



STAFF REPORT

Planning Commission

CASE #Z-529-90-05-14

PC Date:	December 4, 2013	Case Planner:	Caitlin Long
CC Date:	January 6, 2014		
Location:	6496 Highway 2, Commerce City, CO 80022		
Applicant:	Claude Sharpless	Owner:	Same as Applicant
Address:	6250 Holly Street, Commerce City, CO 80022	Address:	Same as Applicant

Case Summary

Request:	The applicant is requesting to remove the existing zoning conditions on the property at 6496 Highway 2.
Project Description:	Mr. Claude Sharpless has applied for a zone change to remove the zoning conditions of previous case #Z-529-90 which limit the allowed uses of the property. Removing the conditions will entitle the property owner to all uses identified in the Land Development Code for C-3 zoned property.
Issues/Concerns:	<ul style="list-style-type: none">▪ Redevelopment opportunities▪ Minimizing impacts of allowed uses
Key Approval Criteria:	<ul style="list-style-type: none">▪ Compliance with the Comprehensive Plan▪ Compliance with the zone change approval criteria
Staff Recommendation:	Approval
Current Zone District:	C-3 (Regional Commercial District)
Proposed Zone District:	C-3 (Regional Commercial District)
Comp Plan Designation:	Mixed-Use (Corridor and Commercial)

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 | |

Background Information

Site Information

Site Size:	46,625 square feet
Current Conditions:	Developed with a 5,016 square foot restaurant/lounge building.
Existing Right-of-Way:	Highway 2 to the west
Neighborhood:	Memory Lane Gardens
Existing Buildings:	There is a 5,016 square-foot building on the property.
Buildings to Remain?	<input checked="" type="checkbox"/> Yes <input 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	Residential	Multi-family apartments (owned by Applicant)	C-2
South	Commercial	Impacto de Fe proposed church and school (zone change to C-2)	I-1
East	Residential	Single-family detached home (owned by Applicant)	C-2
West	Industrial	Burlington Northern Santa Fe Railroad	I-1

Case History

There is one previous case related to the subject property.

<u>Case</u>	<u>Date</u>	<u>Request</u>	<u>Action</u>
Z-529-90	Nov. 19, 1990	Zone change from C-2 to C-3	Approval with Conditions
Z-529-90-05	December 2005	Condition Compliance	Withdrawn

Z-529-90:

In November of 1990, City Council approved a zone change for the subject property from C-2 to C-3. The zone change was approved with four conditions relating to landscaping, future improvements to Highway 2, signage, and use of the property. Specifically, one of the conditions limits the authorized uses of the property to those already existing at the time of the case and requires that any expansion of or addition to those uses be reviewed by Planning Commission and City Council. At this time, all conditions have been satisfied.

Z-529-90-05:

In 2005, in an effort to comply with the conditions of the previous zoning case, the current applicant applied for a Condition Compliance for Planning Commission and City Council to review plans for an addition to the existing lounge. The request was withdrawn before a hearing was ever scheduled.

Applicant's Request

The applicant is requesting that the City remove the conditions of zoning case #Z-529-90 in the interest of being able to market the property to all possible businesses generally allowed in the C-3 zone district. The conditions were originally added when the property had a different owner, and City Council was concerned about the impacts of C-3 uses if the property were to change ownership. The current property owner has operated the property as Sharp's Roadhouse for a number of years, and has now listed the property for sale or lease, but the zoning conditions make the property difficult to market and will slow down any new use or redevelopment of the site. The current zoning conditions restrict the use of the property to a bar, restaurant, social club, beauty salon, and used car sales. By

removing these strict conditions, the property would be available to a wider variety of businesses and allow for a more diverse mix of uses. It is important to note that the applicant is not requesting any changes to the underlying zoning designation of C-3.

By requiring City Council approval for every addition or expansion on the property, this condition imposes a lengthy, uncertain review process that is detrimental to future uses or redevelopment of this property.

Development Review Team Analysis

The Development Review Team began by reviewing the request to remove the zoning conditions and create a fully entitled C-3 property against the goals found in the City's Comprehensive Plan, the analysis of which 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 (FLUP) as a Guide: Use the FLUP to guide development patterns and mix of uses and amendments to the Land Development Code (LDC).
<u>Analysis:</u>		The Future Land Use Plan identifies this site for mixed uses and removing the zoning conditions to allow a fully entitled C-3 designation aligns with the City's Comprehensive Plan.
<u>Section</u>	<u>Goal</u>	<u>Description</u>
Economic Development	ED 1	Increase Economic Diversification
<u>Analysis:</u>		Removing the zoning conditions that limit the allowed uses of the property will provide an opportunity for uses that would be allowed on any other property zoned C-3.
<u>Section</u>	<u>Goal</u>	<u>Description</u>
Redevelopment and Reinvestment	RR 2	Targeted Redevelopment to Strengthen Viability, Mixed Use
<u>Analysis:</u>		Removing the previous zoning conditions will provide additional opportunities for reinvestment or redevelopment of the subject property, which is located along a highly visible corridor.

The property was developed in 1941 as a bar/tavern. At the time of the 1990 zoning case, it was occupied by several different uses, including a restaurant, a lounge, a social club, and a beauty salon. The former property owner wanted to include used car sales for the patrons of his other businesses, and so applied to rezone the property from C-2 to C-3. At that time, Planning Commission and City Council expressed concern over the full range of allowed uses in the C-3 zone district, and so limited the use of the property to those already existing, plus the addition of used vehicle sales. Mr. Sharpless purchased the property in 1998, and has operated it as Sharp's Roadhouse (a restaurant and bar) since that time. Now, he has listed the property for sale or lease, and would like to remove the zoning conditions to make the property more marketable to a wider variety of businesses.

Over the last 20 years, traffic on Highway 2 increased significantly. With widespread development in the northern areas of the city, Highway 2 became a main thoroughfare for residents and visitors. The high visibility of the Highway 2 corridor and pending commercial and mixed-use redevelopments in

the immediate vicinity of the subject property has increased demand for a wider variety of commercial uses in the area near East 64th Avenue and Highway 2.

The Development Review Team also reviewed the existing four conditions for the property and provides the following analysis for the Planning Commission:

1) Condition A: *"The applicant shall provide a minimum of 350-square feet (approximately 1% of total land) of landscape area. A landscape plan shall be submitted to and approved by the Department of Community Development within 30 days of the date of final rezoning approval of the City Council. The landscape improvements shall be completed by April 30, 1991."*

Staff Analysis: The previous property owner did submit a landscape plan, which was approved by the Department of Community Development and the landscape improvements were installed as required. **This condition has been satisfied and is no longer needed. Any required landscape upgrades will be handled administratively through regular City processes and procedures.**

2) Condition B: *"The two pole-mounted Coors signs along Highway 2, which are nonconforming because of setback requirements, shall be removed."*

Staff Analysis: The referenced signs have been removed from the property. **This condition has been satisfied and is no longer needed.**

3) Condition C: *"Within thirty (30) days of the date of final rezoning approval of the City Council, the applicant shall enter into a Development Agreement with the City for future improvements on Highway 2."*

Staff Analysis: The Development Agreement was signed on April 15, 1991. **Therefore, this condition has been satisfied and is no longer necessary.**

4) Condition D: *"Any addition to, or expansion of, the following existing authorized uses for (1) a restaurant, (2) a lounge, (3) a social club, (4) a beauty salon, (5) the display of more than twelve used vehicles for sale at any one time and (6) those uses accessory to the authorized uses, shall require prior review of the Planning Commission and approval of the City Council."*

Staff Analysis: This list of authorized uses includes only the uses already existing on the subject property at the time of the previous case, with the addition of the sale of used vehicles. The Planning Commission and City Council expressed concern about the full range of uses allowed in the C-3 zone district if the property owner were to sell the property, and therefore limited the uses to those already existing and the new use which was the reason for the zone change request. Given the trend towards commercial and mixed-use redevelopment in the vicinity of the subject property, and the higher intensity traffic along Highway 2, the DRT feels that it is now appropriate for the subject property to accommodate all C-3 uses.

In summary, the Development Review Team is recommending that the Planning Commission forward this request to City Council with a favorable recommendation, which would amend the existing zoning by removing the four conditions that currently exist on the property because the conditions have been satisfied and are currently handled through other procedures. The increased use of Highway 2 as the principal corridor through the city over the last 20 years makes a wider range of high intensity commercial uses appropriate for this area.

Criteria Met?	Sec. 21-3232. Rezoning or Zone Changes	Rationale
☒	The change is consistent with any City adopted plans for the area;	The existing C-3 zoning is consistent with the City's Comprehensive Plan designation of Mixed Used (Corridor and Commercial). Removing the zoning conditions would bring the property into further compliance by allowing the greater mix of uses characteristic of the Mixed Use designation.
☒	The change is compatible with proposed development, surrounding land uses and the natural environment;	The existing uses on the property include a restaurant and a lounge, which are allowed by-right in the C-3 zone district. While there is no proposed change in use at this time, any future uses will be governed by the LDC. The surrounding area is a mixture of residential, commercial, and industrial uses which could benefit from a greater diversity of potential uses at the subject property.
☒	There is, or will be, adequate public services, (water, sewerage, streets, drainage, etc.);	The property is adequately served for its current uses. All providers have indicated an ability to adequately serve the property for any potential new users as well.
☒	There is, or will be, adequate public uses (parks, schools, and open space);	Not applicable. No public uses are required for this zone change.
☒	The change is needed to provide/maintain a proper mix of uses in the area/City;	The current zoning limits the number of allowed commercial uses. The requested zoning amendment helps ensure a proper mix of uses as called for in the Future Land Use Plan.
☒	The area for which the change is requested has changed/is changing and it is in the public interest to allow a new use or density.	The intensity of use of the Highway 2 corridor has increased significantly over the last 20 years. It is now a main route into and through the city for residents and visitors. This change, coupled with proposed commercial developments in the area, indicates that a wider variety of high intensity commercial uses is appropriate for the highly-travelled corridor.

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 request to remove the existing zoning conditions 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 **6496 Highway 2** contained in case **Z-529-90-05-14** 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 **6496 Highway 2** contained in case **Z-529-90-05-14** 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 **6496 Highway 2** contained in case **Z-529-90-05-14** 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.