrade of the property that is in a high visibility location and to meet the needs of the property owner.	

The proposed zoning application is supported by the Comprehensive Plan goals that have been provided above and the application supports the FLUP for this area because it allows for residential uses of medium density.

The Development Review Team (DRT) concluded that the requested zone change was appropriate for the subject property. In reviewing the applicant's request to rezone, Staff, as always, works to assist residents with their requests in order to improve their property where feasible. With that said, the DRT reviewed the rezoning application against the approval criteria for a zone change within the Land Development Code. The following recounts the analysis of the DRT:

- The requested zone change is in accordance with the Comprehensive Plan adopted by the City, which calls for this area to be of a medium residential density. The R-2 zoning designation is within the scope of residential medium as described within the Comprehensive Plan.
- The requested zone change would match the residential use of the property with the appropriate residential zoning classification. Non-conforming residential properties limit the availability for adequate insurance, financing, and in this case the expansion or addition to the primary structure. If approved, the conforming status would allow the applicant to upgrade the property in compliance with the R-2 standards in the future and meet his needs of his family.
- The R-2 zoning designation would not change the character of the surrounding area as it will continue to be used for residential purposes. The requested zone change does not have any negative impacts on the subject property or the adjacent properties.
- The subject property has adequate services for the residential use on the lot.
- The subject property is just under one acre of land and although the rezoning will allow for the single family detached home, the size also allows for the future densification of the property.

In summary, Staff supports the zone change request from R-3 to R-2 because the property will continue to be in compliance with the Comprehensive Plan, the property will be brought into conforming status, there are no impacts to adjacent properties and adequate services are currently provided.

Criteria Met?	Sec. 21-3232. Rezoning or Zone Changes	Rationale
<input checked="" type="checkbox"/>	The change is consistent with any City adopted plans for the area;	The proposed R-2 zoning is consistent with the Comprehensive Plan in effect at the time of the application. The existing Comprehensive Plan calls for this area to be residential in nature with a medium density.
<input checked="" type="checkbox"/>	The change is compatible with proposed development, surrounding land uses and the natural environment;	The proposed R-2 zoning allows for increased density as called out by the Comprehensive Plan and allows for the current use and expansion of the structure by the applicant. The R-2 zone district is compatible with surrounding properties and continues to meet the intent of future residential density standards.
<input checked="" type="checkbox"/>	There is, or will be, adequate public services, (water, sewerage, streets, drainage, etc.);	There are adequate public services for the subject property. No additional public services will be required due to this rezoning.
<input checked="" type="checkbox"/>	There is, or will be, adequate public uses (parks, schools, and open space);	A school is just to the South of the subject property and adequate public uses are provided in close proximity.
<input checked="" type="checkbox"/>	The change is needed to provide/maintain a proper mix of uses in the area/City;	A community need exists to transition non-conforming properties to conforming status. Non-conforming residential properties limit the availability for adequate insurance, financing and expansion or additions for the home owners. There is a great benefit to the community as a whole when home owners are able to appropriately insure their homes, get loans for maintenance and upgrades, and to expand primary structures to meet the owner's needs.
<input checked="" type="checkbox"/>	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.	The area for which the zone change is requested has been residential in nature. This zone change will result in allowing a use that currently occupies the subject property to be legal and conforming.

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.

Recommended Motion

To recommend approval:

I move that the Planning Commission enter a finding that the requested Zone Change for the property located at **7351 Quebec Street** contained in case **Z-904-12** meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Zone Change.

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 **7351 Quebec Street** contained in case **Z-904-12** 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 conditions:

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 **7351 Quebec Street** contained in case **Z-904-12** fails to meet the following criteria of the Land Development Code:

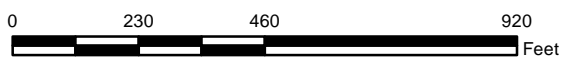
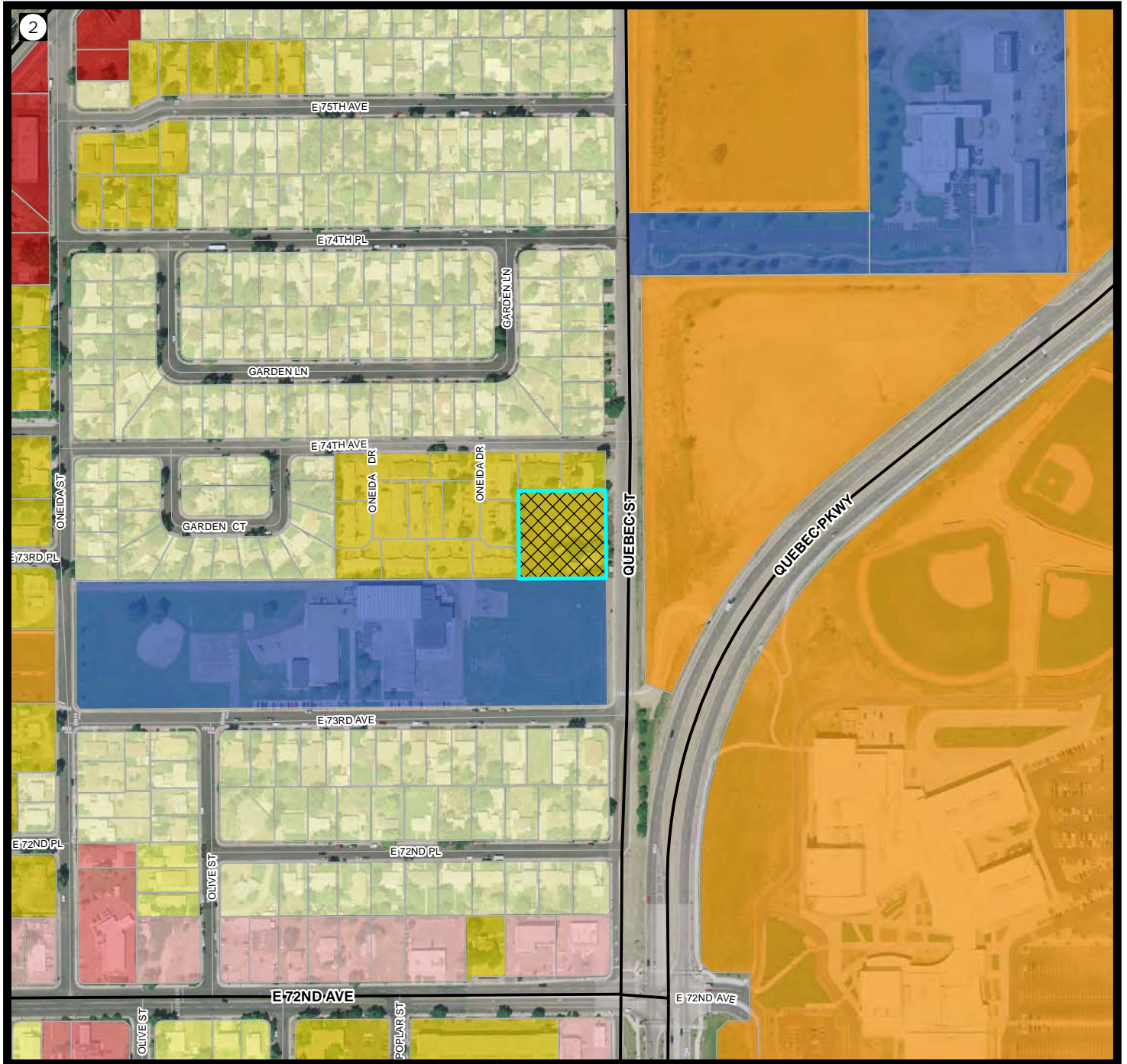
List the criteria not met

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



Commerce City Vicinity Map

Z-904-12



Area shown is approx. 1/4 mile square

PIN: 172132417007

Prepared By: Jared Draper

Printing Date: 9/4/12

File: Z-904-12

Commerce City Planning Department



Zoning

-  C-1 - Local Commercial District
-  C-2 - General Commercial District
-  C-3 - Regional Commercial District
-  PUBLIC - Public District
-  PUD - Planned Unit Development District
-  R-1 - Single-Family Detached Residential District
-  R-2 - Single-Family Attached Residential District
-  R-3 - Multi-Family Residential District

ZONE CHANGE PROPOSAL

At this time in this address 7351 Quebec St. Commerce City, CO 80022 there is a single house with around 1,000 square feet, with two bedrooms, one bathroom, kitchen and a living room. We want to build an addition to this house, two more bedrooms and one bathroom . The house is currently in a zone R3 and we need to change this to zone R2, to make possible this addition.

The comprehensive plan is that part of the property will be used for single-family living. The addition will comply with the comprehensive plan due to the other part of the property will later in the future be used for making some sort of a multi-family living place.

The whole area of the property is compatible. The addition will have a positive impact due to it making it a comfortable place for use to live in. The other part is for a future multifamily living land. That would also be a positive impact due to the possibility of it becoming a multifamily living property.

The impact of our proposed addition will not affect waterlines, sewerage, or drainage. From my understanding the land was supposed to be use for a lot of families to live there. So assuming that, my understanding would be that the services would have covered the whole property. Our small addition would have that part covered already with services such as water gas etc. so the other services would go for the other part of the property. There is also no impact on parks, schools, open space or other such considerations.

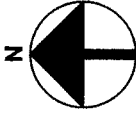
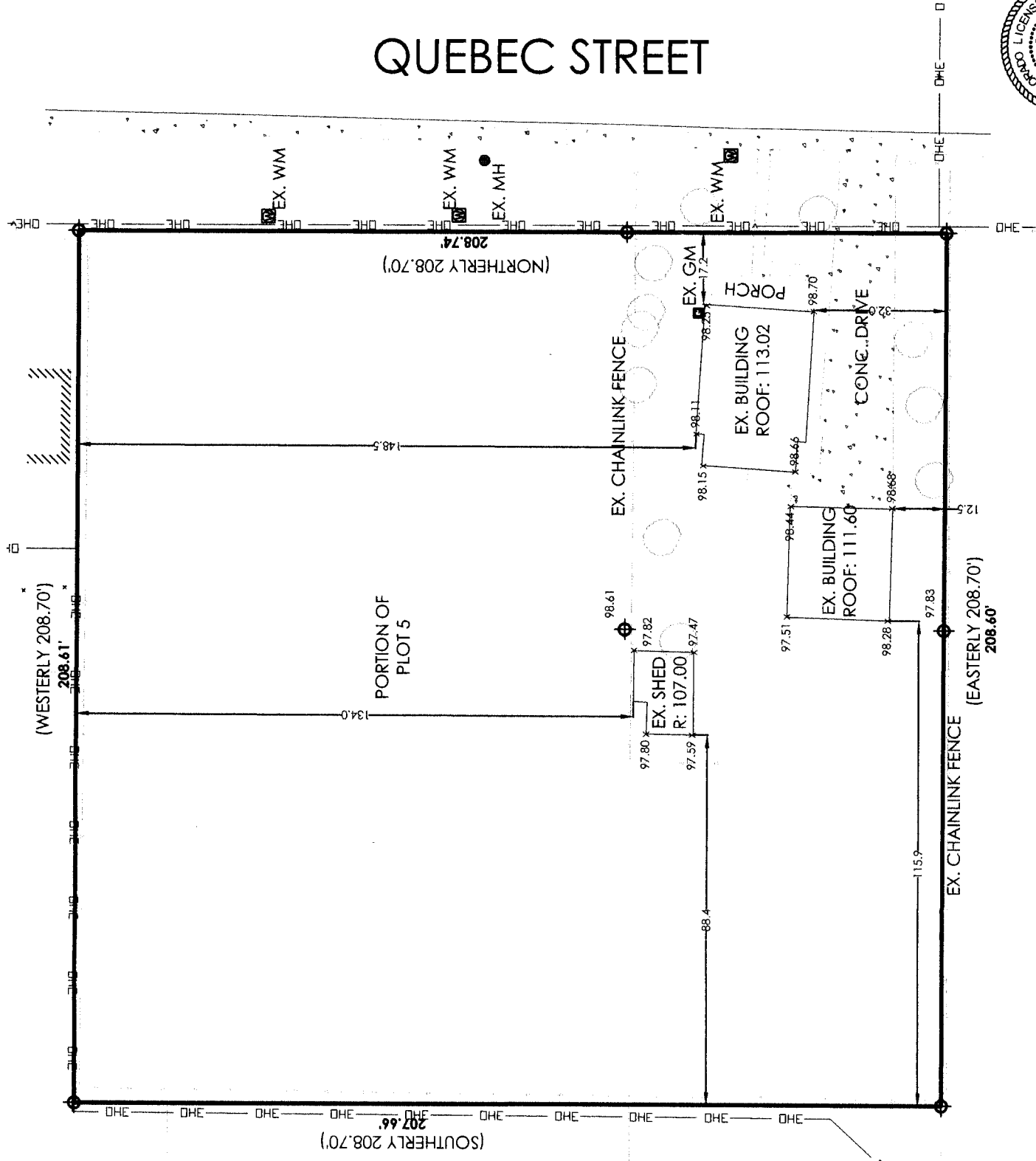
I have come to conclude that we need to provide for our family first before we can start building the other multifamily living house. We first need to make this addition to our house to make it comfortable for us to live in. Also we need to be financially stable in order to think about making the multifamily land.

This entire project will contribute to a good looking of the neighborhood.

Thank you

7351 Quebec Street Land Survey Plat

Located in the Southeast 1/4 of Section 32, Township 2 South, Range 67 West of the 6th P.M.
A Portion of Plot 5, Derby Gardens, City and County of Denver, State of Colorado.



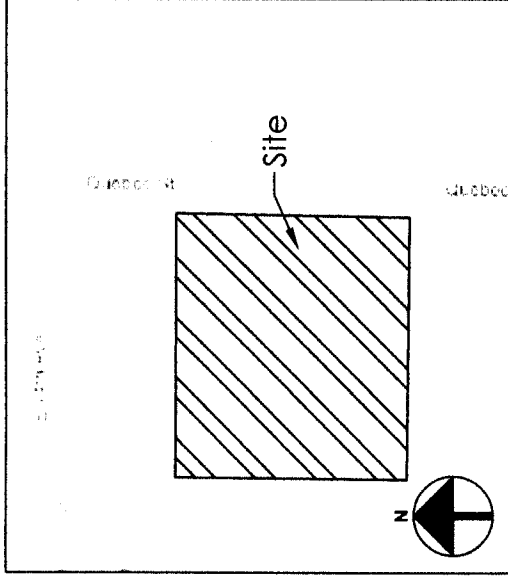
INDEXING STATEMENT:

DEPOSITED THIS _____ DAY OF _____, 20____, AT _____ OF THE COUNTY SURVEYOR'S LAND SURVEY/RIGHT-OF-WAY SURVEY'S AT PAGE(S) _____ RECEPTION NUMBER _____

COUNTY SURVEYOR/DEPUTY COUNTY SURVEYOR _____

Sheet 1 of 1
Date: 04.27.12
Job No: CE12-020

Vicinity Map:



LEGAL DESCRIPTION:

A parcel of land located in the Southeast Quarter of Section 32, Township 2 South, Range 67 West of the sixth principal meridian, City of Commerce City, County of Adams, State of Colorado, Being a portion of Plot 5, Derby Gardens, More Particularly described as follows:

Beginning at the Southeast corner of Plot 5;
Thence Northerly a distance of 208.07',
Thence Westerly a distance of 208.07',
Thence Southerly a distance of 208.07',
Thence easterly 208.07' to the point of beginning.

GENERAL NOTES:

1. Field work performed in April 2012.
2. No bearings were used in this survey.
3. All property corners were found or set as shown on this survey.
4. All measurements in parentheses are per Plat, all measurements in bold italics are as measured in the field.

LEGAL NOTICE:

According to Colorado Law, you must commence any legal action based upon any defects in this Land Survey Plat within three years after you first discovered such defect. In no event may any legal action based upon any defect in this land survey plat be commenced more than ten years from the date of certification shown hereon.

Surveyor's Certificate:

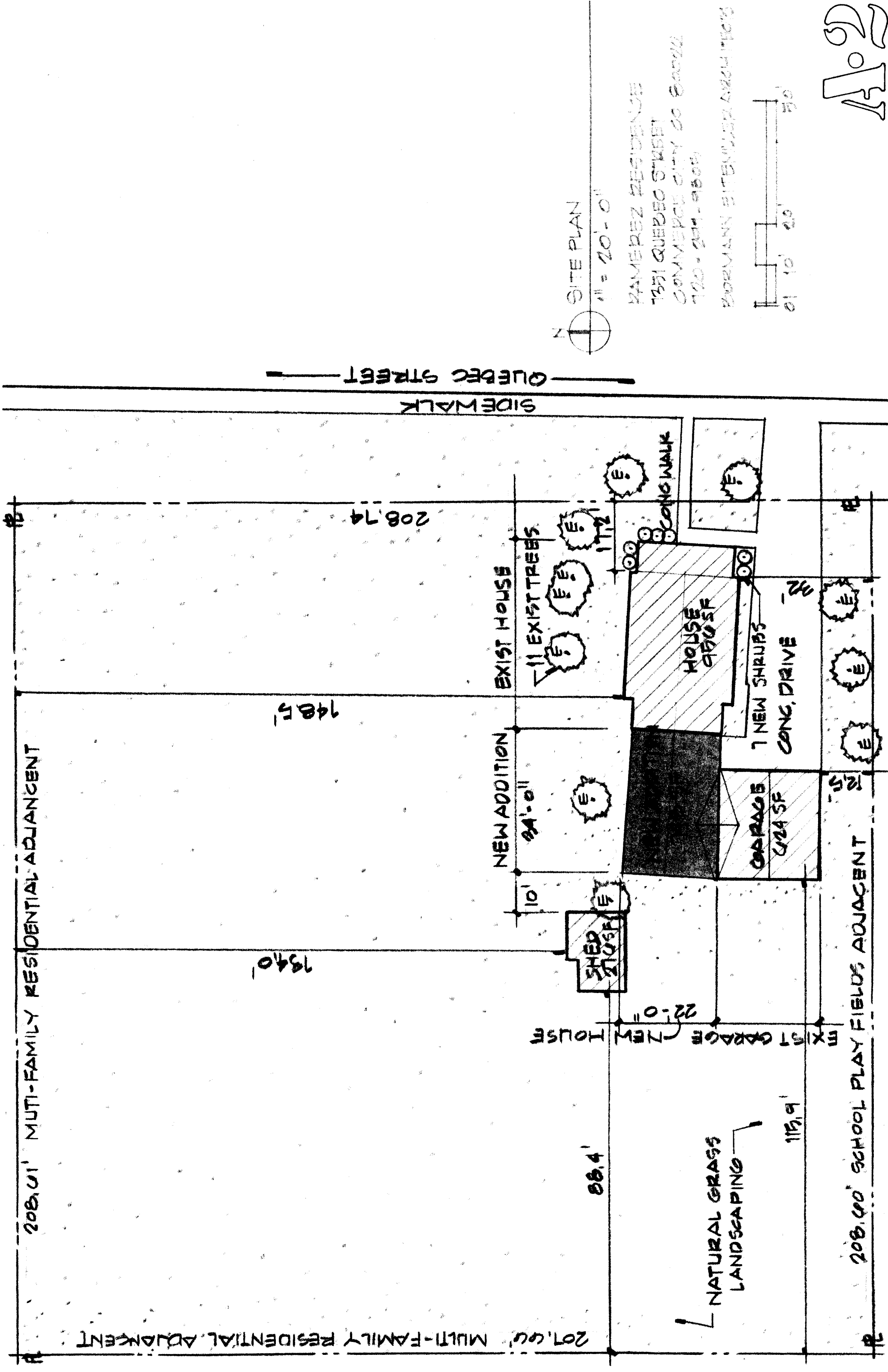
I, Karl Franklin, a registered professional land surveyor in the State of Colorado hereby certify that a survey was made by me and under my directions, supervision, checking of the property described below, and the corners were set as shown, holding found points and plot distances wherever possible and utilizing the City of Denver Survey information for control. I further certify that the location and dimensions of all buildings, improvements, easements or right of way in evidence or known to me, and encroachments by or on the premises are shown.

April 27, 2012

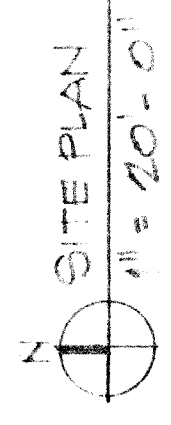
Legend:

- Found #4 rebar Yellow plastic cap
- U.S. # 20899
- Existing Fence as shown
- Existing Tree
- Water Meter
- Existing Concrete

EVstudio
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SIDEWALK
QUEBEC STREET

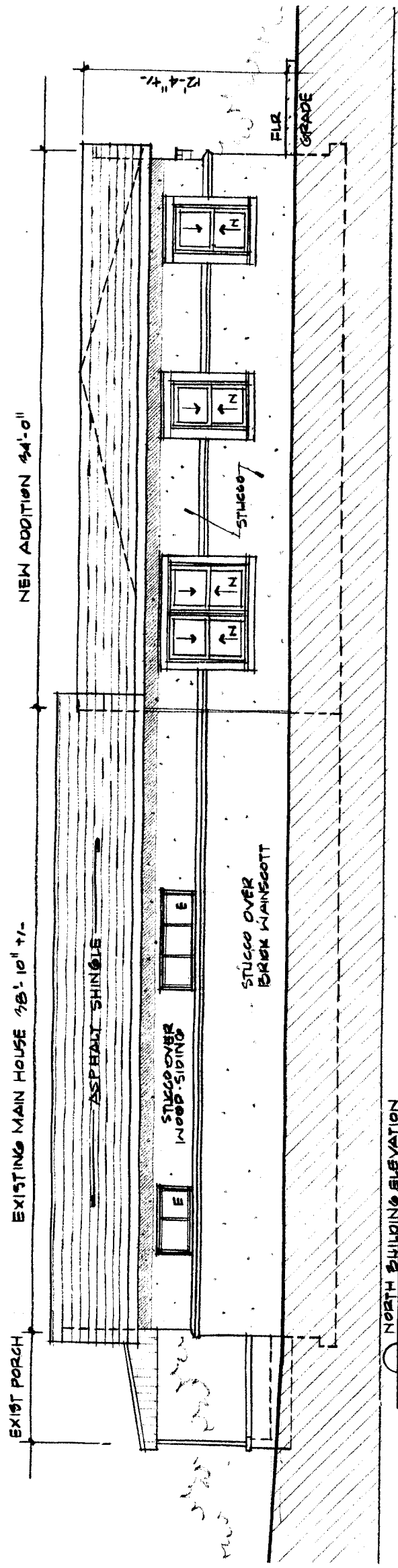


XAMEREZ RESIDENCE
1331 QUEBEC STREET
COMMERCIAL CITY CO BOUND
7100 - 2817 - 9100
BOBMAN'S SITEWORKS ARCHITECTS

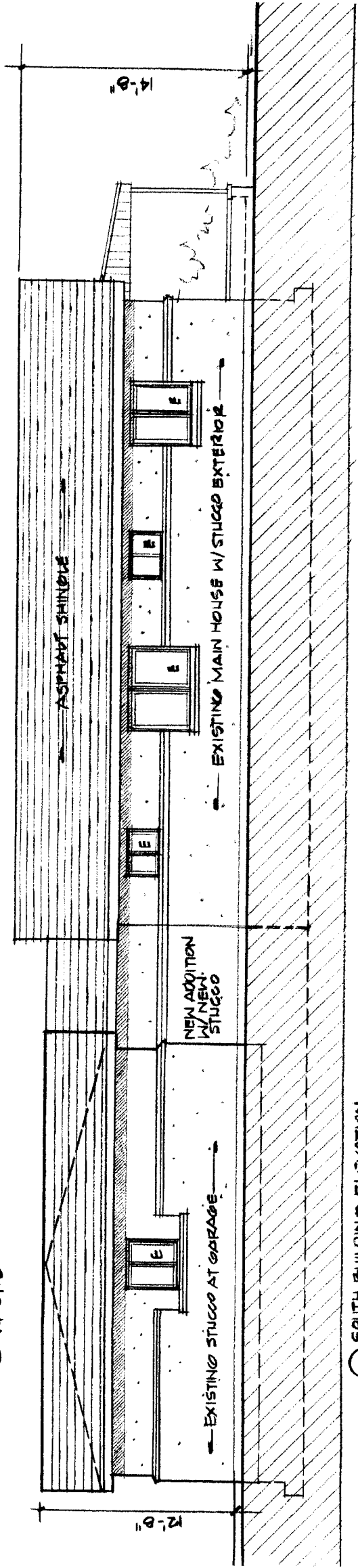


201.00' MULTI-FAMILY RESIDENTIAL ADJACENT

208.00' SCHOOL PLAY FIELDS ADJACENT



○ NORTH BUILDING ELEVATION
1/4" = 1'-0"



○ SOUTH BUILDING ELEVATION
1/4" = 1'-0"

EXTERIOR BUILDING ELEVATIONS
1/8" = 1'-0"
15 OCTOBER 2011

JUAN RAMIREZ RESIDENCE
7801 QUEBEC STREET
DENVER CO 80231-1001

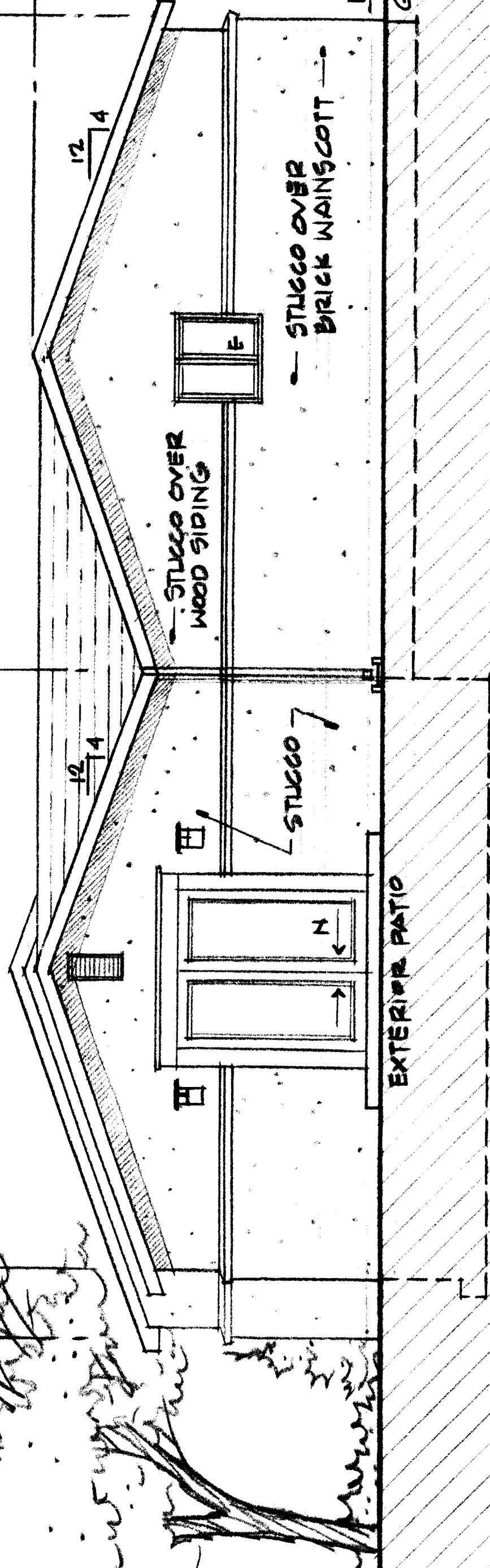
JOHN P. BROWN ARCHITECTS PC
1000 17TH STREET DENVER CO 80202
303.733.8800

EXIST HOUSE BEYOND

NEW ADDITION 22'-0"

EXISTING GARAGE

24'-0"



12/14

12/14

12'-4" x 12"

FLR

GRADE

STUCCO

STUCCO OVER WOOD SIDING

STUCCO OVER BRICK WAINSCOTT

EXTERIOR PATIO

BORVANNI ENTERPRISES ARCHITECTS
 2006 COLE STREET DENVER CO 80202
 303.733.0200 ZEA@BORVANNI.COM

JUAN RAMIREZ RESIDENCE
 1401 SUBERC STREET
 COMMERCE CITY CO 80022, CO

WEST BUILDING DIVISION
 DATE: 1-20
 17 OCTOBER 2012

AFB