



STAFF REPORT

Planning Commission

CASE #Z-984-22

PC Date:	May 3, 2022	Case Planner:	Anita Riley
CC Date:	June 6, 2022		
Location:	7001 Colorado Boulevard, Commerce City, CO		
Applicant:	Prospect, LLC	Owner:	Richdell Properties, LLC
Address:	4100 East Iliff Ave, #20 Denver, CO 80250	Address:	7905 West 120 th Ave Broomfield, CO 80020

Case Summary

Request:	Annexation zone change from ADCO A-1 (Adams County Agricultural A-1) to Commerce City R-3 (Multi-Family Residential)
Project Description:	The applicant is requesting an annexation zone change from ADCO A-1 (Adams County Agricultural-1) to Commerce City R-3 (Multi-Family Residential) zone district to allow for the development of a multi-family residential development, located at 7001 Colorado Boulevard.
Issues/Concerns:	• Station area development • Conformance with Station Area Master Plan (STAMP)
Key Approval Criteria:	• Land Development Code (LDC) Zoning of Newly Annexed Land • Land Development Code (LDC) Zone Change Approval Criteria
Staff Recommendation:	Approval
Current Zone District:	ADCO A-1 (Adams County Agricultural-1)
Comp Plan Designation:	Residential – High (Station Area Master Plan)

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

- ☒ Vicinity Map
- ☒ Applicant's Narrative
- ☒ Zone Change Document

Background Information

Site Information

Site Size:	3.991 acres
Current Conditions:	Outdoor storage, abandoned buildings
Existing Right-of-Way:	E 70 th Ave to the south and Colorado Blvd to the east
Neighborhood:	Adams City
Existing Buildings:	Office building, abandoned structure
Buildings to Remain?	☐ Yes ☒ No ☐ N/A
Site in Floodplain	☐ Yes ☒ No

Surrounding Properties

Existing Land Use		Occupant	Zoning
North	Industrial	Frei Gravel and Asphalt	PUD
East	Residential	ADCO residential	ADCO
South	Mixed Uses	Various residential and industrial	R-3, I-2
West	Institutional	RTD – Light Rail Station	PUBLIC

Case History

There are three additional applications that are being reviewed concurrently with this zone change application and they are noted below. A development plan application will be submitted at a future date.

<u>Case</u>	<u>Date</u>	<u>Request</u>	<u>Action</u>
AN-265-22	1/31/2022	Annexation for property at 7001 Colorado Blvd	In review
V-94-22	1/31/2022	Vacation for a portion of Colorado Blvd	In review
S-822-22	3/28/2022	Subdivision plat for property at 7001 Colorado Blvd	In review

Applicant's Request

Prospect, LLC requests approval of an annexation zone change from ADCO A-1 (Adams County Agricultural-1) to Commerce City R-3 (Multi-Family Residential) zone district for the property located at 7001 Colorado Boulevard. This request accompanies an annexation, a vacation of right-of-way, and subdivision application that, together, would allow for the development of a multi-family residential development, located at 7001 Colorado Boulevard.

The application narrative states, “*Prospect is a development company based in Denver with a 25 year track record of creating successful residential communities.*” They focus on infill and transportation oriented development as well as affordable housing, multi-family, and mixed use developments.

Development Review Team Analysis

Scope of Review:

The request for consideration at this hearing is an annexation zone change. The Land Development Code (LDC) sets out the specific criteria for the review of zoning changes. The LDC sets out additional criteria for the review of newly annexed land. Zone changes are first reviewed by the Development Review Team (DRT), who make a recommendation to the Planning Commission. The Planning Commission will then make a recommendation to City Council, which will hold a public hearing for a final decision in accordance with the City's Land Development Code (LDC). As it relates to zone changes, the LDC sets out the specific criteria upon which such an application can be

approved or denied. Therefore, the analysis and evaluation must be limited to those criteria; no outside considerations may be the basis of a decision of approval or denial.

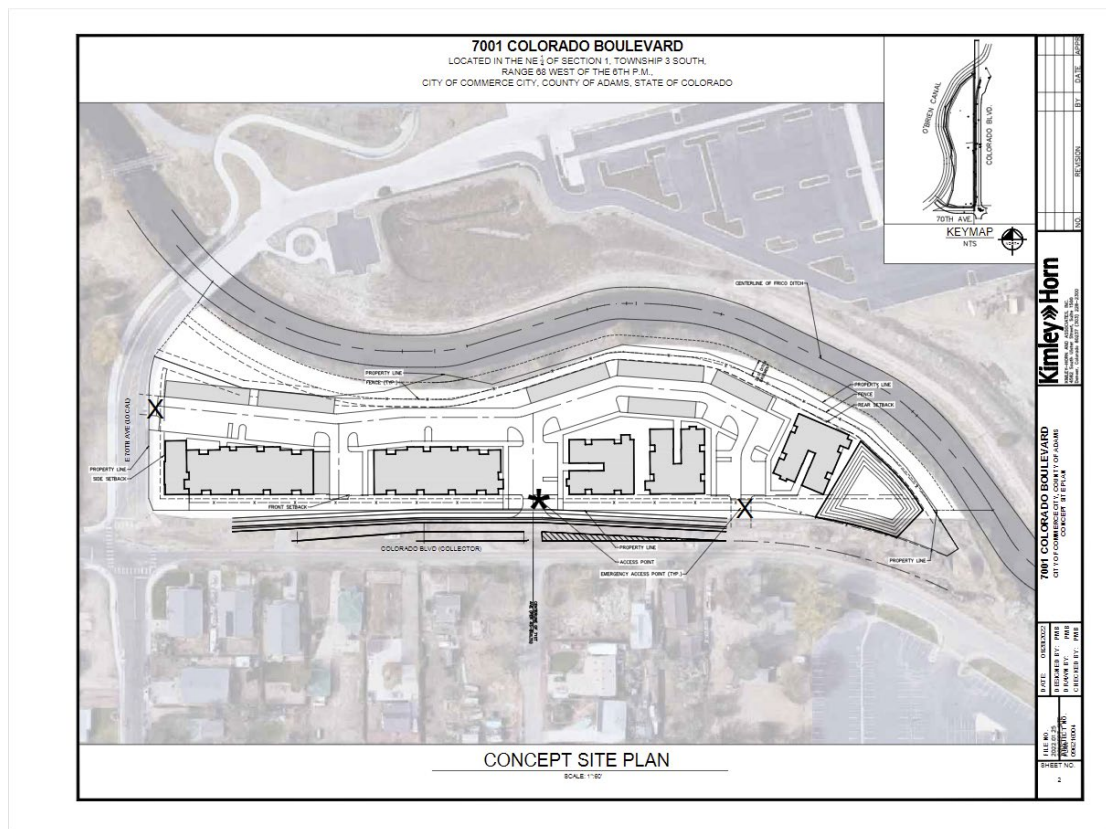
Site Overview:

The property for which the zone change is requested is the 3.98-acre property at 7001 Colorado Boulevard. The property is currently zoned ADCO A-1 (Adams County Agricultural-1) and has been used primarily for outdoor storage.

Image A: Current Site Aerial



Image B: Concept Plan



DRT Analysis of Residential Considerations:

The DRT examined this request through the traditional cycles of development review. During this review, staff was able to determine that the proposed plat meets all of the City's relevant requirements.

Impacts to the School District:

The Adams 14 School District is a referral participant to the City's DRT review process. The City's LDC establishes provisions for residential development to satisfy the required impact on school facilities as a part of the development review process. New developments can satisfy the public school impact requirement in one of two ways: 1) the dedication of land; or 2) the payment of a fee in lieu of land dedication. The location of land to dedicate for future school facilities has already been established through the Comprehensive Plan and the Future Land Use Plan Map. Therefore, the developer, school district, and City are aware of all future locations of schools before any development occurs. The land that is needed is based on overall build out of the City and the respective current and planned residential areas contained within. The city will collect a school fee-in-lieu at the time of building permits in order to offset the any future impact on the Adams 14 School District services. For this particular development, the fee-in-lieu collected will be \$396.24 per dwelling unit. The School District has indicated that they can accommodate the students expected to be generated by this development. The students will attend Alsup Elementary School, Kearney or Adams City Middle School, and Adams City High School.

Impacts to Parks and Recreation:

This development will contribute to the parks fee/land dedication by a fee-in-lieu collected at time of building permit. The total public park fee-in-lieu contribution for this development will be \$62,379. In terms of private parks/open space, this development will meet the required private open space requirement.

Development:

The applicant anticipates constructing four-story multi-family residential structures facing Colorado Boulevard. A community gathering space is expected to be programmed into the development. Parking will be located behind the structures and border the O’Brian Canal and access will be located opposite E 71st Avenue. A detention pond is will be constructed at the north side of the property and park/open space areas will be interspersed between the buildings.

Project Benefits:

The approval of the annexation zone change would help to implement the community vision for this area as established by the Station Area Master Plan.

Station Area Master Plan Background:

Adopted in 2013, the Station Area Master Plan (STAMP) identifies land use, transportation, and infrastructure needs and provides guidance to support the preferred future for the neighborhoods surrounding the commuter rail station located at E 72nd Avenue and Colorado Boulevard. It describes planning strategies that includes concepts such as, “Connect the Neighborhood,” and “Maximize TOD Potential,” and outlines implementation strategies such as, “Work closely with prospective development partners to facilitate zoning and other development approval requests that are consistent with STAMP recommendations.”

As a sub-area plan, the STAMP is a long-range plan that focuses on the Adams City and Adams Heights neighborhoods and surrounding area. It is generally consistent with the Comprehensive Plan but provides more detail information about this area of the City by building on the Comprehensive Plan and updating the urban design and implementation concepts for the area within one-half mile of the commuter rail station. The STAMP has been used where the Comprehensive Plan is reference in the analysis below, as it provides the most relevant information in this instance.

Station Area Master Plan Analysis

In reviewing the requested final plat, the DRT reviewed the request’s compatibility with the Station Area Master Plan. That analysis is provided in the following table.

The DRT recommendation for this case is supported by the following Station Area Master Plan Goals:

Strategy	
Planning Framework	Maximize Transit Oriented Development
Analysis:	This annexation zone change application allows an underutilized parcel to be developed in a manner that broaden housing options in the neighborhood.

Strategy	
Income diversity	Create and retain affordable housing

Strategy	
Analysis:	This annexation zone change application allows for an affordable multi-family residential development.

LDC PUD Zone Document Approval Criteria Analysis

The DRT recommendation for this case is based on the following LDC criteria, from Sec. 21- 3350(2) and Sec. 21-3232(5):

Sec. 21-3350(2)

Criteria for Zoning. After passage on first reading of an ordinance annexing property to the city, the subject property shall be given the zoning classification:

Criteria (a): Most compatible with the city's comprehensive plan designation of the property;

Analysis: This zone change application has been evaluated according to criterion (a). The STAMP identifies the property at 7001 Colorado Boulevard as having high-density residential uses. The proposed zone change to R-3 (Multi-Family Residential) provides the opportunity for this property to match that designation.

*Staff finds this application **meets this criterion.***

Criteria (b): Most comparable to the county zoning classification existing on the subject property at the time of acceptance by the city of the annexation petition for the subject property; or

Analysis: This zone change application has been evaluated according to criterion (a) as it has the most appropriate application.

*Staff finds this criterion **is not applicable.***

Criteria (c): Most comparable to the present use(s) of the property.

Analysis: This zone change application has been evaluated according to criterion (a) as it has the most appropriate application.

*Staff finds this criterion **is not applicable.***

Sec. 21-3232(5)

Approval Criteria. An application may be approved if:

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

Analysis: This zone change application has been evaluated according to criteria outline in subsection (b) as a technical mistake regarding the zoning classification has not been made.

*Staff finds this criterion **is not applicable.***

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

(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;

Analysis: As noted above, the Station Area Master Plan (STAMP) is the document against which the application has been evaluated as it is a sub-area master plan. The STAMP indicates that high residential uses should be located at this site. The proposed zone change to R-3 provides the opportunity for this property to match that designation.

Staff finds this application meets this criterion.

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

Analysis: Dense concentrations of people and jobs around transit stations are important to promote the use of the transit service. Ridership is required to offset the cost of the transit investments and to promote the economic and environmental benefits to be gained by the investment. The proposed zone change to R-3 allows for residential density up to 24 dwelling units per acre on a property adjacent to the commuter rail station and this level of density lends itself to transit oriented development and success of the station.

Staff finds this application meets this criterion.

(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;

Analysis: The property at 7001 Colorado Boulevard is surrounded by existing street and utility infrastructure. The applicants anticipate accommodating stormwater when the development plan is submitted and they are working with the City and the South Adams County Water and Sanitation District (SACWSD) to ensure water resources are available to the site.

Staff finds this application meets this criterion.

(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;

Analysis: The applicant must pay a cash-in-lieu park fee that will be due at building permit. Additionally, 15% of the usable land on the site must be used for open space and must be reflected in the future development plan.

Staff finds this application meets this criterion.

(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

Analysis: The STAMP identifies a need to increase the number of housing options in the area and provide a range of price points for housing. It states: a “diverse mix of housing options not only respects and responds to the economic conditions of the area, but also could support a varied and interesting built environment.” One of the goals of the plan is increase the supply of workforce housing with a strategy of creating affordable housing. The intention of the applicant is to place affordable housing on the site. In order to do so, the zoning must allow for housing that may be developed in an affordable manner. The proposed zone change makes the site available for this opportunity.

*Staff finds this application **meets this criterion.***

(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.

Analysis: The STAMP indicates that the property at 7001 Colorado Boulevard will be annexed into the City and that high-density residential uses will be applied to the site. Annexation of the property necessitates a zone change. Applying a zoning of R-3 to the property provides an opportunity to bring the zoning into conformance with the STAMP.

*Staff finds this application **meets this criterion.***

Referral Agency Comments:

Public Works

The Public Works Department reviewed the drainage report and traffic study. Revisions were requested and provided.

Parks and Recreation

The Parks and Recreation Department noted a park fee-in-lieu of land dedication would be required. Information was provided regarding a possible trail along the O'Brian Canal.

South Adams County Fire Department

The SACFD noted that an impact fee will be required.

FRICO

FRICO provided comments related to drainage and setback requirements. The comment letter identified various agreements and permits that the applicant will need to obtain and noted that the canal road may not be used for access.

Neighborhood Meeting:

A neighborhood meeting was held on April 12, 2002. Seven members of the public attended the meeting. Questions included those regarding what maximum height limits would be, what the timeline of the project was, and how many units would be part of the project. Concerns centered around parking and traffic. These issues will be comprehensively addressed during the development plan process.

Summary Analysis:

This zoning application meets the LDC criteria relevant to straight zoning for newly annexed land. An R-3 zoning designation would allow the high-density residential uses on the subject property as identified in the STAMP. The uses allowable in an R-3 zone district will add housing options in the area and fill a need identified in the STAMP.

Development Review Team Recommendation

The DRT discussed this case, 7001 Colorado Boulevard Z-984-22, in a meeting on April 21, 2022. There were no significant issues/comments made and so the DRT made an official recommendation of approval for this particular case before Planning Commission.

Based upon the analysis above, the Development Review Team believes that the application meets the criteria for a zone change as set forth in the Land Development Code and recommends that the Planning Commission forward the zone change 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 annexation zone change for the property located at **7001 Colorado Boulevard** contained in case **Z-984-22** meets the criteria of the Land Development Code and based upon such finding, recommend that the City Council approve the annexation zone change.

Alternative Motions

To recommend approval with conditions:

I move that the Planning Commission enter a finding that the requested annexation zone change for the property located at the **7001 Colorado Boulevard** contained in case **Z-984-22** meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the annexation zone change, subject to the following conditions:

Insert conditions

To recommend denial:

I move that the Planning Commission enter a finding that the requested annexation zone change for the property located at the **7001 Colorado Boulevard** contained in case **Z-984-22** fails to meet the following criteria of the Land Development Code:

List the criteria not met

I further move that based upon this finding that the Planning Commission recommend that the City Council deny the annexation zone change.

To continue the case:

I move that the Planning Commission continue the requested annexation zone change for the property located at **7001 Colorado Boulevard** contained in case **Z-984-22** to a future Planning Commission agenda.