



STAFF REPORT

Planning Commission

CASE #S-630-15

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|-------------------|--|----------------------|-------------------|
| PC Date: | April 7, 2015 | Case Planner: | Jared Draper |
| CC Date: | May 4, 2015 | | |
| Location: | 6440 E. 64 th Avenue Commerce City, CO 80022 | | |
| Applicant: | Alberto Rodriguez | Owner: | Same as Applicant |
| Address: | 9006 E. 50 th Avenue Denver, CO 80238 | Address: | Same as Applicant |

Case Summary

| | |
|---------------------------------|--|
| Request: | Subdivide subject property into 6 lots intended for townhome development. |
| Project Description: | The applicant is requesting to subdivide the subject property into 6 lots along with a concurrent request to rezone the subject property from R-3, a multi-family zone district, to R-4, a townhouse zone district (Z-920-15). The subdivision is dependent upon the approval of the zone change request to R-4 due to the bulk standards for this specific zone district. A development plan (D-262-15) is being reviewed in accordance with the City's Land Development standards for multi-family development. The applicant's requests allow for the potential of owner occupancy due to the zone change and the platting of the subject property. |
| Issues/Concerns: | <ul style="list-style-type: none">• Zone Change to R-4 |
| Key Approval Criteria: | <ul style="list-style-type: none">• Compliance with the Comprehensive Plan• Final Plat Approval Criteria• R-4 Bulk Standards |
| Staff Recommendation: | Approval |
| Current Zone District: | R-3 (Multiple-Family-Residential District) |
| Requested Zone District: | R-4 (Townhouse Residential District) |
| Comp Plan Designation: | Residential - High |

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

☒ Proposed Final Plat

☒ Vicinity Map

Background Information

Site Information

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|------------------------|---|
| Site Size: | 15,074 sf. |
| Current Conditions: | Undeveloped |
| Existing Right-of-Way: | E. 64 th Avenue to the North |
| Neighborhood: | Central |
| Existing Buildings: | Vacant |
| 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

| Existing Land Use | | Occupant | Zoning |
|-------------------|-------------|------------------------------|--------|
| North | Church | Servant's Heart Church | C-1 |
| South | Residential | Multi-family residential | R-3 |
| East | Church | Rose Hill Church of Nazarene | R-3 |
| West | Residential | Multi-family residential | R-3 |

Case History

The following cases are being processed concurrently with the zone change request.

| Case | Date | Request | Action |
|-----------|-------------|--|------------------|
| Z-920-15 | May, 2015 | Rezone the subject property from R-3 (multi-family) to R-4 (townhome district) | Pending Approval |
| D-262-15 | May, 2015 | Development Plan for 6 townhomes on the subject property | Under Review |
| MM-049-15 | April, 2015 | Minor Modification to reduce the minimum lot size for 5 of the 6 requested lots by less than 1%. | Under Review |

Applicant's Request

The applicant is requesting a subdivision plat to create six lots on the subject property along with a requested zone change from R-3 to the R-4 townhome district.

The subject property is currently zoned R-3, a multi-family zone district; approximately 15,000 sf. in size. The applicant is proposing townhome development on the subject property along with a zone change to allow for individual lots appropriate for townhouses. The applicant's request to subdivide the subject property along with the zone change will allow for owner occupancy in the proposed townhome development.

The proposed final plat has been submitted along with a minor modification requesting a reduction in the minimum lot area by less than 1% for five of the six lots. Pending approval of the minor modification and the zone change request, the subdivision plat would create six legal and conforming lots within the R-4 zone district.

Development Review Team Analysis

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 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 Future Land Use Plan. Furthermore, the submitted subdivision plat creates lots that can be sold to increase owner occupancy within the Historic part of Commerce City. | |

| <u>Section</u> | <u>Goal</u> | <u>Description</u> |
|---------------------------|---|--|
| Housing and Neighborhoods | HN 2.1 | Variety of Housing Types and Mixed-Uses within Neighborhoods |
| <u>Analysis:</u> | The rezoning and subdivision of the subject property will create a new housing option within the Historic part of Commerce City. Townhome development will further diversify the housing stock in the neighborhood. | |

The Development Review Team (DRT) also reviewed the application for compliance with the lot standards for the requested R-4 (Townhome Residential District). Currently, the applicant has submitted a minor modification request to reduce the minimum lot area for five of the six proposed lots by less than 1%. The DRT has reviewed the minor modification against the approval criteria within the Land Development Code and has concluded that the request meets all of the approval criteria. At this time, the minor modification will be posted for public comment according to the posting requirements within the Land Development Code. If the minor modification is approved along with the requested zone change (Z-920-15), the subdivision plat would create six legal and conforming lots for the R-4 zone district. The table below shows the requirements for the R-4 zone district along with the proposal of the subdivision plat.

| Issue | City Standard | Proposed | Meets Standard? |
|---------------------------|---|--|-------------------------------------|
| Lot Size | 2,000 sf | Lot 1: 1,983 sf. Lot 2: 1,983 sf. Lot 3: 1,982 sf. Lot 4: 1,982 sf. Lot 5: 1,981 sf. Lot 6: 3,577 sf. | Pending Minor Modification Approval |
| Lot Frontage | 20 feet | All lots: 25 feet minimum | Yes |
| Lot Access | Access is required to be provided to a public street | A access and maintenance easement is proposed via final plat | Yes |
| Street Width | To dedicate and install ROW that complies with city standards | No roadway improvements or dedications are required. | Yes |
| School Land | Fee-in-lieu required for residential | Fee-in-lieu will be collected at the time of building permit | Yes |
| Comprehensive Plan | High-density residential | High-density residential | Yes |

| | | | |
|----------------------------|--|---|-----|
| Parks/Open Space | Fee to be paid at building permit issuance. Amount in accordance with LDC. | Fee will be collected at the time of building permit. | Yes |
| Neighborhood Issues | N/A | Staff has received no comments or objections | N/A |

Currently, there are no properties zoned R-4 within the city. The applicant's proposal aligns with the comprehensive plan designation of high-density residential and provides the opportunity for owner occupancy due to the requested subdivision plat. In addition, the proposed townhouse development enhances the residential character of the surrounding neighborhood by diversifying the housing types. Lastly, the proposal demonstrates new residential investment into the historic part of Commerce City and will transform a currently vacant lot into a viable residential development.

After reviewing the proposed plat and determining that the lot will meet the lot requirements, pending minor modification final approval, for the R-4 zone district, as well as analyzing the request against the specific approval criteria for a final plat as shown on the next page, the DRT is recommending that the document be approved as proposed.

| Criteria Met? | Sec. 21-3241. Final Plats or Consolidation Plats | Rationale |
|-------------------------------------|---|--|
| <input checked="" type="checkbox"/> | The plat is consistent with any approved land use document; | The proposed plat is consistent with the proposed R-4 zone district and aligns with the high-density residential designation by the comprehensive plan. |
| <input checked="" type="checkbox"/> | The plat is consistent with and implements the intent of the specific zoning district in which it is located; | The proposed plat will create six lots intended for townhome development, which is consistent with the requested R-4 zoning designation. |
| <input checked="" type="checkbox"/> | No evidence suggests that the plat violates any laws, regulations, or requirements; | No indication has been provided through the development review process that the plat violates any laws, regulations, or requirements. The submitted minor modification addresses the reduced lot area minimum. |
| <input checked="" type="checkbox"/> | The general layout of the plat minimizes land disturbance, maximizes open space, preserves existing trees/vegetation and riparian areas, and otherwise accomplishes the purposes and intent of the LDC; | The proposed layout will have minimal impact to the land, and has been reviewed to ensure that it accomplishes the purpose and intent of the LDC. |
| <input checked="" type="checkbox"/> | The plat complies with all applicable city standards and does not unnecessarily create lots that make compliance with such standards difficult or infeasible; | The plat complies with the city standards for subdivision, creates six conforming lots in the R-4 zone district, pending minor modification approval. |
| <input checked="" type="checkbox"/> | The plat: Will not result in a substantial or undue adverse effect on adjacent properties, traffic conditions, parking, public improvements, either as they presently exist or as they are envisioned to exist in any adopted City plan, program or ordinance; | The plat will not result in substantial or undue adverse effects. The subdivision plat will ensure that all required access and maintenance easements for the property are identified. |
| <input checked="" type="checkbox"/> | Sufficient public services (utilities, safety, etc) and uses (parks, schools etc) are available to serve the subject property; | Adequate public services are currently available to serve the subject property. |
| <input checked="" type="checkbox"/> | A development agreement between the city and the applicant has been executed and addresses the construction of all required public improvements; and | Not applicable; a development agreement was not required as part of this project. |
| <input checked="" type="checkbox"/> | As applicable, the proposed phasing plan for development of the subdivision is rational in terms of available infrastructure capacity. | Not applicable; there is no phasing plan proposed for this project. |

Development Review Team Recommendation

Based upon the analysis above, the Development Review Team believes that the application meets the criteria for a Final Plat set forth in the Land Development Code and recommends that the Planning Commission forward the Final Plat 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 Final Plat for the property located at **6440 E. 64th Avenue** contained in case **S-630-15** meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Final Plat.

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 Final Plat for the property located at **6440 E. 64th Avenue** contained in case **S-630-15** meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Final Plat subject to the following conditions:

Insert Condition(s)

To recommend denial:

I move that the Planning Commission enter a finding that the requested Final Plat for the property located at **6440 E. 64th Avenue** contained in case **S-630-15** 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 Final Plat.