



# Commerce City

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## Council Communication

File Number: Z-993-24

**Agenda Date:** 4/1/2024

**Version:** 1

**Status:** Public Hearing

**In Control:** City Council

**File Type:** Zoning Ordinances

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO BY REZONING THE PROPERTY GENERALLY LOCATED AT 8050 ROSEMARY STREET FROM AGRICULTURAL DISTRICT (AG) TO LIGHT INTENSITY INDUSTRIAL DISTRICT (I-1)

### **Summary and Background Information:**

FT-Hwy 2 & Quebec, LLC, is requesting a Zone Change from AG (Agricultural) to I-1 (Light Intensity Industrial).

The subject property is currently vacant and is surrounded by a mixture of residential and industrial properties. North of the site there is a single-family home with AG zoning and two single family homes with I-1 zoning. Mirage Towing is located west of the subject site and is zoned I-2; unincorporated Adams County residences are also located to the west. BNSF railroad and Highway 2 are located to the east.

The zone change will allow the property to develop with fuel sales and a convenience store, which is allowed by right in I-1 district. There would be no vehicle repair and the site would not be developed as a truck stop.

The site will be accessed from Rosemary Street with two access points. A full-movement access will be located on the northern portion of the site and a southern access would allow for right-in and right-out movements only. A traffic impact study was included with this zone change application. It determined that even with the development of this site, all intersections would continue to function at acceptable levels. The traffic impact study was reviewed and approved by the City's Engineering Division.

Under concurrent review for this site is a proposed development plan (D-564-24) and final plat (S-847-24). The development plan includes an approximately 5,312 square foot convenience store with fuel pumps, associated parking, landscaping, drainage, and other site improvements. The final plat would create one lot from the existing unplatted parcel.

The site will be able to meet all the relevant City standards and Land Development Code (LDC) requirements for the proposed Zone Change. These requirements include, but are not limited to access, landscaping, buffering, and setbacks.

A full analysis of the approval criteria is provided in the attached Zone Change report.

Relevant approval criteria are as follows, LDC Sec. 21-3232(5), 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
- (b)The zone change meets all of the following:
  - (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;
  - (ii)The proposed zone district and allowed uses are compatible with proposed development, surrounding land uses and the natural environment;
  - (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;
  - (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;
  - (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
  - (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.

**Staff Responsible (Department Head):** Jared Gerber, Community Development

**Staff Presenting:** Dalton Guerra, Senior Planner

**Financial Impact:** N/A

**Funding Source:** N/A

**Planning Commission Recommendation:** On March 5, 2024, this case was presented to the Planning Commission. The Planning Commission held a public hearing, took testimony, and voted (5 to 0) to forward the Zone Change request to City Council with a recommendation for approval.

**Action Alternatives:**

Approve the application, in accordance with the PC recommendation; approve the application with conditions; or deny the application