



# STAFF REPORT

## Planning Commission

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### CASE #Z-937-16

|                   |   |                      |                   |
|-------------------|---|----------------------|-------------------|
| <b>PC Date:</b>   | August 2, 2016                                | <b>Case Planner:</b> | Jenny Axmacher    |
| <b>CC Date:</b>   | August 15, 2016                               |                      |                   |
| <b>Location:</b>  | 6601 Colorado Blvd                            |                      |                   |
| <b>Applicant:</b> | Nuanes/King LLC                               | <b>Owner:</b>        | Same as Applicant |
| <b>Address:</b>   | 6601 Colorado Blvd<br>Commerce City, CO 80022 | <b>Address:</b>      | Same as Applicant |

### Case Summary

|                               |   |
|-------------------------------|---|
| <b>Request:</b>               | The applicant is requesting to rezone a portion of the property from AG (Agricultural) to I-1 (light Industrial).   |
| <b>Project Description:</b>   | The applicant is proposing to rezone a 2.8 acre portion of the site from AG to I-1 to allow for the development of artist's studios and art gallery spaces. |
| <b>Issues/Concerns:</b>       | <ul style="list-style-type: none"><li>• Impact to surrounding properties</li></ul>  |
| <b>Key Approval Criteria:</b> | <ul style="list-style-type: none"><li>• Comprehensive Plan</li><li>• Neighborhood Compatibility</li></ul>   |
| <b>Staff Recommendation:</b>  | Approval with Conditions  |
| <b>Current Zone District:</b> | AG (Agricultural District)  |
| <b>Comp Plan Designation:</b> | General Industrial  |

**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"/> Site Plan                     |  |

## Background Information

### Site Information

|                               |   |
|-------------------------------|---|
| <b>Site Size:</b>             | 11 acres, 2.8 acres proposed to be rezoned                          |
| <b>Current Conditions:</b>    | Developed with an existing residential structure                    |
| <b>Existing Right-of-Way:</b> | Colorado Blvd   |
| <b>Neighborhood:</b>          | Fernald/Frei Crossing   |
| <b>Existing Buildings:</b>    | Residence, Garage, Accessory Structures                             |
| <b>Buildings to Remain?</b>   | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| <b>Site in Floodplain</b>     | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

### Surrounding Properties

|              | <u>Existing Land Use</u> | <u>Occupant</u>                           | <u>Zoning</u> |
|--------------|--------------------------|---|---------------|
| <b>North</b> | Industrial/Residential   | Offen Industrial Park/ Existing Residence | I-1/I-2       |
| <b>South</b> | Industrial               | Guildner Pipeline Maintenance             | I-3           |
| <b>East</b>  | Industrial               | UP Railroad                               | I-1           |
| <b>West</b>  | Public/Utility           | Miller Reservoir                          | AG            |

### Case History

*There is no relevant case history for this site. It was zoned AG with the original incorporation of the City.*

## Applicant's Request

*The applicant is requesting to rezone a portion of the property to create concept, "a new development for artists to dream, create and inspire." The applicant believes "the proposed I-1 and its use are compatible with proposed development. There are many developments and businesses in the area that currently operate under I-1 - I-2 zoning. Their future development will provide, efficient and adequate provision of public serves, including water, sewer, electricity, gas, walkways, street, landscaping and drainage. In addition to beautiful buildings a public sculpture garden showcasing some of the tenants work is planned for an inspiring setting. The addition of an Art community will not only bring substantial notice to the community we plan on offering classes to inspire creative talent for all abilities and ages"*

*The applicant also believes there is a proven community need for the project. "With Denver's sprawl a new need for artists studios in a safe & inspiring area has risen. Extremely high rents & landlords selling there buildings that were once studio spaces to many artists it has left them with no place to go. Our goal is to develop a site where artists can be inspired & create. A community just for them that is safe & reasonably priced. We will extend an invitation to the Commerce City/Denver Community to not only view art but to explore the process of it as well. The project will bring new light to the area, generate taxes, & stimulate small art related business".*

## Development Review Team Analysis

*The Development Review Team (DRT) believes that the proposed concept project will be a unique and exciting addition to Commerce City and supports the rezoning of the property.*

*The applicant is requesting to rezone a portion of the subject property from AG to I-1. The proposed use on the site will be a development that houses artists studios/workspaces, art gallery/display spaces and an outdoor area that incorporates sculpture displays. The studios will range in size from*

400 - 1,500 sf divided inside of the buildings. The artist workspaces will consist of painters, photographers, mixed media, glass blowing and small metal works. The space will be open to the public and include gallery showing type events.

This use requires an I-1 zoning because of the proposed types of media that will be used for the creation of art in the artist studios including metal work and glass blowing. These types of art use processes and equipment that are more appropriate in a light industrial land use category than the existing AG zoning or even a commercial land use.

The portion of the site to be rezoned includes the two new building phases that will house these art development uses as well as the adjacent drainage and sculpture garden areas. The existing houses and accessory structures on the site are not included in the proposed rezoning and will remain as part of the AG use. The applicant has submitted a subdivision plat that creates lots corresponding to the rezoning application and it is under staff review with administrative approval pending.

The DRT's primary concerns on this case were whether the proposed rezoning would meet the future land use goals of the City as well as be an appropriate use at the proposed location which is in the vicinity of a future transit station. The detailed analysis is provided below but the DRT found that the project meets the goals of the future land use plan and will be an important addition to the same neighborhood as the future RTD FasTracks station. The Fernald/Frei Crossing neighborhood where this project will be located is also home to the City's future commuter rail station at 72nd Avenue. While the subject site in this case was not included in the City's station area master plan, this proposed use is close enough to the station that will help to act as a catalyst to promote redevelopment within the station area and will be complimentary to the existing plan.

| Criteria Met?                       | Sec. 21-3232. Rezoning or Zone Changes   | Rationale  |
|-------------------------------------|--|--|
| <input type="checkbox"/>            | The change corrects a technical mistake by the city.   |  |
| <b>OR</b>                           |  |  |
| <input checked="" type="checkbox"/> | The change is consistent with any City adopted plans for the area;                                     | The proposed I-1 zoning is consistent with the City's Comprehensive Plan. The general industrial future land use designation primarily allows for medium intensive and heavy industrial uses but also allows for flex space, open space, and other public uses and facilities similar to what this project is proposing. |
| <input checked="" type="checkbox"/> | The change is compatible with proposed development, surrounding land uses and the natural environment; | The surrounding area is zoned industrially and allows general industrial uses. The nearby station master plan area to the north of the subject property supports mixed uses complimentary to what the concept project is proposing.  |
| <input checked="" type="checkbox"/> | There is, or will be, adequate public services, (water, sewerage, streets, drainage, etc.);            | There are existing public services for the subject property. Future phases of the project, outside of the proposed rezoning area, may require water or sewer line extensions which will be addressed at that time.   |
| <input checked="" type="checkbox"/> | 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.  |

| Criteria Met?                       | Sec. 21-3232. Rezoning or Zone Changes   | Rationale   |
|-------------------------------------|--|---|
| <input checked="" type="checkbox"/> | The change is needed to provide/maintain a proper mix of uses in the area/City;  | While unique, the proposed use is allowed in the I-1 zone district. With metal work studios and glass blowing being included as potential uses for studios on the property, a light industrial zoning is more appropriate than a commercial one. The zone change will also be compatible with the existing surrounding industrial uses.   |
| <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 surrounding the subject property will be undergoing some changes in the near future, especially several blocks north of the subject site with the opening of the 72nd Avenue commuter rail station. The City has adopted a station area master plan to facilitate the redevelopment of the area as a result of the station. The proposed rezoning for the concept project is in line with the proposed changes for the area; though the property is not part of the station area master plan, it will help to act as a catalyst to encourage some of the redevelopment imagined in the plan. |

### Comprehensive Plan

The DRT recommendation for this case is supported by the following Comprehensive Plan Goals:

| Section                                    | Goal | Description  |
|--|------|--|
| Land Use and Growth                        | LU 1 | Maintain a balanced mix of land uses citywide and within Strategic Planning Areas: Commerce City growth will occur in a manner that maintains a citywide balanced mix of jobs and housing, and that achieves additional jobs, retail, and services.  |
| <b>Analysis:</b>                           |      | The proposed zone change is consistent with the Future Land Use Plan designation for future industrial uses along the Colorado Blvd corridor between 68 <sup>th</sup> and 64 <sup>th</sup> . The I-1 zone district allows for the metal work proposed to be allowed medium in the artist's studios.                          |
| Section                                    | Goal | Description  |
| Cultural Facilities and Tourism Strategies | CF 2 | Preserved history/broadened arts and culture: Partner with artists and cultural organizations (e.g., Cultural Council) to organize arts, festivals, and events, including performing arts. Partner with schools (youth art programs).  |
| <b>Analysis:</b>                           |      | This project supports the goal of providing additional arts opportunities within the community. The project provides studio space for artists to locate in Commerce City which currently doesn't exist. The project will also offer public hours where the community will have the opportunity to interact with the artists. |

## 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, subject to the following condition:

### **CONDITIONS:**

- A. No building permit for a new structure may be issued for the property until a subdivision plat, corresponding to the rezoning request is approved by Staff.

## **\*Recommended Motion\***

### ***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 **6601 Colorado Boulevard** contained in case **Z-937-16** 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:

- A. No building permit may be issued for the property until a subdivision plat, corresponding to the rezoning request is approved by Staff.

## **Alternative Motions**

### ***To recommend approval:***

I move that the Planning Commission enter a finding that the requested Zone Change for the property located at **6601 Colorado Boulevard** contained in case **Z-937-16** meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Zone Change.

### ***To recommend denial:***

I move that the Planning Commission enter a finding that the requested Zone Change for the property located at **6601 Colorado Boulevard** contained in case **Z-937-16** 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 continue the case:***

I move that the Planning Commission continue the requested Zone Change for the property located at 6601 Colorado Boulevard contained in case Z-937-16 to a future Planning Commission agenda.