



Annexation Zoning Report

Case #Z-959-19-24

Planning Commission Date: December 3, 2024

City Council Date: January 6, 2025

GENERAL INFORMATION

PROJECT NAME	Carbajal Auto Annexation Zoning
LOCATION	8581 Rosemary Street (southwest corner of Rosemary Street and East 86 th Avenue)
SITE SIZE	0.45 Acres
CURRENT ZONING	Adams County Agricultural-1 District (ADCO A-1)
PROPOSED ZONING	Regional Commercial District (C-3)
APPLICANT	Raptor Civil Engineering, LLC
OWNER(S)	Gilberto R. Carbajal Flores
CASE PLANNER	Nathan Chavez

REQUEST

The request is for annexation zoning for the subject property from Adams County Agricultural-1 District (ADCO A-1) to Commerce City Regional Commercial District (C-3).

Zone Change

The zoning of a property determines what uses are allowed or not allowed and sets bulk development standards such as setbacks, lot size requirements, and maximum building heights. The City has a variety of straight zoning districts including residential districts, commercial districts, and industrial districts. Planning Commission provides a recommendation of the proposed zoning, which is then reviewed by the City Council.

BACKGROUND AND CASE HISTORY

One single-family home and two garages occupy the approximately 0.45-acre property. The home was built in 1901 according to the Adams County property records. A nearly identical annexation request was submitted in 2019, but was eventually withdrawn.

December 3, 2024 Planning Commission

The proposed Annexation Zoning was heard at the December 3, 2024 Planning Commission hearing. At the public hearing one member spoke in favor of the overall annexation proposal, but had some concerns regarding the land use, but stated that if the car dealership fits, then they had no qualms. The Commissioners asked Staff if there were a more appropriate zoning district, if residential were allowed within the C-3 zoning district, if the project met the State annexation Statute, and what the traffic analysis illustrated. The Planning Commission voted 5-0 to provide a recommendation of approval to City Council.

ADDITIONAL INFORMATION

There are three concurrent applications under review for this site including an Annexation (AN-255-22-24), Final Plat (S23-0005), and Development Plan (D-439-24). The applicant's intent is to develop the site as a used car dealership with the existing structures refurbished as an office and maintenance garages. The annexation is tentatively scheduled for the January 6th City Council while the Final Plat and Development Plan are awaiting approval of the Annexation and Annexation Zoning prior to their determinations.

COMPREHENSIVE PLAN (CP) CONSISTENCY

2045 Comprehensive Plan

Character Areas

The annexation zoning meets the following Character Area (Land Use) Goals and objectives.

- Goal 1: Strive for a balanced mix of land uses across the City as represented in the Character Areas Plan and map.
- Goal 2.1: Ensure future growth is consistent with the Character Areas Plan and map.
- Goal 2.5: Strategically improve roadway, water, and wastewater capacity to support future growth.
- Goal 3.2: Strengthen and reinvest in the City's long-standing and historic neighborhoods.
- Goal 6.2: Examine potential redevelopment of the core historic community areas (Rose Hill, Adams City, Irondale, and Commerce Town).
- Goal 8: Improve the overall image and appearance of the City.

The subject property is located within the Irondale Fusion District in which Commercial is a secondary use meant to be less prevalent within this area and support the primary land uses. The Fusion District recommends phasing out heavy industrial over time for primarily light industrial and small-scale manufacturing, as well as, references the Irondale Neighborhood & Infrastructure Plan since it is a much more detailed sub-area plan. The Development Review Team found that the proposed C-3 zoning meets the intent of the Character Areas, and strengthens a historic neighborhood by allowing for the redevelopment and subsequent aesthetic upgrade of the site.

Commerce and Employment

The annexation zoning meets the following Commerce and Employment Core Principles & Goals and Objectives.

- Core Principle: Welcoming and Equitable City: A diverse, resilient economy provides opportunities for individuals and businesses to succeed.
- Core Principle: Economically Thriving City: The City's commercial and employment areas increase the range of goods and services to meet a broader spectrum of need and support the whole community.
- Goal 2.5: Enhance support for local entrepreneurs.
- Goal 4: Reinvest in the City's existing commercial and industrial areas.

The proposed zoning allows for development of a 0.45-acre lot for a small used car dealership and is the next step to allow further development in the Irondale neighborhood, a budding industrial area. In addition, within the [Economic Development Framework](#), the subject property is designated Irondale Neighborhood, which calls for the phasing out of existing residential uses to promote industrial as redevelopment occurs and prioritize infrastructure improvements to support pedestrians and bicyclists. While a commercial zoning district is proposed, the C-3 zoning district supports a number of lighter industrial auto uses. Any proposed development of this site would require a construction of right-of-way sidewalks for pedestrian and bicycle users, infrastructure that is largely absent from Rosemary Street.

Housing and Neighborhoods

Within the [Residential Areas Framework](#), the subject property is designated as Irondale, which encourages the phasing out of existing residential and ranch housing to transition the area into an industrial and business area. The proposed annexation zoning would allow for various commercial and lighter industrial uses to replace an existing residential land use. City Staff has ensured the concurrent Development Plan (D-439-24) includes adequate landscaping as buffering between the existing site and residential property to the west.

Transportation and Mobility

The annexation zoning meets the following Transportation and Mobility Core Principles & Goals and Objectives.

- Core Principle: Safe, Healthy, and Livable City: A transportation system that works for everyone connects the community to amenities, caters to different modes (walking, biking, and transit), and prioritizes safety.
- Goal 1: Create and maintain a well-connected and safe transportation network that includes auto, bicycle, pedestrian, and transit options, maximizing mobility and support the City's growth.
- Goal 2: Ensure that transportation options are inclusive for people of all ages and abilities throughout the City.
- Goal 5: Encourage and support efforts to increase bicycle and pedestrian connectivity throughout the City.

Approval of the zoning of this property allows for development, which subsequently requires right-of-way improvements. These ROW improvements shall include the construction of sidewalks which is important in creating a safe means of transportation for pedestrians and bicyclists.

Irondale Neighborhood & Infrastructure Plan

The [Irondale Neighborhood & Infrastructure Plan](#) designates the site as Commercial/Industrial within the Future Land Use Map. This designation lists the C-3 (Regional Commercial) district, among others, as an anticipated zoning with a mixture of industrial and commercial uses. This Irondale Future Land Use Map is meant to illustrate the changes in land use supported by this plan. Specifically, the plan calls for uses that may be mixed along the Rosemary Street corridor, with neighborhood-level impact activities or service oriented industrial uses. In addition, Staff's

review of concurrent applications considers the Capital Improvement Program recommendation map which includes a road widening project with the installation of sidewalks and street lighting. The proposed C-3 zoning district is consistent with the Irondale plan.

PROJECT ANALYSIS

Site Overview

The requested annexation zoning is for approximately 0.45 acres located at 8581 Rosemary Street; the southwest corner of East 86th Avenue and Rosemary Street. The existing home will be retrofitted as offices for a used car dealership with the two garages converted into maintenance garages. The site is bordered by industrial uses to the north and south, a residential unincorporated property directly to the west, and a South Adams County Fire Department fire house to the east.

Road Network Impacts

The subject property fronts Rosemary Street and East 86th Avenue with the business gaining vehicular access off of each street. Per the [Transportation Master Plan](#) East 86th Avenue is classified as a local street and Rosemary Street is classified as a Major Collector. The Capital Improvement Plan consists of widening Rosemary Street from East 88th Avenue to East 80th Avenue with improvements including repaving, installation of sidewalks, curbs, gutters, and restriping within these limits of the street. While funds have not been fully allocated for this work, it is projected to be completed in the near future. The Development Review Team (DRT) reviewed a traffic generation analysis which provided a projected number of trips for the use, the type of use is expected to generate approximately 21 daily trips. The DRT found that there are no adverse impacts to traffic in relation with the site.

Drainage Impacts

City policy requires an on-site detention pond for new development unless a regional detention facility is provided and sized to accommodate the 100-year storm event. For this project, the City has agreed to allow a temporary site retention pond in the northwest corner of the property, capable of accommodating the 100-year storm event for the site as an interim condition with an outlet structure and outfall pipe plugged for conversion to a detention pond. Once, the future storm sewer system in E. 86th Avenue and regional detention for the area are constructed, the temporary site retention pond will be converted to a detention pond accommodating the 100-year storm event and releasing flows at the historic rate. An Engineering Variance was submitted for and subsequently approved to accommodate this request. The DRT reviewed a submitted drainage report and found that drainage is adequately accommodated as proposed.

Overall Analysis

The proposed annexation zoning has been reviewed by the Development Review Team, including Planning; Public Works; Development Review Engineering; Parks; Economic Development; South Adams County Fire Department (SACFD); Xcel Energy; and South Adams County Water and Sanitation District (SACWSD). There were no comments from referral agencies in opposition to the proposed annexation zoning.

ZONING OF NEWLY ANNEXED LAND APPROVAL CRITERIA

A decision for this case must be based on the following criteria from Sec. 21-3350(2) of the Land Development Code (LDC). After passage on first reading of an ordinance annexing property to the City, the subject property shall be given the zoning classification:

(a): Most compatible with the City's comprehensive plan designation of the property;

The subject property is located within the Irondale Fusion District Character Area in which Commercial is a secondary use meant to be less prevalent and support the primary land uses. The Fusion District recommends phasing out heavy industrial over time for primary light industrial and small-scale manufacturing. While a commercial zoning district is proposed, staff also referenced the Irondale Neighborhood & Infrastructure Plan, which is also specifically referenced in the 2045 plan as a detailed document to be carried forward to guide reinvestment and development for Irondale. The Irondale Neighborhood & Infrastructure Plan designates the site as Commercial/Industrial on the Future Land Use Map. This designation lists the C-3 (Regional Commercial) district, among others, as an anticipated zoning with a mixture of industrial and commercial use. *Therefore, it can be found that this application meets Criteria (a).*

(b): Most comparable to the County zoning classification existing on the subject property at the time of acceptance by the City of the annexation petition for the subject property; or

Not applicable

(c): Most comparable to the present use(s) of the property.

Not applicable

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.

Criteria (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

Criteria (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;

The proposed C-3 (Regional Commercial District) zoning district is listed as anticipated zoning to the Commercial/Industrial Future Land Use Map designation within the Irondale Plan. Please also see the stated core principles, goals, and objectives that are met earlier in this report. *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 purpose of the C-3 (Regional Commercial District) zoning is to provide for general retail, commercial, and personal services for both the general and traveling public in an interstate and regional context. The proposed used car dealership provides retail in an area which is transitioning to industrial with pockets of commercial. This is evident in the existing industrial and commercial zoning and land uses along the Rosemary Street corridor. *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, including Public Works, Engineering, South Adams County Fire Department, and South Adams County Water and Sanitation District. All agencies have no outstanding concerns regarding the proposed zoning, concurrent land use and site layout. *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 nonresidential zone district, future development would not be subject to school impact fees, however, the project will be contributing to these broader community amenities through the assessment of other impact fees such as those for public parks. *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

Commercial is a highly desired land use type within the City. In addition, the Irondale Neighborhood & Infrastructure Plan envisions Rosemary Street to be a service-oriented business corridor which includes a mixture of commercial and lighter 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.

The purpose of this annexation zoning is to develop the site as a used car dealership. Irondale and various guiding documents call for the phasing out of existing residential and a shift toward lighter industrial uses with supporting commercial (retail) uses. The proposal is another step toward transitioning Irondale to meet the intent of the 2045 Comprehensive Plan and Irondale Neighborhood & Infrastructure Plan. *Therefore, it can be found that this application meets Criteria (vi).*

CONSIDERATIONS FOR DISCUSSION

1. The C-3 (Regional Commercial) District is compatible with the 2045 Comprehensive Plan and Irondale Neighborhood & Infrastructure Plan.
2. Annexation zoning allows the site to develop as a used car dealership, compatible with the 2045 Comprehensive Plan and Irondale Neighborhood & Infrastructure Plan.
3. Development of the property will improve the aesthetics of the property through upgrading of the existing structure and installation of landscaping.
4. Development of the property shall include the construction of sidewalk along Rosemary Street and East 86th Avenue.

POTENTIAL MOTIONS

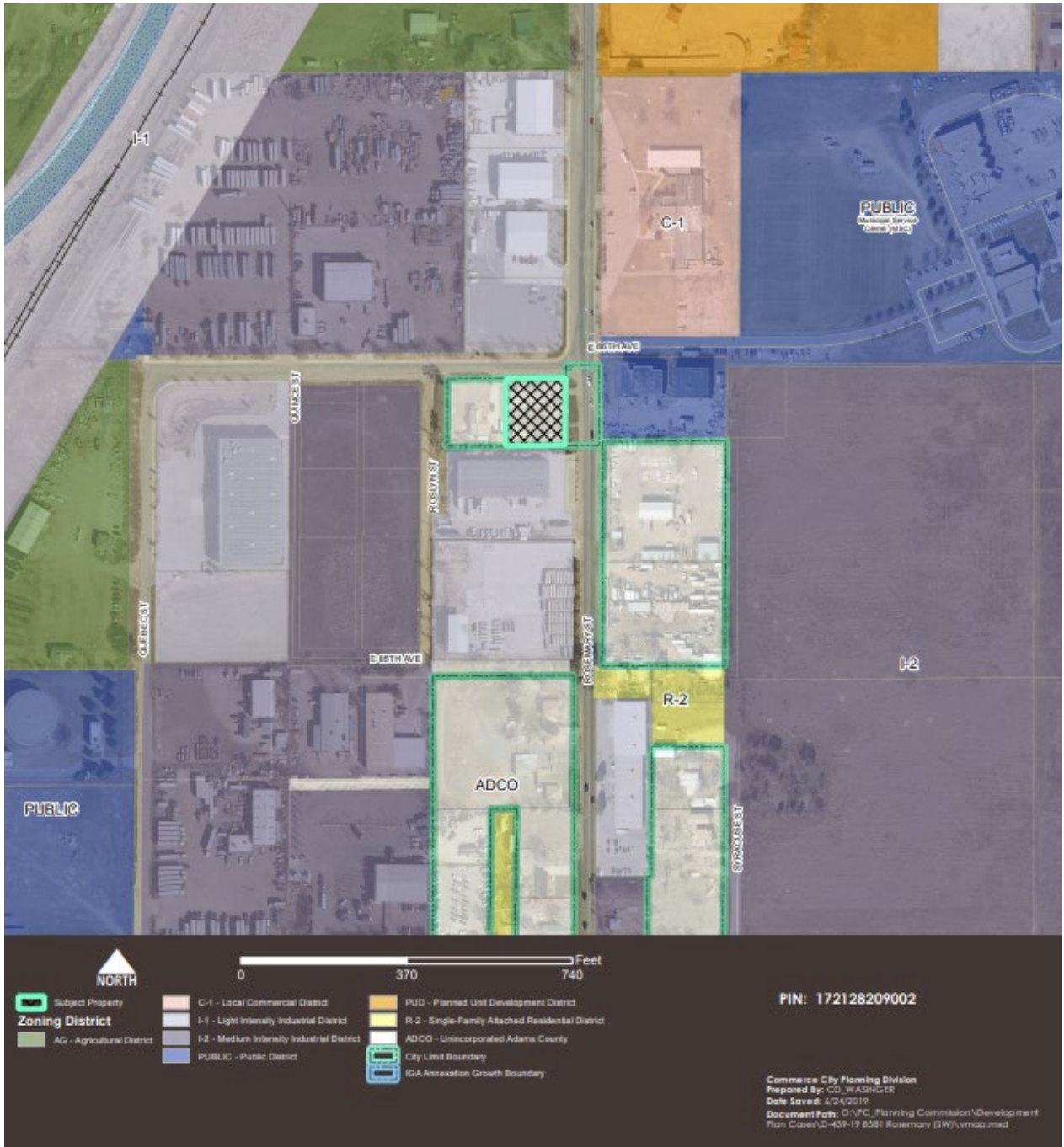
1. Approval
 - a. Planning Commission
 - i. I move that the Planning Commission enter a finding that the requested **Regional Commercial District (C-3) Zoning** for the property located at **8581 Rosemary Street** contained in case **Z-959-19-24** meets the criteria of the Land Development Code and based upon such finding, recommend that the City Council approve the **Regional Commercial District (C-3) Annexation Zoning**.
 - b. City Council
 - i. I move that the City Council enter a finding that the requested **Regional Commercial District (C-3) Zoning** for the property located at **8581 Rosemary Street** contained in case **Z-959-19-24** meets the criteria of the Land Development Code and based upon such finding, approve the **Regional Commercial District (C-3) Annexation Zoning**.
2. Denial
 - a. Planning Commission
 - i. I move that the Planning Commission enter a finding that the requested **Regional Commercial District (C-3) Zoning** for the property located at **8581 Rosemary Street** contained in case **Z-959-19-24** fails to meet the criteria of the Land Development Code and based upon such finding, recommend that the City Council deny the **Regional Commercial District (C-3) Annexation Zoning**.
 - b. City Council
 - i. I move that the City Council enter a finding that the requested **Regional Commercial District (C-3) Zoning** for the property located at **8581 Rosemary Street** contained in case **Z-959-19-24** fails to meet the criteria of the Land Development Code and based upon such finding, deny the **Regional Commercial District (C-3) Annexation Zoning**.
3. Continuance
 - a. Planning Commission
 - i. I move that the Planning Commission continue the public hearing of the requested **Regional Commercial District (C-3) Zoning** for the property located at **8581 Rosemary Street** contained in case **Z-959-19-24** to:
 1. The next regularly scheduled Planning Commission hearing; or
 2. A date certain.

b. City Council

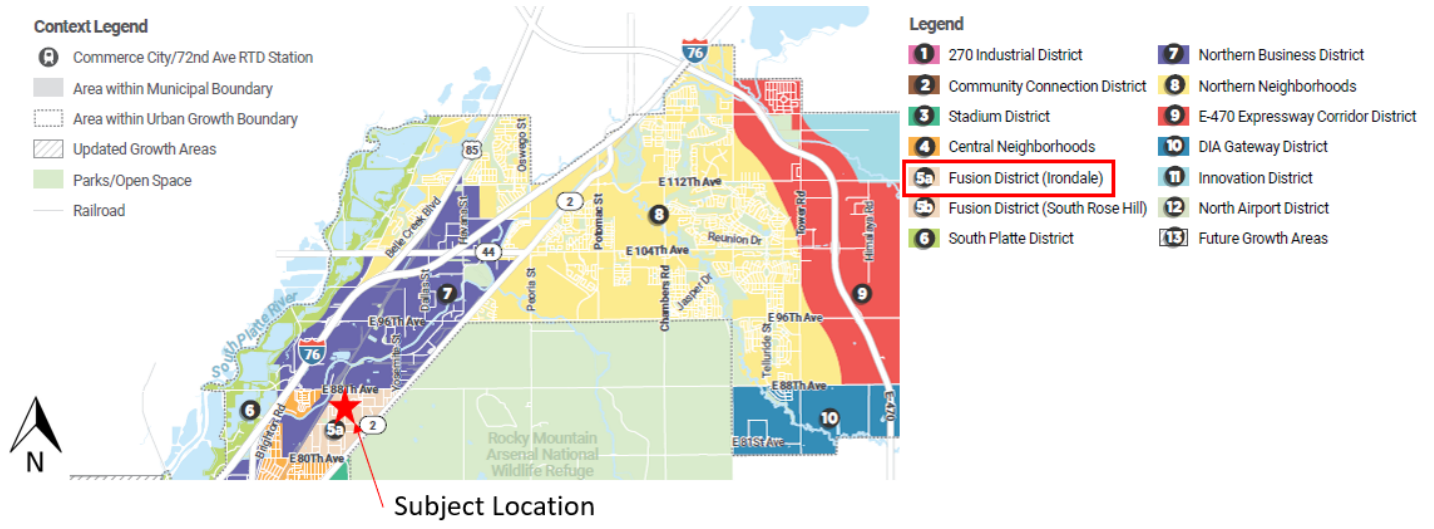
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2. A date certain.

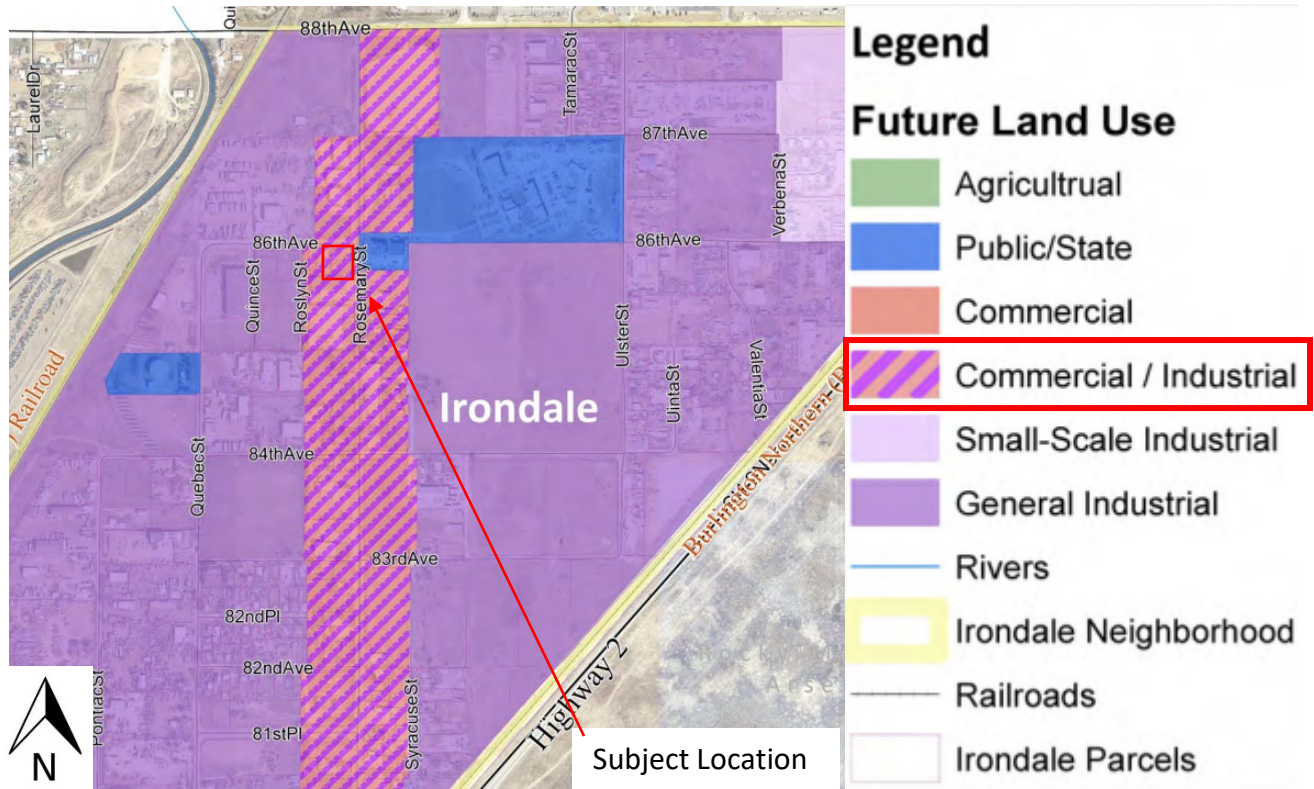
Vicinity Map



Character Area



Irondale Future Land Use Map



Aerial Map



Aerial of Site Taken August 20, 2024

Site Photos



View of the property facing south from East 86th Avenue (Taken November 21, 2024)



View of the property from the southwest corner of East 86th Avenue and Rosemary Street . (Taken November 21, 2024)