



# STAFF REPORT

## Planning Commission

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### CASE #Z-970-21

<b>PC Date:</b>	April 6, 2021	<b>Case Planner:</b>	Stacy Wasinger
<b>CC Date:</b>	May 3, 2021		
<b>Location:</b>	4761 E 69 <sup>th</sup> Avenue, Commerce City, CO 80022		
<b>Applicant:</b>	South Adams County Fire Department (SACFD)	<b>Owner:</b>	Same as Applicant
<b>Address:</b>	6050 Syracuse Street Commerce City, CO 80022	<b>Address:</b>	Same as Applicant

### Case Summary

<b>Request:</b>	Zone Change from C-2 to PUBLIC zone
<b>Project Description:</b>	Request to rezone an approx. 0.29 acre parcel from C-2 to Public, to allow an approx. 600 square foot building addition to an existing fire vehicle maintenance facility to convert it to proposed Fire Station 1 for South Adams County Fire Department; a concurrent development plan and consolidation plat are under administrative review.
<b>Issues/Concerns:</b>	<ul style="list-style-type: none"><li>• Existing public use, rezone allows for expansion</li><li>• Will serve existing and future development in the area</li><li>• Will provide site improvements to an existing developed site</li><li>• Concurrent consolidation plat and development plan</li></ul>
<b>Key Approval Criteria:</b>	<ul style="list-style-type: none"><li>• Comprehensive Plan goals and future land use plan</li><li>• Land Development Code (LDC) rezone criteria</li></ul>
<b>Staff Recommendation:</b>	Approval
<b>Current Zone District:</b>	C-2 (General Commercial District)
<b>Comp Plan Designation:</b>	Commercial

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

- |                                                                      |                                                                   |
|----------------------------------------------------------------------|-------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Vicinity Map                     | <input checked="" type="checkbox"/> Applicant's Narrative Summary |
| <input checked="" type="checkbox"/> Proposed Development Plan        | <input checked="" type="checkbox"/> Proposed Consolidation Plat   |
| <input checked="" type="checkbox"/> Traffic Report                   | <input checked="" type="checkbox"/> Staff Presentation            |
| <input checked="" type="checkbox"/> Applicant Presentation Materials | <input type="checkbox"/>                                          |

## Background Information

### Site Information

<b>Site Size:</b>	0.29 acres
<b>Current Conditions:</b>	Developed with fire department maintenance facility, paving, parking, etc.
<b>Existing Right-of-Way:</b>	E. 69 <sup>th</sup> Avenue to the south, Dahlia Street to the east
<b>Neighborhood:</b>	Adams City
<b>Existing Buildings:</b>	Fire department maintenance facility, to be converted to a fire station
<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>	Residential	Residence	C-3
<b>South</b>	Undeveloped	E. 69 <sup>th</sup> Ave.	PUBLIC
<b>East</b>	Commercial	Dahlia Street, Gas Station	C-3
<b>West</b>	Public/Utility	South Adams County Fire Department	C-2

### Case History

The site was originally subdivided in 1950 with Adams City subdivision. Four small 25 foot by 127 foot lots (entire site 100 feet by 127 feet) encompass the overall development to be rezoned to Public with this request. A concurrent consolidation plat request under administrative review will combine these four small lots into one parcel. The property was annexed into Commerce City in 1959, and subsequently zoned C-2 Commercial. The property with the current maintenance building was originally developed as a commercial building in 1960. In 1979, South Adams County Fire Department (SACFD) requested and was granted a use-by-permit for a vehicle maintenance facility by the Board of Adjustment (BOA) in case A-436-79. The BOA also granted a variance for the north setback at that time, which was five feet from the north property line. An addition was permitted and completed, with a Certificate of Occupancy granted for the SACFD maintenance building in 1980. Since the adoption of the Land Development Code (LDC) in 2009, fire stations and other public facilities are only allowed in the PUBLIC zone district. An approximately 600-square foot expansion to the building is proposed to accommodate an office and fire fighter bunk station to convert the maintenance facility to Fire Station No. 1, as well as site improvements to improve functionality for the station. This will be a fire station facility, rather than the previous maintenance facility use. The property must be rezoned to Public to allow the expansion of the fire station building.

<u>Case</u>	<u>Date</u>	<u>Request</u>	<u>Action</u>
Ord. 78	March 16, 1959	Annexation	<b>Approval</b>
A-436-79	Nov. 26, 1979	Use-by-Permit for SACFD facility and north setback variance	<b>Approval</b>

## Applicant's Request

The current request is to rezone a 0.29 acre parcel from C-2 to PUBLIC to allow a 600-square foot expansion to an existing building to become Fire Station No. 1.

The South Adams County Fire Department (SACFD) was formed in 1952 to serve the areas that are today Commerce City and unincorporated Adams County. The current building at 4761 E. 69<sup>th</sup> Avenue, located on the northwest corner of East 69<sup>th</sup> Avenue and Dahlia Street, was expanded as a fire vehicle

maintenance facility in 1980. As the surrounding area has grown and developed, SACFD proposes to expand the facility to be Fire Station No. 1 and increase service capacity. A recent expansion of the fire vehicle maintenance facility at E. 86<sup>th</sup> Avenue and Rosemary Street accommodates more maintenance activities at that location while the subject location will be a fire station facility. The applicant narrative states *"the goal of this development is to repurpose the existing building and site to create a much-needed fire station that will help better serve the public in and around that area."* Since the proposed use is designated as a public use in the Land Development Code, this zone change to PUBLIC is needed to be able to expand and renovate the building in conformance with the LDC.

SACFD believes that the proposed zone change and development *"provides the public with an upgraded service but also provides the surrounding community with an improved property that better meets the goals of the comprehensive plan."* The narrative further states that there will be no impact on services or surrounding uses and that all infrastructure, including some minor upgrades to water and sewer, is adequate to serve the proposed 600-square foot building expansion.

According to the concurrent development plan application, there will be no changes to primary access for the site from E. 69<sup>th</sup> Avenue. The building addition will be office and bunk space for five firefighters that will operate from Fire Station No. 1. The site is currently all paved with little landscaping or other site amenities. Landscaping and site improvements will bring the site into more compliance with City standards for the proposed PUBLIC zone district. A secure patio area for the staff on site as well as screening for utility areas is proposed. The proposed building addition elevations and materials will meet LDC design guidelines.

Finally, the applicant states that they need this zone change to ensure proper fire services can be provided to meet the demands of the community's residents and business. The applicant narrative states that *"[a]s Commerce City continues its rapid growth, the demand for public safety services inherently grows with it. The South Adams County Fire District has a duty to provide the citizens within its district with adequate protection and the conversion of the maintenance building to a station not only provides the public with an upgraded service but also provides the surrounding community with an improved property that better meets the goals of the comprehensive plan."*

## Development Review Team Analysis

*The Development Review Team (DRT) reviewed the request to change the zoning from C-2 to PUBLIC 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 1a	Future Land Use Plan as Guide: Use the Future Land Use Plan (FLUP) to guide development patterns and mix of uses and amendments to the Land Development Code (LDC).
<b><u>Analysis:</u></b>	The rezoning aligns the property with the Future Land Use Plan while allowing the current use of the property to be expanded. This rezone allows the expansion of an existing public service use and the Commercial land use designation does contemplate public uses as secondary uses in the Comprehensive Plan.	

<u>Section</u>	<u>Goal</u>	<u>Description</u>
Safety and Wellness	SW 1d	Fire District Coordination: Coordinate with fire districts to address provision of land for fire stations within growth areas.
<b><u>Analysis:</u></b>	By rezoning the subject property to the PUBLIC zone district and creating Fire Station No. 1, SACFD is expanding their service capacity and will meet current LDC standards.	
<u>Section</u>	<u>Goal</u>	<u>Description</u>
Public Facilities and Infrastructure	PF 1.6	Fire Protection Coordination: Coordinate with South Adams County, Sable-Altura, and Brighton Fire Protection Districts to ensure development does not outpace adequate fire protection.
<b><u>Analysis:</u></b>	Through the rezoning of the subject property, the SACFD will be able to expand the current use to meet community needs, bringing additional investment and improvements to the area while also enhancing the level of service that can be provided to the new and future developments in the area.	

The case history indicates that this site has been in operation for SACFD since 1980, when the maintenance facility was developed to serve the community. However, as the area redevelops and the population of the area served by SACFD grows, there is a need to change the use to Fire Station No. 1 to maintain a level of service. The requested zone change would match the proposed use of the 0.29 acre parcel with the appropriate PUBLIC zoning classification.

Figure 1: Site Aerial

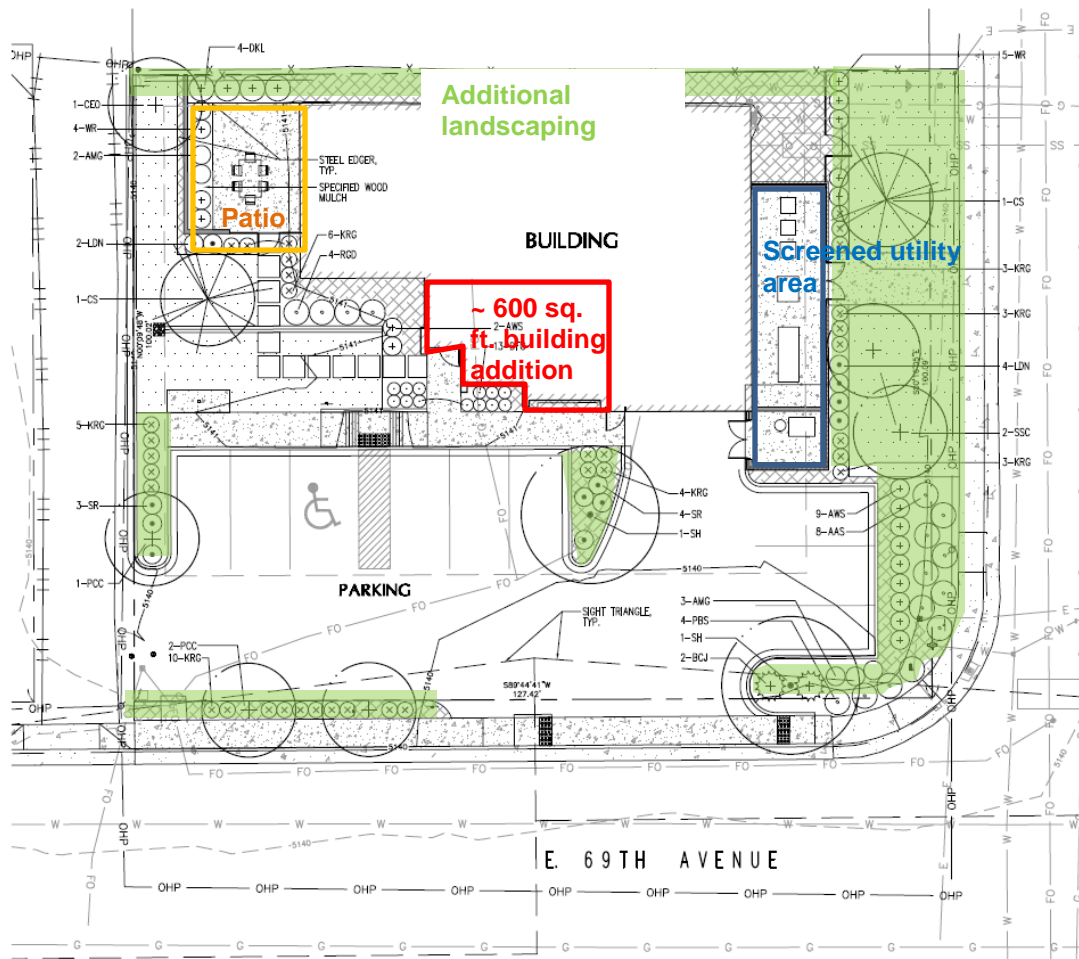


The proposed site redevelopment is currently under administrative review in case #D-496-21. SACFD is proposing to build a 600-square foot single-story addition to the south side of the existing building for office and firefighter bunk space. Five total firefighter personnel will operate from this facility, with shift changes every other day. The overall layout of the site will remain the same, with some additional parking, landscaping, and site improvements such as the screening wall for the utility area on the east side of the building. A fenced patio area will provide space for staff outside. The existing site is almost entirely paved and this new development will improve the overall site with landscaping and other site

features. The new expansion will include elevations that meet LDC design standards. The associated consolidation plat (S-797-21) will combine the existing small lots into one lot, in order to facilitate the building addition. The LDC prohibits buildings crossing property lines, requiring the parcels to be combined.

The proposed building expansion will not impact the existing access or circulation patterns for the site. The direct access onto 69<sup>th</sup> Avenue will remain the primary access point, though it may be modified with the development. The rezone and building expansion are not expected to impact existing traffic patterns with a minimal increase in daily trips. A Public Improvements Agreement is not required for this development.

Figure 2: Proposed Site/Landscape Plan



The Comprehensive Plan Commercial designation does contemplate public uses as a secondary use type. The goals and objectives of the Comprehensive Plan also support expansion of existing facilities, such as those referenced above to support Fire District coordination. In addition, Land Use Goal LU2 to “phase growth in an orderly, compact manner” and Public Facilities and Infrastructure Goal PF1 to “coordinate utilities and infrastructure with future growth” support this type of infill development.

This analysis shows the proposal meets the rezone criteria that “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.” Therefore, the DRT has concluded that the zone change request

meets the approval criteria. The existing use and proposed zone change are in accordance with the Comprehensive Plan, and will match the character of the surrounding area.

Criteria Met?	Sec. 21-3232. Rezoning or Zone Changes	Rationale
<input type="checkbox"/>	The zone change corrects a technical mistake on the part of the city in classifying a parcel within a specific zoning district;	N/A
<b>OR</b>		
The zone change meets all of the following:		
<input checked="" type="checkbox"/>	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 change is consistent with the goals and policies of the Comprehensive Plan, including for public safety and infill development.
<input checked="" type="checkbox"/>	The proposed zone district and allowed uses are compatible with proposed development, surrounding land uses and the natural environment;	The proposed rezone will allow an expansion of the existing fire station use, which is compatible with the predominantly commercial and uses surrounding the site, with more residential uses to the north. The expansion of an existing site utilizes existing infrastructure and is compatible with the natural environment.
<input checked="" type="checkbox"/>	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;	Adequate infrastructure and public services are available for the existing site and the proposed expansion.
<input checked="" type="checkbox"/>	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;	This rezone is expected to have no impact on public uses or parks.
<input checked="" type="checkbox"/>	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 rezone will allow for the expansion of a needed public service use to adequately respond to needs in SACFD service area.
<input checked="" type="checkbox"/>	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 area continues to grow and redevelop with primarily commercial and residential uses, including the future Mile High Greyhound Park development that this fire station will serve.

## 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.

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

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

I move that the Planning Commission enter a finding that the requested Zone Change for the property located at **4761 E. 69<sup>th</sup> Avenue** contained in case **Z-970-21** 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 with conditions:***

I move that the Planning Commission enter a finding that the requested Zone Change for the property located at **4761 E. 69<sup>th</sup> Avenue** contained in case **Z-970-21** 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 conditions*

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

I move that the Planning Commission enter a finding that the requested Zone Change for the property located at **4761 E. 69<sup>th</sup> Avenue** contained in case **Z-970-21** 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 Zone Change.

### ***To continue the case:***

I move that the Planning Commission continue the requested Zone Change for the property located at 4761 E. 69<sup>th</sup> Avenue contained in case Z-970-21 to a future Planning Commission agenda.