



# Zone Change Report

## Case #Z-988-23

*Planning Commission Date: June 6, 2023*

*City Council Date: July 17, 2023*

### **GENERAL INFORMATION**

<b>PROJECT NAME</b>	7160 Eudora Dr. Zone Change
<b>LOCATION</b>	7160 Eudora Dr. (SEC of Eudora Dr. and E. 72 <sup>nd</sup> Ave.)
<b>SITE SIZE</b>	2.31 Acres
<b>CURRENT ZONING</b>	I-2 (Medium Intensity Industrial District)
<b>APPLICANT</b>	Kum & Go L.C.
<b>OWNER(S)</b>	7160 Eudora Dr. LLC
<b>CASE PLANNER</b>	Stacy Wasinger

### **REQUEST**

The request is to rezone the property from I-2 (Medium Intensity Industrial District) to I-1 (Light Intensity Industrial District).

### **BACKGROUND AND CASE HISTORY**

In 1991, this property was annexed into the City and zoned I-2 with several other parcels to the south of this site. The area was previously zoned industrial in Adams County and developed with industrial uses and outdoor storage. A vacation of a portion of Eudora Dr. was completed in 1996, and that area is included in the current parcel.

### **ADDITIONAL INFORMATION**

There is a proposed Development Plan (D-547-23) and Subdivision Plat (S-828-23) which are currently under review for this site. The applicant is requesting the rezone to facilitate development of a Kum and Go fuels sales and convenience store. A convenience store is not a permitted use in the I-2 zone, so a rezone is required to allow this use. The plat will consolidate the total parcel area and dedicate easements. This site is currently developed with Ditch Witch of the Rockies. Ditch Witch is developing a larger industrial site in the City and will be moving when the already approved site is complete.

### **COMPREHENSIVE PLAN CONSISTENCY**

The subject property is designated on the Future Land Use Map as Industrial/Distribution. The proposed zoning designation of I-1 is consistent with the Future Land Use Map in the Comprehensive Plan and compatible with the surrounding area. The requested rezone is also

supported by Land Use Goal 2 (Goal LU 2) in the Comprehensive Plan, to phase growth in an orderly and compact manner. This zone change will facilitate the redevelopment of a site that is being vacated by the current user. The new use will bring investment to the site and bring it into conformance with current standards. The proposed zone change is also in conformance with Redevelopment and Reinvestment Goal 1 (Goal RR 1) to promote infill development.

## **PROJECT ANALYSIS**

### **Site Overview**

The requested rezoning is for an approx. 2.31 acre parcel, located at the southeast corner of E. 72nd Avenue and Eudora Drive. A warehouse/equipment rental facility (Ditch Witch) currently occupies the site. Per the submitted development plan, all structures currently on the site would be demolished before the site is redeveloped, and any remediation from previous uses would be implemented.

The applicant has conducted Phase 1 and Phase 2 Environmental Site Assessment (ESA) of the site, and no major environmental concerns have been identified that remain. Potential oil contamination from the existing business was addressed, and Seneca Environmental Services concludes “all environmental concerns have been eliminated.”

This area is primarily industrial in use, with commercial uses such as Santiago’s directly north. This site is bordered by industrial and commercial uses with I-2 zoning to the south, I-1 and I-3 to the east, C-3 to the north, and Highway 85 to the west. The nearest residential use to this property is across the railroad tracks to the east, over an eighth of a mile away.

As previously mentioned, the applicant intends to develop this lot with a fuel sales and convenience store, which is an allowed use in the requested I-1 zoning district.

### **Road Network Impacts**

Per Public Works, E. 72<sup>nd</sup> Ave. is a Minor Arterial. The site will be accessed off of Eudora Drive and Elm Street. The zone change itself does not impact overall traffic analysis and roadway conditions. The proposed use will increase traffic at the site; all required public improvements and mitigation will be part of the review and approval for the subdivision plat and development plan.

### **Overall Analysis**

Staff have determined that the parcel in question currently meets, or will be able to meet once developed, all the relevant City standards and Land Development Code (LDC) requirements for the proposed I-1 zoning. These requirements include, but are not limited to: access, floor area ratio (FAR), minimum lot area, minimum lot frontage, and setbacks.

The proposed zone change has been reviewed by the Development Review Team, including Planning, Public Works, and South Adams County Water and Sanitation District, Code Enforcement, Parks, Building Safety, Economic Development, District 14 Schools, Xcel Energy, and the Police Department had no further comments on the zone change.

## **ZONE CHANGE APPROVAL CRITERIA**

A decision for this case must be based on the following criteria from Sec. 21-3232(5) of the Land Development Code. An application may be approved if:

**(a): The zone change corrects a technical mistake on the part of the city in classifying a parcel within a specific zoning district; or**

*Not Applicable.*

**(b): The zone change meets all of the following:**

**Criteria (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;**

This application is consistent with the Comprehensive Plan Future Land Use Designation and is supported by Land Use Goal 2 and Redevelopment and Reinvestment Goal 1. *Therefore, it can be found that this application meets Criteria (i).*

**Criteria (ii): The proposed zone district and allowed uses are compatible with proposed development, surrounding land uses and the natural environment;**

The I-1 zone district is compatible with the proposed convenience store and fuel sales use. In addition, the site is bordered by industrial and commercial uses with C-3, I-1, I-2, and I-3 zoning nearby. Furthermore, the entire surrounding area is designated as either Industrial/Distribution or Commercial on the Future Land Use Map in the Comprehensive Plan. *Therefore, it can be found that this application meets Criteria (ii).*

**Criteria (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;**

This zone change application was reviewed by the applicable public service providers, including Public Works and South Adams County Water and Sanitation District, and there are no outstanding concerns. *Therefore, it can be found that this application meets Criteria (iii).*

**Criteria (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;**

Future development at this location would have access to public uses. As a non-residential zone district, future development would not be subject to school/parks impact fees. *Therefore, it can be found that this application meets Criteria (iv).*

**Criteria (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 Comprehensive Plan Future Land Use Map designates this lot, and all of the surrounding lots, for industrial or commercial uses. The proposed convenience store and fuel sales use would also support the existing businesses in the area. *Therefore, it can be found that this application **meets Criteria (v).***

**Criteria (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 site and surrounding area have been developed with generally light or medium intensity industrial and commercial uses since annexation into the City. The redevelopment of this site is consistent with that land use pattern, and the overall area. *Therefore, it can be found that this application **meets Criteria (vi).***

## **CONSIDERATIONS FOR DISCUSSION**

1. Zone Change is consistent with the Comprehensive Plan
2. Zone Change allows the site to redevelop into a compatible use for the area and existing uses rather than being vacant when the current use moves
3. Additional improvements to facilitate and mitigate the proposed use will be installed with the subdivision plat and development plan

## **POTENTIAL MOTIONS**

1. Approval
  - a. Planning Commission
    - I move that the Planning Commission enter a finding that the requested **Zone Change** for the property located **at 7160 Eudora Drive** contained in case **Z-988-23** meets the criteria of the Land Development Code and based upon such finding, recommend that the City Council approve the Zone Change.
  - b. City Council
    - I move that the City Council enter a finding that the requested **Zone Change** for the property located **at 7160 Eudora Drive** contained in case **Z-988-23** meets the criteria of the Land Development Code and based upon such finding, approve the Zone Change.
2. Denial
  - a. Planning Commission
    - I move that the Planning Commission enter a finding that the requested **Zone Change** for the property located **at 7160 Eudora Drive** contained in case **Z-988-23** does not meet the criteria of the Land Development Code and based upon such finding, recommend that the City Council deny the Zone Change.
  - b. City Council
    - I move that the City Council enter a finding that the requested **Zone Change** for the property located **at 7160 Eudora Drive** contained in case **Z-988-23**

does not meet the criteria of the Land Development Code and based upon such finding, deny the Zone Change.

3. Continuance

a. Planning Commission

- I move that the Planning Commission continue discussion of the requested **Zone Change** for the property located **at 7160 Eudora Drive** contained in case **Z-988-23** to:
  1. The next regularly scheduled Planning Commission hearing; or
  2. A date certain.

b. City Council

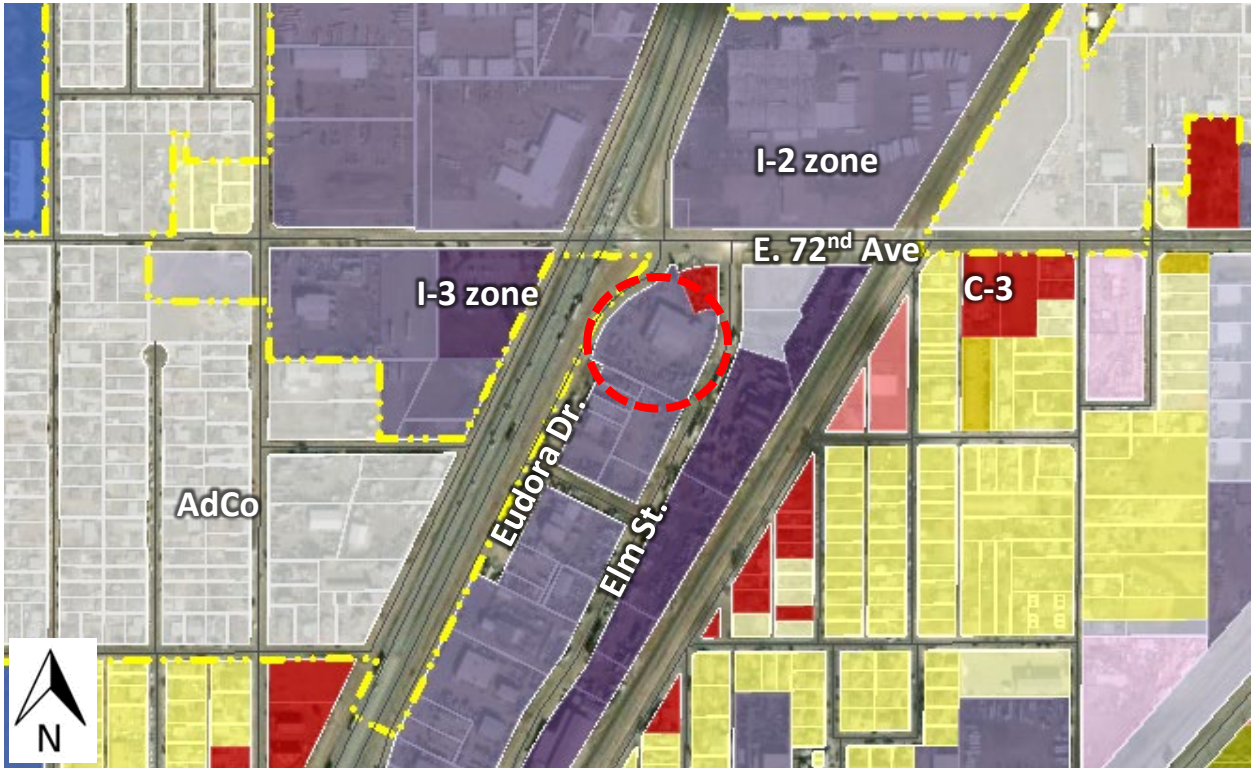
- I move that the City Council continue discussion of the requested **Zone Change** for the property located **at 7160 Eudora Drive** contained in case **Z-988-23** to:
  1. The next regularly scheduled City Council hearing; or
  2. A date certain.

4. Remittance back to Planning Commission

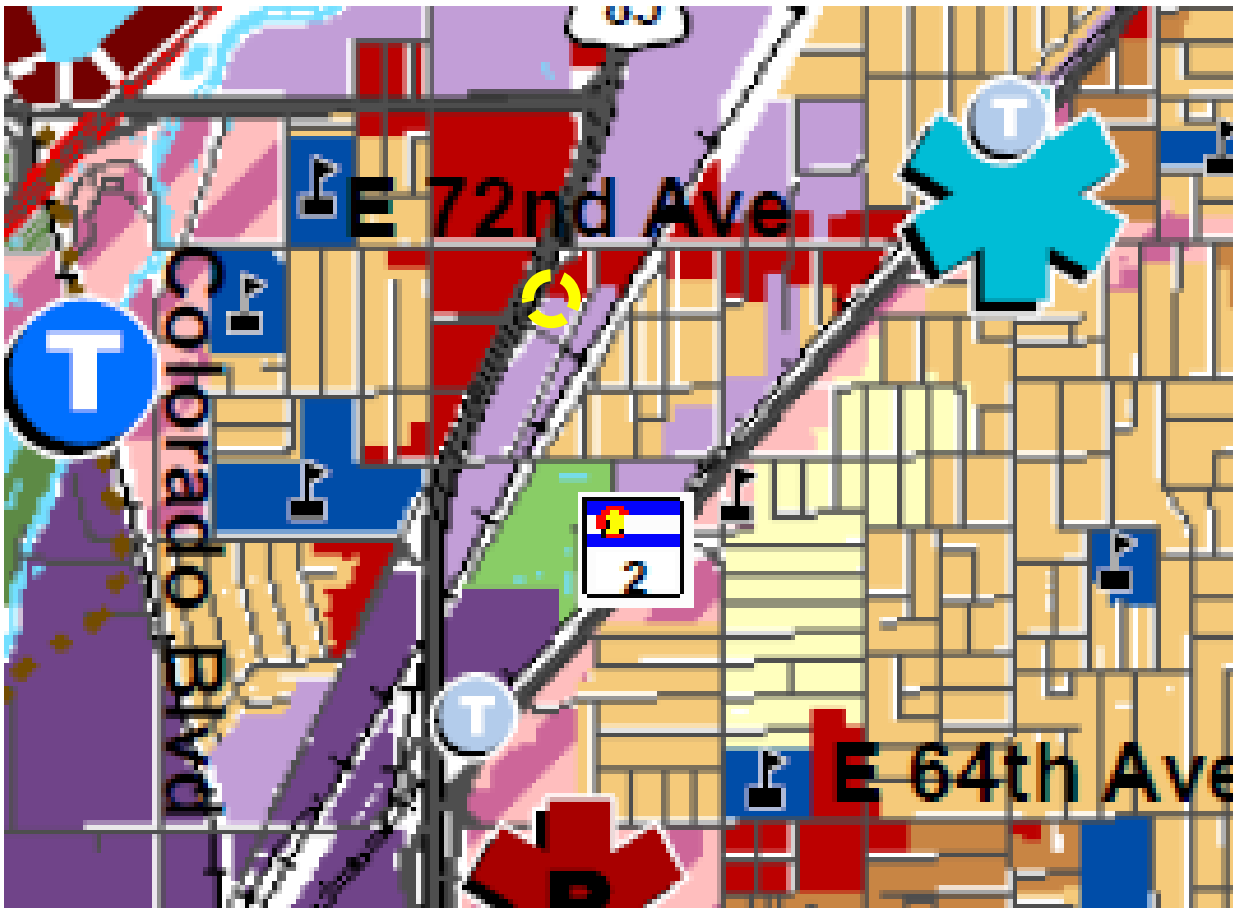
a. City Council

- I move that the City Council remit discussion of the requested **Zone Change** for the property located **at 7160 Eudora Drive** contained in case **Z-988-23** back to Planning Commission for further discussion.

## Zoning Map



## Future Land Use Plan



## Aerial Map



## Site Photos



View from Eudora Drive (Taken May 30, 2023)

## Site Photos (continued)



View from Elm Street (Taken May 30, 2023)



View from northeast corner E 72<sup>nd</sup> Ave and Hwy 85 (Taken May 30, 2023)