



STAFF REPORT

Planning Commission

CASE #Z-981-22

PC Date:	11/1/2022	Case Planner:	Harry Brennan
CC Date:	12/5/2022		
Location:	5441 & 5451 Quebec Street, Commerce City, CO 80022		
Applicant:	5441 Quebec LLC Rita Tsalyuk	Owner:	Same as Applicant
Address:	39 Coral Place Greenwood Village, CO 80111	Address:	Same as Applicant

Case Summary

Request:	A zone change from Medium-Intensity Industrial District (I-2) zone district to Regional Commercial (C-3) zone district.
Project Description:	This zone change is proposed to offer new retail and commercial services along Quebec Street.
Issues/Concerns:	Commercial uses vs. industrial uses
Key Approval Criteria:	<ul style="list-style-type: none">• Compliance with the Comprehensive Plan• Compliance with the Land Development Code
Staff Recommendation:	Approval
Current Zone District:	Medium-Intensity Industrial District (I-2)
Proposed Zone District:	Regional Commercial District (C-3)
Comp Plan Designation:	Commercial

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

- Vicinity Map
- Applicant's Narrative
- As-Built Site Plan
- DRT Comment Letters
- Legal Notice
- Sign Posting Affidavit

Background Information

Site Information

Site Size:	0.7 acres
Current Conditions:	South lot is developed under a recent development plan; north lot is vacant
Existing Right-of-Way:	Quebec St. to the east, E 54 th Pl. to the north
Neighborhood:	South Rose Hill
Existing Buildings:	Yes – new building on south lot
Buildings to Remain?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Site in Floodplain	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Surrounding Properties

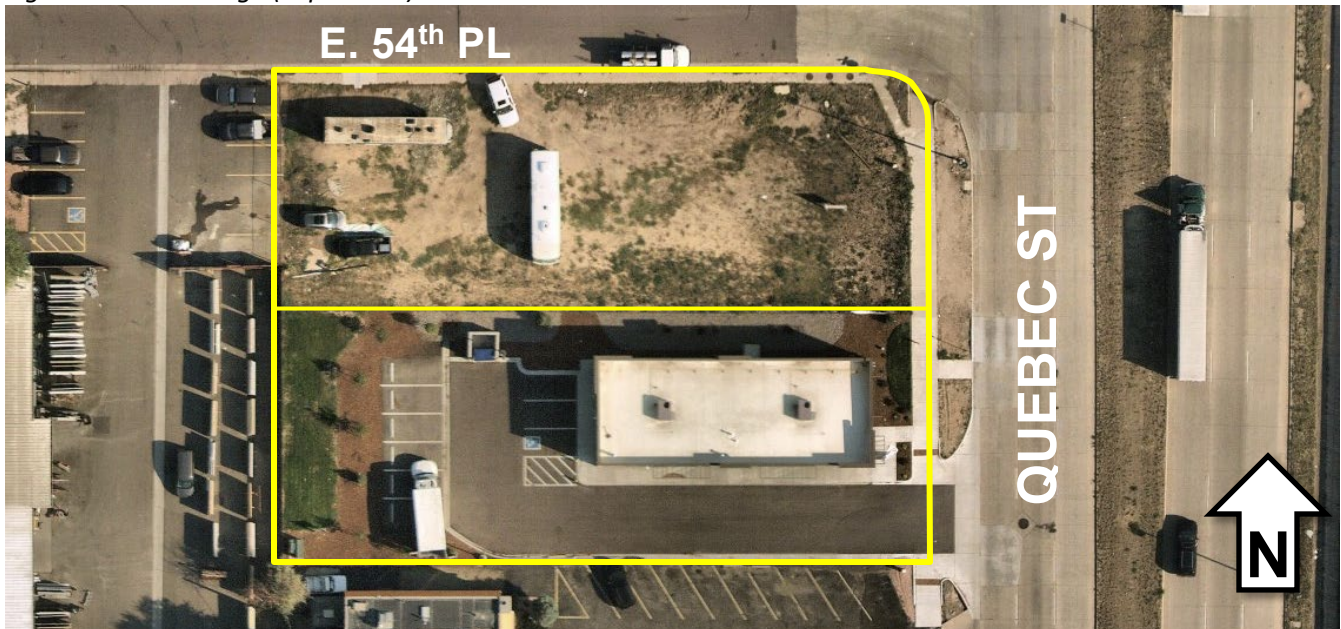
	<u>Existing Land Use</u>	<u>Occupant</u>	<u>Zoning</u>
North	Commercial	Standard Tire Denver (Tire Shop)	I-2
South	Commercial	El Coco Pirata (Restaurant)	C-3
West	Industrial/Commercial	APB Motors (RV Dealership)	I-2
East	Industrial	City of Denver Fleet Services/Maintenance Yard	City of Denver

Case History

This area of the Historic City has been zoned industrial since the inception of the City (1950's). However, this site has remained vacant for decades. The south lot recently went through a Development Plan process, which resulted in approval in 2019. At that time, the applicant was still considering what type of tenants to pursue, and therefore was not ready to make a zone change request.

<u>Case</u>	<u>Date</u>	<u>Request</u>	<u>Case Type</u>	<u>Action</u>
D-451-19	2019	Development plan for a new multi-tenant building on the southern lot (5441 Quebec Street)	Development Plan	Approved

Figure 1. Aerial Image (Sept. 2022)



Applicant's Request

The applicant requests a zone change from the Medium-Intensity Industrial District (I-2) to Regional Commercial District (C-3) for the two lots located at 5441 and 5451 Quebec St. According to the applicant, "the C-3 zoning is a more suitable zoning within the surrounding area." Furthermore, the zoning to allow retail, restaurant, office, or other commercial uses that the I-2 zoning prohibits would enhance future development in this neighborhood.

Development Review Team Analysis

The request is a zone change for both lots from the existing I-2 zoning to C-3 in order to comply with the Comprehensive Plan and to enable the property owner to market the property to commercial/retail tenants. The following list provides a few notable examples of the differences in allowed uses between these two zone districts:

Uses allowed in C-3 but not in I-2:

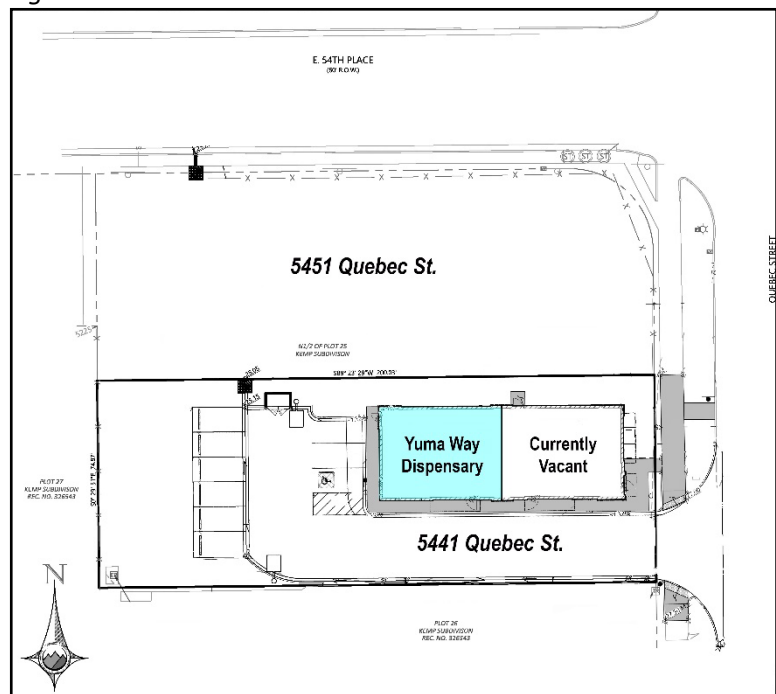
- Restaurant
- Microbrewery
- Retail store
- Business or professional office
- Convenience store

Uses allowed in I-2 but not in C-3:

- Outdoor storage
- Truck/Trailer storage or repair
- Meat products, packing and processing
- Wood product manufacturing
- Hardware manufacturing

The applicant recently completed construction on the south lot with a new two-suite building (5441 Quebec). That building currently has one suite occupied by a retail marijuana dispensary, and one suite that is vacant and for lease. 5441 Quebec St. was developed in conformance with the bulk standards in I-2, but the building would also meet the bulk standards in C-3 – meaning that the zone change would not create a non-conformity in regards to setbacks. The north lot is currently undeveloped. Staff note that the zone change from I-2 to C-3 would not affect the newly opened retail marijuana business at 5441 Quebec, as the LDC allows this use in both zone districts (subject to applicable restrictions and hearings).

Figure 2. As-Built Site Plan



At this time, the applicant does not have a particular user or type of user in mind for the vacant north lot. However, they have expressed interest in "retail/restaurant" uses. Based on initial analysis, staff believe the northern lot could easily accommodate a development with either of these uses, as the lot size of 5451 Quebec is almost twice the minimum size required in C-3. The required C-3 setbacks would still leave space for parking and landscaping as well. The City will require a new development plan before any new construction can occur on the north lot.

Comprehensive Plan:

Commerce City’s current Future Land Use Plan in the Comprehensive Plan designates these properties as **Commercial**. The commercial designation in the Comprehensive Plan anticipates retail, commercial, office, and other services, and is appropriate along arterials. One of the stated goals for this area is to “focus primarily on jobs and business opportunities.” The proposed zone change is consistent with that Commercial land use designation and would bring the zoning into conformance with the Future Land Use Plan.

Figure 3. Future Land Use Plan (Commercial)

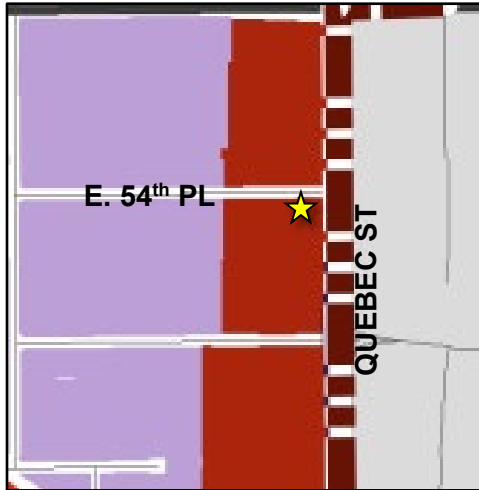
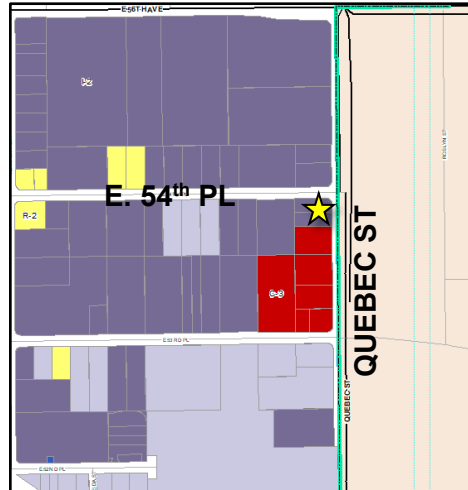


Figure 4. Existing Zoning (Industrial)



The proposed application is supported by the following Comprehensive Plan goals:

Section	Goal	Description
Land Use & Growth	LU 1.1	Future Land Use Plan (FLUP) 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).
Analysis:	The FLUP identifies the property for Commercial development. The proposed zoning is compatible with this type of development.	
Section	Goal	Description
Land Use & Growth	LU 2.1	Infill Development Promoted: Promote infill development and redevelopment to use utilities and services efficiency, to support multi-modal transportation, to revitalize neighborhoods, and to maintain prosperous businesses. Infill means development on vacant unplatted parcels scattered throughout the city, or in county enclave areas.
Analysis:	The zone change will enhance the ability to develop this infill property. The infrastructure necessary for development is easily accessible at this infill location.	
Section	Goal	Description
Strengthen City Neighborhoods	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 include <i>Rose Hill</i> .
Analysis:	The potential addition of new retail or restaurant space along Quebec Street would contribute to revitalization of this corridor & neighborhood.	

Referral Agency Review:

Staff referred this application to several city departments and outside agencies. All of the responses that staff received indicated that there were no objections to the proposed zone change.

Conclusion:

The DRT has determined that the request meets the approval criteria for a zone change outlined in the LDC and the goals of the Comprehensive Plan. In addition to being consistent with the Future Land Use Plan, this request will contribute to other City objectives. These objectives include promoting infill development, creating new commercial opportunities along the Quebec Street corridor, and encouraging the development of a property that has remained vacant for decades.

The DRT made a formal recommendation for approval of this case, based on the following findings that the application meets all of the following approval criteria in the LDC:

Criteria Met?	Sec. 21-3232. - Rezoning or Zone Changes	Rationale
<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;</i>	This application is consistent with the future land use map, which identifies these parcels as 'Commercial'. It is also consistent with the comprehensive plan policies for transitioning this area of the Quebec St. corridor to commercial uses.
<input checked="" type="checkbox"/>	<i>The proposed zone district and allowed uses are compatible with proposed development, surrounding land uses and the natural environment;</i>	The C-3 zone district would be consistent with the rest of the properties on this block, and is compatible with the new commercial development seen on the Quebec St. corridor.
<input checked="" type="checkbox"/>	<i>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;</i>	Future development can provide efficient and adequate provision of public services. As an 'infill' property in the core city, there is access to utilities. No outstanding concerns from referral agencies.
<input checked="" type="checkbox"/>	<i>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;</i>	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.
<input checked="" type="checkbox"/>	<i>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</i>	Commercial uses are a priority for City Council and this location fits the overall vision for the future of the Quebec St. corridor.
<input checked="" type="checkbox"/>	<i>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.</i>	The area has shifted from being industrial in character to more commercial in character in recent years. On this block, in particular, the dominant land use is now commercial.

Development Review Team Recommendation

Staff presented this case at a DRT meeting on September 12, 2022. The DRT discussed land uses and the Comprehensive Plan. Based upon the discussion in that meeting and 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 City Council with a recommendation for **approval**.

Recommended Motion

To recommend approval:

I move that the Planning Commission enter a finding that the requested Zone Change for the properties located at **5441 Quebec Street and 5451 Quebec Street** contained in case **Z-981-22** 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 **5441 Quebec Street and 5451 Quebec Street** contained in case **Z-981-22** 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 requested Zone Change for the property located at **5441 Quebec Street and 5451 Quebec Street** contained in case **Z-981-22** 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 **5441 Quebec Street and 5451 Quebec Street** contained in case **Z-981-22** to a future Planning Commission agenda.