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Denver, CO 80250  
303.484.8815

March 28, 2022

Ms. Anita Riley, AICP  
Principal Planner  
Commerce City  
7887 East 60<sup>th</sup> Avenue  
Commerce City, CO 80022

***RE: 7001 Colorado Boulevard Rezoning Application***

Dear Ms. Riley,

On behalf of Prospect, we are pleased to resubmit this Rezoning application for a new multi-family housing development in Commerce City. The zone district requested with the application is R-3. This application is being made concurrent with an application for annexation of the subject parcel and vacations of an adjacent right of way owned by Commerce City and an unrecorded easement located on the Subject Property.

Included with this submittal are the required application materials:

- Signed Development Review Application for Rezoning
- Title Commitment
- Annexation Information Sheet
- Narrative (below)
- Preliminary Contact Letter from South Adams County Water and Sanitation District
- Certified Boundary Survey
- Proposed Zone Change Documents (18x24)
- Proposed Subdivision Plat (18x24)
- Traffic Study
- Expedited Priority Case Review Approval Letter from Jason Rogers Dated 12.1.2021

### **PROJECT LOCATION AND ZONING**

The subject parcel contains approximately 3.99 acres of land and is located at the northwest corner of the intersection of East 70<sup>th</sup> Avenue and Colorado Boulevard. The property is currently located in the County of Adams and is zoned A-1. It is bordered to the east by Right-of-Way (ROW) owned by Commerce City for Colorado Boulevard, to the South by land owned by Commerce City for 70<sup>th</sup> Avenue ROW and to the West by the O'Brien Canal, owned and operated by Farmers Reservoir & Irrigation Company (FRICO).

The site is directly adjacent to the 72<sup>nd</sup> and Colorado Light Rail Station. Due to its proximity to the station, the applicant applied for and received Expedited Priority Case Review in December, 2021.

The subject parcel has been owned by Richdell Properties, LLC since 2000 and has been used over the past decade as storage space and office space for that company's businesses. The site has never been intensely developed and was originally utilized as a farm prior to Richdell Properties, ownership.

In 2017, the City of Commerce City condemned a portion of the parcel to utilize for the ROW for 70<sup>th</sup> Avenue. That street required improvement in order to facilitate access to the 72<sup>nd</sup> and Colorado Light Rail station. The court order for that condemnation left an open issue outstanding between the current landowner and the City of Commerce City regarding an unrecorded easement on the south end of the Subject Parcel. Since 2017, the property owner, applicant and City staff have worked to understand if there is a legitimate claim with this easement. No formal claim on the property nor document indicating a transfer of rights or consideration was found in that process. However, based on recommendation from the acting City Attorney, the unrecorded easement can be vacated to create the most clarity on the issue. An application for that action is included in this application.

There is a parcel of land at the northeast corner of the Subject Parcel which is a small triangle of land owned by the City of Commerce City as ROW for Colorado Boulevard. The parcel is currently unoccupied and unused by the City. The applicant is requesting to vacate a portion of this parcel so that the land can be improved with the proposed development on the Subject Property. An application for that action is included in this application

Prospect is the applicant for the annexation and rezoning action. Prospect is a development company based in Denver with a 25-year track record of creating successful residential communities. It desires to annex and rezone the parcel, vacate ROW to the northeast, and to develop and own the multifamily housing on the site. Prospect desires to and has discussed with the City and other local stakeholders about creating the multifamily use on this site as affordable rental housing. That specific multifamily use is contingent upon the timely and sufficient availability of the financing necessary to facilitate the affordable housing and is not a condition for the zoning application.

#### **SITE ACCESS AND CIRCULATION**

The site will be accessed by a northbound left turn lane from Colorado Blvd. No southbound right turn lane from Colorado Blvd is anticipated as peak hour turns are not expected to exceed 25 turns, the minimum threshold for a right turn lane. A secondary emergency access is likely either on the north or south end of the Subject Property.

A traffic study was prepared by Kimley Horn on January 12, 2022.

Pedestrian traffic will be able to walk to and from nearby 72<sup>nd</sup> and Colorado light rail station via sidewalks along Colorado Blvd and 70<sup>th</sup> Ave, directly adjoining the site.

## **BASIS FOR ANNEXATION/COMPREHENSIVE PLAN CONFORMANCE/R-3 ZONING**

The City of Commerce City's 2010 Comprehensive Plan noted the site as mixed use which includes residential. The City prepared a Station Area Master Plan in 2013 which projected the site for residential development and as a priority improvement in the initial 10-year period for implementation of the plan for residential development in the area west of Colorado Boulevard within the STAMP area. Accordingly, we believe the proposed use is consistent with the City's comprehensive plan.

The subject property is consistent with the City's requirements for annexation as noted in the Annexation Petition form attached hereto.

The Subject Property is seeking rezoning to R-3, the multifamily residential district as defined in the City of Commerce City Land Development Code. This is the zoning district most consistent with the City of Commerce City's Comprehensive Plan prepared in 2010 and the Station Area Plan for the 72<sup>nd</sup> and Colorado Station prepared by the City of Commerce City in 2013. It is important to note the subject property was included in both plans prepared by the City of Commerce City even though it had yet to be annexed into the City.

The proposed rezoning is consistent with the surrounding land uses which include a light rail station to the west, single family residential and commercial to the east and commercial use to the south.

The proposed use on the site is multifamily residential which is best defined by the R-3 Zoning District in the will be consistent with the Design Standards and Guidelines.

The proposed density would likely include a management office to allow proper onsite leasing and maintenance personal as well as community space including a common room, fitness center, business center and mail facilities. It is also common for a project of this scale to include exterior amenities such as barbeque area, a children's play area and walking paths. It is the sponsor's intent and commitment to construct a neighborhood gathering space near the common leasing/community space to provide a location for the surrounding neighborhood and the residents of the community to gather. Subject to permitting requirements this could also be an active use such as a coffee shop or bodega.

The zone district on this site which will facilitate the proposed use and promote efficient use of existing transportation and utility services. The site is located in an infill location with newly improved roadways of Colorado Boulevard to the east and 70<sup>th</sup> Avenue to the south providing sufficient capacity for the vehicular traffic from the proposed use as noted in the Traffic Study prepared for the proposed use by Kimley Horn and Associates., More importantly, the 72<sup>nd</sup> and Colorado light rail station is directly proximate to the site to the west which provide public transportation to the Denver CBD and services to the north.

**The proposed residential use will catalyze other uses in the neighborhood such as service commercial which are not viable today.** The primary catalyst for the zone change request is the location of the 72<sup>nd</sup> and Colorado light rail station which opened in 2017. This transit access changes the viability of this site and its appropriate use.

We appreciate the opportunity to make this formal application to the City of Commerce City.

Prospect,

E. Scott McFadden

Principal