



STAFF REPORT

Planning Commission

CASE #Z-968-21

PC Date:	April 06, 2021	Case Planner:	Jennifer Jones, AICP
CC Date:	May 03, 2021		
Location:	7205 E. 53 rd Pl. Commerce City, CO 80022		
Applicant:	Ed Jennings	Owner:	Conquest 7167 LLC
Address:	P.O. Box 200662 Denver, CO 80220	Address:	2717 Willamette Pl. Colorado Springs , CO 80909

Case Summary

Request:	Zone change from C-3 to I-2
Project Description:	The applicant proposes a zone change from C-3 (Regional Commercial District) to I-2 (Medium-intensity Industrial District) in order to expand the current industrial operation, which is located directly east of this property.
Issues/Concerns:	<ul style="list-style-type: none">• Consistency with the Comprehensive Plan
Key Approval Criteria:	<ul style="list-style-type: none">• Comprehensive Plan• Land Development Code• Neighborhood Compatibility
Staff Recommendation:	Approval
Current Zone District:	C-3 (Regional Commercial District)
Requested Zone District:	I-2 (Medium Intensity Industrial District)
Comp Plan Designation:	Commercial/Industrial

Attachments for Review: *Checked if applicable to case.*

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|---|--|
| <input checked="" type="checkbox"/> Applicant's Narrative Summary | <input checked="" type="checkbox"/> Vicinity Map |
| <input checked="" type="checkbox"/> Site Plan | <input type="checkbox"/> Building Elevations |

Background Information

Site Information

Site Size:	± 1.90 Acres / 82,966 S.F.
Current Conditions:	Existing single family detached dwelling with industrial storage in the rear.
Existing Right-of-Way:	E. 53 rd Pl
Neighborhood:	South Rose Hill
Existing Buildings:	Yes, a single-family detached dwelling unit
Buildings to Remain?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Site in Floodplain	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Surrounding Properties

<u>Existing Land Use</u>		<u>Occupant</u>	<u>Zoning</u>
North	Industrial	Auto Parts Business	I-2
South	Industrial	TA Fuel Station	I-1
East	Commercial	Massage Parlor; Gas Station	C-3
West	Industrial	Metal Products Assembly	I-2

Case History

This property is part of the Kemp subdivision, which in 1972 was granted a zone change from I-1 Light intensity Industrial District to C-3 Regional Commercial District via case Z-65-72. The existing single family home on the site was built in 1935 and was used exclusively for residential purposes.

In the past, efforts from individual property owners along E. 53rd Place have been successful in rezoning their properties from commercially designated lots to Industrial (I-2) in order to match the properties with the surrounding uses. Additionally, the City has generally been supportive of rezonings for properties along E. 53rd Place as they are in accordance with the long term for vision for this corridor, as outlined in the City's Comprehensive Plan.

Applicant's Request

The applicant is requesting the approval of a zone change from C-3 (Regional Commercial District) to I-2 (Medium-Intensity Industrial District). According to the applicant, the change in zoning of this lot will allow the applicant to purchase the property in order to expand the Metal Products assembly operation currently located directly west of this property at 7167 E. 53rd Pl. The approval of this zone change will allow the applicant to consolidate the lots into one lot and expand the current operation from 11,880 square feet to over 50,000 square feet, over the course of two construction phases. This expansion is dependent on the zone change as well as concurrent consolidation plat and development plan applications.

Development Review Team Analysis

The Development Review Team (DRT) reviewed the request to change the zoning from C-3 to I-2 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 current medium intensity industrial uses that surround the site and it meets the designation of the Land Use Plan. Additionally, the zone change of the property will bring 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 2	Phase Growth in an orderly and Compact Manner
<u>Analysis:</u>	The proposed Zone Change is located in an area that already has a significant amount of existing industrial Development and traffic. This proposed change will allow the development of the site to provide additional opportunities to both employees and employers of the site.	

<u>Section</u>	<u>Goal</u>	<u>Description</u>
Economic Development	ED 2	Retain and increase a strong employment base The city will retain and expand its existing industrial base, and attract and recruit new businesses that contribute positively to city revenues.
<u>Analysis:</u>	The proposed Zone Change will allow Metal Products to continue operating within Commerce City while also allowing the expansion of their business operations, further enhancing the industrial character of the area.	

Surroundings

Currently, the majority of the surrounding properties are developed for low to medium density industrial purposes. To the north is there is a variety of industrial businesses, all zoned I-2. To the east, there is a dwelling unit in a C-3 commercial lot that currently uses its backyard as outdoor storage for industrial purposes. To the west is Metal Products assembly, zoned I-2. To the south is TA fuel station currently zoned I-1.

Proposed Use

The requested zoning designation would allow the applicant, Metal Products (located directly west of the subject site and zoned I-2) the ability to consolidate lots and develop the entire site in a manner that is consistent with I-2 industrial uses. The applicant intends to create an addition of approximately 40,000+ square feet over the course of two building phases. The first phase would begin following approval of the development plan currently under administrative review. The second phase of the project would likely occur three to five years after the completion of the first phase.

Comprehensive Plan

The Future Land Use Map in the City's Comprehensive Plan is not intended to be lot specific but rather a general guideline of future land use areas. The Future Land Use map depicts commercial uses along Quebec with industrial uses behind to the west (as shown on the following page). The subject site does not front onto Quebec but rather is accessed only from E. 53rd Place with a commercial lot east of the site, fronting Quebec. While the DRT finds maintaining commercial properties directly along Quebec Street is important, since this site is not directly adjacent to Quebec street, the DRT believes it is appropriate for it to be rezoned to I-2 which would allow for its consolidation into the existing lot to the west.



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 existing 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
(b) The zone change meets all of the following:		
<input checked="" type="checkbox"/>	(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 I-2 zoning is in accordance with the intent of the Comprehensive Plan, as it maintains commercial along Quebec with industrial interior to the west.
<input checked="" type="checkbox"/>	(ii) The proposed zone district and allowed uses are compatible with proposed development, surrounding land uses and the natural environment;	The proposed change will be compatible with the surrounding industrial land uses. Additionally, the area has changed to such degree that maintaining the zoning of the site commercial might create adversity between uses if not properly managed.
<input checked="" type="checkbox"/>	(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;	There are adequate public services for the subject property. No additional public services will be required due to this zone change.
<input checked="" type="checkbox"/>	(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;	There are adequate parks, schools, and open space 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
☒	(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	The proposed I-2 zoning district will allow the subject site to be combined with the existing industrial site to the west for the expansion of an established business within the City. Commercial lots will continue to exist along Quebec where retail, restaurant, or other commercial uses are more likely and viable.
☒	(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 subject property has been residential and industrial in nature since it first developed. Over time, the area has changed from a residential area to an industrial area. Although the subject property is currently zoned C-3 it has never functioned as a commercial site. The properties to the north and west are all industrial in nature.

Summary

The DRT has concluded that the requested zone change application meets the required approval criteria. The proposed zone change and land use complies with the intent of the Comprehensive Plan, and it will match the industrial character of the surrounding area. Through the review and analysis, it is clear that the proposed zone change meets the criteria for a change of zoning from C-3 (Regional Commercial District) to I-2 (Medium Intensity Industrial District). The applicant intends to develop the site in accordance to the current requirements of Commerce City’s Land Development Code. 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 change for the subject property.

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 **7205 E. 53rd Pl.** contained in case **Z-968-21** 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 **7205 E. 53rd Pl.** contained in case **Z-968-21**, 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 **7205 E. 53rd Pl.** contained in case **Z-968-21** 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 **7205 E. 53rd Pl.** Contained in case **Z-968-21**.