



Council Communication

File Number: Ord 2452

Agenda Date: 11/21/2022

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Ordinance

FIRST READING OF AN ORDINANCE AMENDING SECTIONS 21-5200, 21-5248, AND 21-11200 OF THE LAND DEVELOPMENT CODE RELATING TO THE LAND USE TABLE, DEFINITIONS, AND SUPPLEMENTAL REGULATIONS FOR LODGING ESTABLISHMENTS BY AMENDING THE LODGING ROOM MINIMUM, AND CREATING CONSISTENCY IN THE LAND USE TABLE

Summary & Background

The Land Development Code (LDC) (Ordinance #1798) was adopted by City Council in January 2009 and went into effect on March 1, 2009. This Land Development Code was a comprehensive update to the Commerce City Zoning Ordinance, which included a wide variety of topics dealing with development and land use, such as application types, zoning districts, use standards, subdivision procedures, design standards and signs. Thousands of items are included within the Land Development Code and overall, the updated code has been a tremendous help to staff and applicants when reviewing development proposals. While the LDC will receive another comprehensive update in the next 1.5 years, certain changes or amendments are currently necessary and helpful to guide future development.

City Council and the Economic Development Division have expressed a desire to remove the size requirement for lodging establishments along the E-470 corridor. The original amendment proposed in Attachment B removed the E-470 corridor 150 guest lodging room minimum for lodging establishments found within Section 21-5248. Hotel development and travel needs have changed considerably since the adoption of the LDC in 2009 and the majority of new hotels contain less than 150 rooms due to financial costs and franchising requirements. Further, the area surrounding E-470 is uniquely situated where the northern most section is only a 20-minute drive from the Denver International Airport, making these areas desirable for hotel development.

At the October 17, 2022 first reading, City Council voted 8-0 to amend the proposed ordinance, extending a 50 guest lodging room minimum for lodging establishments city wide. An 8-0 vote then transpired to approve the ordinance on first reading.

This amendment necessitated that City Staff review the definition for Lodging Establishment, which currently includes a 21 guest lodging room minimum. This minimum is proposed to be removed because the supplemental regulations now dictate the updated minimum room requirement. In addition, Staff added a fourth supplemental

regulation outlining the need for guest services which includes offices, food service, recreation or similar accommodation to support overnight guests. Any existing lodging establishment is now considered a legal nonconforming use of land and will adhere to the standards found in [Section 21-5220](#)
<https://library.municode.com/co/commerce_city/codes/land_development_code?nodeId=ARTVUSACST_DIV5NOUSST_S21-5520NOUSLA>. The definition includes further language characterizing the use, as well as adding “guest lodging” so the definition is consistent with the language found in the supplemental regulations. Lastly, the specific use type, *Hotel or motel lodging establishments*, within the Land Use Table is amended to emulate the definition.

Because there are so many changes from the original ordinance, City Staff is presenting a new ordinance upon first reading. Attachment A and the ordinance includes these changes.

On September 7, 2022, the city’s Planning Commission voted 5-0 to recommend approval to City Council.

Staff Responsible (Department Head): Jim Tolbert, Community Development

Staff Presenting: Anita Riley, City Planner

Financial Impact: N/A

Funding Source: N/A

Staff Recommendation: Approval of the LDC amendments

Suggested Motion: I move that the City Council approve Ordinance 2452 amending the provisions related to lodging establishments.