



STAFF REPORT

Planning Commission

CASE #Z-947-18

PC Date:	March 6, 2018	Case Planner:	Brad Callender
CC Date:	April 2, 2018		
Location:	6091 Dexter Street, Commerce City, CO 80022		
Applicant:	M.J. Cassutt Architects, P.C.	Owner:	Risas Real Estate & Equipment, LLC
Address:	7563 South Salida Court Centennial, CO 80016	Address:	3030 N. Central Ave, Suite 1500 Phoenix, AZ 85012

Case Summary

Request:	Rezone the subject property from I-3 to C-3
Project Description:	The applicant is requesting a zone change to C-3 will allow for development of a dental office. There are concurrent requests submitted for consideration along with this zone change, which include a development plan for the dental office under case # D-367-18, a subdivision plat to subdivide the subject property into two (2) lots under case # S-697-18 and a minor modification request to increase the maximum number allowable off-street parking spaces by 200% under case # MM-97-18.

Issues/Concerns:	Consistency with the Comprehensive Plan
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Key Approval Criteria:	- Comprehensive Plan - Land Development Code
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Staff Recommendation:	Approval
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Current Zone District:	I-3 (Heavy Intensity Industrial District)
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Requested Zone District:	C-3 (Regional Commercial District)
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Comp Plan Designation:	Commercial
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Attachments for Review: *Checked if applicable to case.*

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| ☒ Applicant's Narrative Summary | ☒ Vicinity Map |
| ☒ Site Plan | ☒ Building Elevations |

Background Information

Site Information

Site Size:	±1.167 acres
Current Conditions:	Vacant and undeveloped
Existing Right-of-Way:	Dexter Street to the east and East 61 st Avenue to the north
Neighborhood:	Clermont
Existing Buildings:	None
Buildings to Remain?	☐ Yes ☒ No
Site in Floodplain	☐ Yes ☒ No

Surrounding Properties

<u>Existing Land Use</u>		<u>Occupant</u>	<u>Zoning</u>
North	Industrial	Omega Products International	I-3
South	Commercial	Walgreens and Wendy's	I-3 & C-3
East	Commercial	Parkway Market Center and various fast-food restaurants	C-2 & C-3
West	Industrial	Pacheco Construction Products	I-3

Case History

The parent tract of the subject property was previously developed as a semi-truck sales operation. The subject property was created from subdividing the parent tract for Walgreens into two (2) lots under case # S-424-04. Buildings associated with the semi-truck sales operation were demolished and removed from the site in 2005.

<u>Case</u>	<u>Date</u>	<u>Request</u>	<u>Action</u>
S-424-04	Oct. 2004	Final plat for Dexter Street Subdivision (Walgreens)	Approval

Applicant's Request

The applicant is requesting approval of a zone change from I-3 (Heavy-Intensity Industrial) to C-3 (Regional Commercial). The applicant also proposes to subdivide the subject property into two (2) lots. The applicant proposes to construct a dental office on one of the proposed lots. The basis for requesting the zone change to C-3 is that dental offices are currently not allowed uses by right in the I-3 zoning district. The dental office will be owned and operated by Risas Dental and Braces.

According to the applicant, "A dental office is allowed by right within the C-3 zone and is compatible with other existing commercial uses in the Dexter Street Addition subdivision." The applicant's narrative also states, "The proposed dental facility does not exceed density requirements and is a desired use for the area. Risas Dental and Braces is a community based, affordable dental practice and the site presents an ideal location for their services and market clientele. The zone change is needed in order to bring the property into compliance with the City's Future Land Use Plan (FLUP) and to match the commercial nature of the existing uses within the Dexter Street Addition."

The applicant's plans include subdividing the subject property into two (2) lots, with the dental office proposed on the easternmost lot. Access to the dental office lot will be from an existing private drive. The applicant proposes to develop the site with parking and landscaping in compliance with the requirements from the Land Development Code.

Development Review Team Analysis

The Development Review Team (DRT) began by reviewing the request to change the zoning from I-3 to C-3 against the goals found in the City's Comprehensive Plan. That analysis is provided below:

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 1.1	Growth and Future Land Use Plan Consistency: Ensure future development is consistent with the Future Land Use Plan and map. The map provides a guide for 2035-projected growth, builds on previous plans, and reserves land for commercial and employment uses to ensure a future balanced mix of uses.
<u>Analysis:</u>	The zone change aligns the subject property with the Commercial designation for the site on the Future Land Use Plan.	
<u>Section</u>	<u>Goal</u>	<u>Description</u>
Land Use	LU 2.1	Infill Development Promoted Promote infill development and redevelopment to use utilities and services efficiency, to support multi-modal transportation, to revitalize neighborhoods, and to maintain prosperous businesses. Infill means development on vacant unplatted parcels scattered throughout the city, or in county enclave areas.
<u>Analysis:</u>	Developing a portion of the subject property for a dental office will enable successful infill development on a vacant parcel. .	
<u>Section</u>	<u>Goal</u>	<u>Description</u>
Economic Development	ED 3.2	Reinvestment/Redevelopment of Targeted Areas: This Plan identifies targeted areas for reinvestment and redevelopment, including Clermont, Wembley, the FasTracks Station Site, Derby, and East 104 th Avenue infill.
<u>Analysis:</u>	Through rezoning of the subject property, the applicant will be able to develop the site for a dental office building, bringing additional investment and improvements to the Clermont neighborhood that would not otherwise have been possible.	

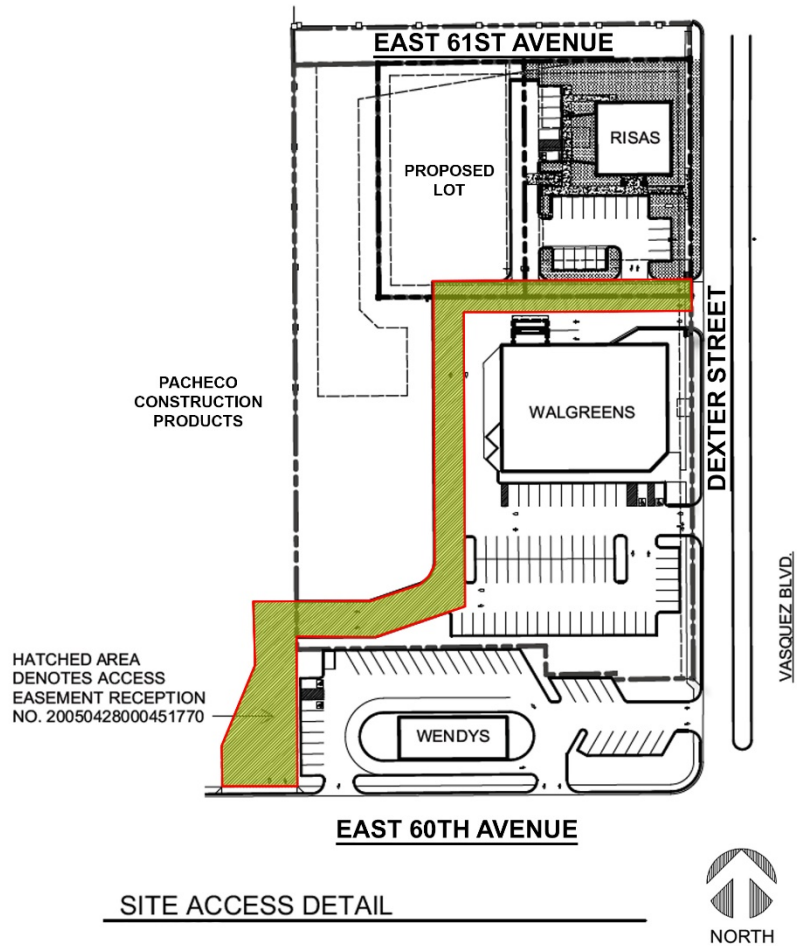
Today, the majority of the surrounding area to the south and east is developed commercially, with various retail, restaurant and professional service locations. To the north of the subject property, there is Omega Products International, zoned I-3. To the east of the site are properties zoned C-2 and C-3 with Parkway Shopping Center and various retail, restaurant, and professional service businesses. To the south are properties zoned I-3 and C-3 for Walgreens and Wendy's. To the west are properties zoned I-3 for Pacheco Construction Products.

If approved, the zone change will allow for development of the property with land uses that comply with the Commercial designation of the subject property on the Future Land Use Map.

The proposed development of the dental office is under administrative review in case # D-367-18. The developer proposes to construct a 3,750 square-foot dental office on the easternmost lot, which is proposed to be subdivided in subdivision case # S-697-18. The dental office will be a contemporary design, built with a predominantly brick façade with metal and stucco accents. The development plan indicates there will be 25 employees working at the dental office. The dental office site will have two accesses off a private drive serving the subject property and the Walgreens site. The site proposes to include tree plantings along Dexter Street and substantial landscaping throughout the site. The proposed dental office meets all other C-3 standards, as well as the commercial design criteria.

Vehicular access to the subject property was established in 2004 when Walgreens subdivided its property into two tracts. As shown in the illustration to the right, a joint access easement serves the subject property and the Walgreens lot from Dexter Street, through the Walgreens lot and neighboring Pacheco Construction property to East 60th Avenue. The illustration also identifies the lot which will be occupied by Risas Dental. No land uses are mentioned in the application for the proposed lot west of the dental office.

The requested zone change was referred to a variety of agencies within the City and outside of the City. The referral agencies had no objections or did not provide a response to the referral request.



Therefore, the DRT has concluded that the zone change request meets the approval criteria required for consideration of a zone change. The proposed zone change and land use comply with the intent of the Comprehensive Plan, and will match the commercial character of the surrounding area. The surrounding properties to the south and east are developed with commercial uses, while properties to the north and west are developed with industrial uses. Overall, the proposed zone change will help stabilize and reinforce the commercial character of the development near the intersection of East 60th Avenue and Vasquez Boulevard.

Criteria Met?	Sec. 21-3232. Rezoning or Zone Changes	Rationale
☒	The change is consistent with any City adopted plans for the area;	The requested C-3 zoning is consistent with the City's Comprehensive Plan designation of Commercial for the subject property.
☒	The change is compatible with proposed development, surrounding land uses and the natural environment;	The proposed C-3 zoning is compatible with land uses in the surrounding area. Properties to the south and east are developed and/or zoned for commercial uses.
☒	There is, or will be, adequate public services, (water, sewerage, streets, drainage, etc.);	There are adequate services available to serve the proposed dental office.
☒	There is, or will be, adequate public uses (parks, schools, and open space);	There are adequate parks, schools, and open spaces for the subject property. No additional public uses will be required due to this zone change.

Criteria Met?	Sec. 21-3232. Rezoning or Zone Changes	Rationale
☒	The change is needed to provide/maintain a proper mix of uses in the area/City;	The requested zone change will allow for infill development of the site in conformance with Comprehensive Plan and will reinforce the commercial character of the surrounding area, and ensuring a proper mix of uses in the City.
☒	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 surrounding area has transitioned from primarily industrial uses to commercial uses near the intersection of East 60 th Avenue and Vasquez Boulevard.

Development Review Team Recommendation

Based upon the analysis above, the Development Review Team believes that the application meets the criteria for a Zone Change as set forth in the Land Development Code and recommends 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 **6091 Dexter Street** contained in case **Z-947-18** 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 **6091 Dexter Street** contained in case **Z-947-18** 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 **6091 Dexter Street** contained in case **Z-947-18** 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.

To recommend continuance:

I move that the Planning Commission continue the requested Zone Change for the property located at **6091 Dexter Street** contained in case **Z-947-18**.