



# STAFF REPORT

## Planning Commission

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### Ordinance #1976

<b>PC Date:</b>	October 1, 2013	<b>Case Planner:</b>	Paul Workman
<b>CC Date:</b>	October 7, 2013		
<b>Location:</b>	City-Wide		
<b>Applicant:</b>	The City of Commerce City		
<b>Address:</b>	7887 E. 60 <sup>th</sup> Avenue Commerce City, CO 80022		

### Case Summary

<b>Request:</b>	The Commerce City staff is requesting a series of minor amendments to the sign code found in Article VIII of the Land Development Code (LDC).
<b>Project Description:</b>	<p>The Land Development Code (LDC) was adopted by City Council in January of 2009 and went into effect on March 1, 2009. The adoption of the LDC was a comprehensive update to the Commerce City Zoning Ordinance, which included a wide variety of topics related to development, land use, and procedures for development. There are literally thousands of items in the LDC and the updated version has been a tremendous help to staff and applicants as development occurs in the City.</p> <p>Since its original adoption, the LDC has been and will continue to be a “living document” that is amended and updated on a consistent basis so that the information in the document stays relevant and reflective of the needs of the Commerce City community.</p> <p>The minor amendments that are proposed to the sign code for 2013 total 13 items that can generally be characterized into one of two categories. The first category is to modernize the code and the second category is that a community need has been identified in order to ensure that the LDC continues to meet the needs of the community.</p>
<b>Staff Recommendation:</b>	Approval

## Land Development Code History

Since its adoption in 2009, several amendments have been made to the LDC in an effort to maintain a “living document”. As a growing community, Commerce City’s needs are constantly evolving and monitoring development regulations helps to ensure that the regulations are relevant and reflect the community’s values. Therefore, future amendments and updated should be expected.

The list below highlights the previous LDC Amendments.

<b>Ordinance</b>	<b>Date</b>	<b>Request</b>	<b>Action</b>
Ord. #1720	January 2009	Adoption of the Land Development Code	<b>Approval</b>
Ord. #1770	October 2009	Amendments to the LDC	<b>Approval</b>
Ord. #1785	April 2010	Amendments to the LDC	<b>Approval</b>
Ord. #1810	May 2010	Amendments to the LDC	<b>Approval</b>
Ord. #1854	March 2011	Amendments to the LDC	<b>Approval</b>
Ord. #1887	June 2012	Amendments to the LDC	<b>Approval</b>
Ord. #1891	June 2012	Amendments to the LDC	<b>Approval</b>
Ord. #1916	August 2012	Amendments to the LDC	<b>Approval</b>
Ord. #1938	December 2012	Amendments to the LDC	<b>Approval</b>
Ord. #1948	March 2013	Amendments to the LDC	<b>Approval</b>
Ord. #1956	June 2013	Amendments to the LDC	<b>Approval</b>

Ordinance #1720:

In January of 2009, City Council voted unanimously to adopt the Land Development Code.

Ordinance #1770:

In October of 2010, City Council unanimously approved amendments to the Land Development Code to regulate medical marijuana dispensaries.

Ordinance #1785:

In April of 2010, City Council unanimously approved 24 minor amendments to the Land Development Code.

Ordinance #1810:

In May of 2010, City Council unanimously approved amendments to the Land Development Code for garage requirements for non-profit agencies.

Ordinance #1854:

In March of 2011, City Council unanimously approved 20 minor amendments to the Land Development Code.

Ordinance #1887:

In June of 2012, City Council unanimously approved 28 minor amendments to the Land Development Code.

Ordinance #1891:

In June of 2012, City Council unanimously approved amendments to the Land Development Code to regulate oil and gas operations.

Ordinance #1916:

In August of 2012, City Council unanimously approved minor amendments to the Land Development Code related to alcohol establishments.

Ordinance #1938:

In December of 2012, City Council unanimously approved minor amendments to the Land Development Code for Floor Area Ratio revisions.

Ordinance #1948:

In March of 2013, City Council unanimously approved minor amendments to the Land Development Code related to a trail’s proximity to medical marijuana dispensaries.

Ordinance #1956:

In June of 2013, City Council unanimously approved minor amendments to the Land Development Code related to the use of limited moving trucks in the C-3 zone district.

**The Request**

Following the City Council’s unanimous adoption of the Land Development Code (LDC) in 2009, City Council unanimously approved an updated version of the Comprehensive Plan in May of 2010. The revised Comprehensive Plan identifies provisions for regular amendments and updates to the City’s LDC. Therefore, the general concept of regular LDC amendments is supported by the Comprehensive Plan and the specific amendments are compliant with the Comprehensive Plan as identified below.

**Comprehensive Plan**

The Development Review Team (DRT) believes that the proposed amendments are supported by the following Comprehensive Plan Goals:

<u>Section</u>	<u>Goal</u>	<u>Description</u>
Economic Development	ED 2a	<u>BRE Program:</u> Continue to expand the business retention and expansion programs of the city.
<b><u>Analysis:</u></b>	The proposed minor sign amendments are all more business friendly, which will help to retain commercial businesses.	

<u>Section</u>	<u>Goal</u>	<u>Description</u>
Economic Development	ED 4c	<u>Retail retention and expansion:</u> Develop a comprehensive retail retention and expansion program.
<b><u>Analysis:</u></b>	Adopting sign regulations that are more business friendly will help to retain and perhaps attract businesses.	

<u>Section</u>	<u>Goal</u>	<u>Description</u>
Appearance and Design Standards	AD 3a	<u>LDC/Design Standards and Zoning:</u> Address code/zoning amendments to implement the Future Land Use Plan and best practices for design.
<b><u>Analysis:</u></b>	The proposed minor sign code amendments are more business friendly, but they also insure a quality built environment.	

**Comprehensive Plan Summary:**

The City’s adopted Comprehensive Plan is intended to be a guiding document that articulates the City’s long-term vision. One of the tools the City uses to implement this vision is the Land Development Code (LDC). The LDC outlines development processes, development regulations, and subdivision regulations. In order to ensure that the LDC continues to meet the needs of the community and reflect the City’s long-term vision, the

Comprehensive Plan encourages regular amendments to the LDC. Since the adoption of the LDC in 2009, City Council has approved a series of 11 different amendments and should expect to see proposed amendments in the future.

**Identifying LDC Amendments:**

Potential amendments to the LDC are identified in a variety of ways. Some amendments are identified through the development review process, some are identified through the building permit review process, some are identified through our industry’s “best practices”, and some are identified by the community. When a potential amendment has been identified, staff adds the item to a list for future consideration. Once there are enough amendments under consideration, staff conducts an internal review process to determine which amendments will be carried forward for consideration by the Planning Commission and the City Council.

**Request:**

The Land Development Code is a “living document” that helps to implement the City’s Comprehensive Plan by creating standards for development that reflect the needs of Commerce City. These standards protect neighborhoods, focus development, and enhance the built environment. In order to continually meet the needs of Commerce City in a meaningful way, the LDC is amended as needed. As a part of the public review process for the adoption of the LDC in 2009, it was noted that the LDC would be an “on-going work in progress,” and that the LDC would continually evolve to reflect the needs and desires of the City. There are no limitations or preclusions related to the number of amendments that the city may adopt, whether those amendments have been identified at this time or not.

This round of amendments includes 13 items that are related to the city’s sign ordinance (found in Article VIII of the LDC) and can generally be characterized by two categories. The first category focuses on the modernization of the code and the second category focuses on community needs that have been identified. It is important to note that the proposed changes will not replace any sign requirements that are currently governed by a Planned Unit Development (PUD) zone document (i.e. Belle Creek, Derby, Victory Crossing, etc).

#	Proposed Amendment	Article(s)	Section(s)	Section Heading	Reason for Amendment
1	Remove maximum size for addresses.	VIII	21-8225(3)	Address and Building Identification Signs	Community Need Identified
2	Replace the word ‘pane’ with ‘area’ in temporary window signs.	VIII	21-8230(1b) & (3c)	Temporary Window Signs	Community Need Identified
3	Allow a banner without permit on properties without buildings to be attached to stakes.	VIII	21-8235(3)	Banners	Community Need Identified
4	Update wall signage to allow 2 signs for interior commercial pad sites and 3 for corner commercial pad sites.	VIII	21-8300 Table VIII-2	Sign Schedule	Community Need Identified
5	Allow larger wall signs on large properties with large buildings.	VIII	21-8300 Table VIII-2	Sign Schedule	Community Need Identified
6	Remove maximum letter size for informational signs.	VIII	21-8420(1)	Informational Signs	Modernization of the Code
7	Allow comprehensive sign packages for large developments.	VIII	21-8420(6)	Informational Signs	Modernization of the Code

#	Proposed Amendment	Article(s)	Section(s)	Section Heading	Reason for Amendment
8	Reduce the time of reader boards to 7 seconds.	VIII	21-8430(1e)	Changeable Copy Signs	Modernization of the Code
9	Increased signage for home builders.	VIII	21-8450	Temporary Signs	Community Need Identified
10	Allow a temporary banner with a permit on properties without buildings to be attached to stakes.	VIII	21-8450(6d)	Temporary Signs	Community Need Identified
11	Create provisions for 'Grand Opening' signs.	VIII	21-8450(8)	Temporary Signs	Community Need Identified
12	Remove prohibition on fuel canopy signs and wall signs facing the same direction.	VIII	21-8500(4b)	Fuel Sales	Community Need Identified
13	Remove minimum letter size.	VIII	21-8510	Business Centers	Modernization of the Code

**Study Sessions:**

On September 3, 2013, staff held a study session with Planning Commission to discuss the proposed amendments. During the course of this study session, Planning Commission expressed their support for the proposed amendments and did not have any changes.

On September 9, 2013, staff held a study session with City Council to discuss the proposed amendments. As was the case at the study session with Planning Commission, City Council expressed their support for the proposed amendments and did not have any changes.

**Request Summary:**

Staff has proposed these minor amendments to the sign ordinance based on their ability to implement the City's Comprehensive Plan and positively impact the community. These amendments are intended to be more business friendly while maintaining a quality built environment. Therefore, the DRT is recommending that Planning Commission forward a **favorable** recommendation to City Council for the 2013 minor sign code amendments to the LDC.

**The Development Review Team (DRT) Recommendation**

Based on the information provided above, the Development Review Team recommends that the Planning Commission forward the requested amendments to the LDC to the City Council with a favorable recommendation.

## The Development Review Team's Recommended Motion

### **To recommend approval:**

I move that the Planning Commission recommend that City Council approve Ordinance #1976, an ordinance amending the Commerce City Land Development Code.

## Alternative Motions

### **To recommend approval subject to condition(s):**

I move that the Planning Commission recommend that City Council approve Ordinance #1976, an ordinance amending the Commerce City Land Development Code subject to the following conditions:

*Insert Condition(s)*

### **To recommend denial:**

I move that the Planning Commission recommend that City Council deny Ordinance #1976, an ordinance amending the Commerce City Land Development Code because it fails to meet the following criteria:

*List the criteria not met*

I further move that, based upon this finding, the Planning Commission recommend that the City Council deny Ordinance #1976.