



STAFF REPORT

Planning Commission

CASE #Z-960-19

PC Date:	September 3, 2019	Case Planner:	Brayan Marin
CC Date:	October, 7, 2019		
Location:	6370 Poplar St Commerce City, CO 80022		
Applicant:	Belen Leyva	Owner:	Same as Applicant
Address:	6370 Poplar St Commerce City, CO 80022	Address:	Same as Applicant

Case Summary

Request:	Applicant is requesting a zone change from C-3 to R-1
Project Description:	The applicant's property is currently zoned C-3 and has a non-conforming single-family detached residence on the site. The zone change to R-1 will bring the property into compliance with comprehensive plan.
Issues/Concerns:	• Consistency with the Comprehensive Plan
Key Approval Criteria:	• Comprehensive Plan • Land Development Code
Staff Recommendation:	Approval
Current Zone District:	C-3 (Regional Commercial District)
Requested Zone District:	R-1 (Single-Family Residential District)
Comp Plan Designation:	Residential - Medium

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:	± 0.17 Acres
Current Conditions:	Fully Developed
Existing Right-of-Way:	Poplar St.
Neighborhood:	Rose Hill
Existing Buildings:	Yes, a single-family detached dwelling unit
Buildings to Remain?	☒ Yes ☐ No
Site in Floodplain	☐ Yes ☒ No

Surrounding Properties

Existing Land Use		Occupant	Zoning
North	Residential	Single-family detached Home	C-3
South	Residential	Single-Family detached Home	C-3
East	Residential	Single-Family detached Home	C-3
West	Residential	Single-Family detached Home	R-2

Case History

This property was part of the Nylin subdivision in 1951, and the existing single family home was built in 1955. The property was annexed by Commerce City in 1962 along with the rest of the Rose Hill neighborhood and part of the Kemp Neighborhood.

In 1980, a city-initiated effort to rezone various non-conforming residential properties in the Rose Hill neighborhood including the property of the applicant was submitted, but later withdrawn without a resolution. Subsequent efforts from individual residents along Poplar have been successful in rezoning their properties from commercial (C-3) to residential (R-1) in order to match their properties with their use. The city has been supportive in the rezoning of these properties in accordance with the long term for Poplar St. to be residential.

Applicant's Request

The applicant is requesting approval of a zone change from C-3 commercial to R-1 single-family. According to the applicant, the addition of her brother-in-law with his 3 children to her home require that the family construct an addition in the rear of the property in order for everyone to live comfortably. However, due to the non-conforming status of the property, the current zoning is not permitting our building safety division to release permits to construct this addition. The zone change to Single-family residential R-1 will bring the property into compliance and remove the non-conforming status so that the applicant can apply for the new addition in the rear of the property,

Development Review Team Analysis

The Development Review Team (DRT) began by reviewing the request to change the zoning from C-3 to R-1 against the goals found in the City's Comprehensive Plan. The 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 1a	Future Land Use 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 medium residential designation of the Land Use Plan. Additionally, the zone change of the subject's property brings this area of the city into further compliance with the future land use established by the Comprehensive Plan.	
<u>Section</u>	<u>Goal</u>	<u>Description</u>
Land Use	LU 3.5	Historic City Neighborhoods Preserved/ Revitalized Identify neighborhoods in need of preservation, revitalization, and/or buffering from industrial activities. Particular residential areas that should be strengthened through code enforcement, infill, and redevelopment are Adam Heights, Fairfax/North Monaco, Southern Core/Rose Hill and Northern Core/Derby/Tichy.
<u>Analysis:</u>	The rezoning of this property will help alleviate the non-conforming status of the subject's property, while also allowing the owner to remain in place and maintain the character of the neighborhood.	
<u>Section</u>	<u>Goal</u>	<u>Description</u>
Land Use	LU 3.3	Compatible Uses in all Neighborhoods Protect neighborhoods from incompatible development. Infill development must consider and be sensitive to the character of stable neighborhoods. Development should be planned so that building scale, placement, size, height transitions, mature landscaping and other design measures ensure compatibility.
<u>Analysis:</u>	The rezoning of the subject's property to Residential (R-1) will help maintain the character and density of the surrounding neighborhoods.	

Currently, the majority of the surrounding areas around the subject properties have been developed for low to medium density residential purposes. To the north is there is a variety of commercial and residential residencies, Zoned R-2. To the east is the Victory Crossing Subdivision, zoned commercial PUD. To the east and south is the Rose Hill neighborhood, currently zoned for various purposes, including residential, commercial and industrial.

If approved, the zone change will allow the property to become legally conforming to residential standards, allowing it to have the same rights as other residential units in the neighborhood, including the ability to apply for a residential addition onto the property.

Current Land Uses around Property



Future Land Use around property



Outside Agency Review:

Staff referred this application to several departments in the city, as well as outside agencies for review. All of the responses that were received indicated that the proposed zoning would not create conflicts with their regulations and no objections to the zoning have been received.

Additionally DRT has also reviewed the rezoning application against the approval criteria for a zone change as outlined in the analysis 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-1 zoning is consistent with the City's Comprehensive Plan designation for medium-density residential.
☒	The change is compatible with proposed development, surrounding land uses and the natural environment;	The proposed R-1 zoning and existing single family dwelling are compatible with the surrounding area. The majority of the properties on Poplar Street are zoned and used residentially.
☒	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 zone change.
☒	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. No additional public uses will be required due to this zone change.
☒	The change is needed to provide/maintain a proper mix of uses in the area/City;	The requested zone change will bring the existing non-conforming residential use into conformity with its zoning, affording it the same ability to expand and upgrade as other residential properties, providing stability in the immediate neighborhood, 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 area surrounding the subject property has been residential in nature since it was first developed. This zone change will bring the property into conformity. There is a public interest in transitioning properties from non-conforming to conforming status. Non-conforming residential properties have limited availability for adequate insurance, financing, and expansion or additions for the homeowners. The community as a whole greatly benefits when homeowners are able to secure funding and appropriately insure, maintain, upgrade, and expand their homes.

Summary:

Therefore, DRT has concluded that the requested zone change meets the approval criteria required for consideration of a zone change. The proposed zone change and land use complies with the intent of the Comprehensive Plan, and it will match the residential character of the surrounding area. Through the review, it is clear that the proposed zone change meets the criteria for zone change from C-3 regional commercial to R-1 medium residential. The applicant intends to develop the site in accordance to the current requirements of Commerce City's Land Development Code for residential standards. This zone change will not create adverse effects to the surrounding properties as the services necessary to serve the applicants proposed addition are already in place. Based on the analysis above, DRT is recommending approval of the requested zone districts for the subject properties.

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 **6370 Poplar St.** contained in case **Z-960-19** 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 **6370 Poplar St.** contained in case **Z-960-19**, 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 zone change for the property located at **6370 Poplar St.** contained in case **Z-960-19** 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 zoning of newly annexed land.

To recommend continuance:

I move that the Planning Commission continue the requested zone change for the property located at **6370 Poplar St.** Contained in case **Z-960-19**.