



# Commerce City

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## Council Communication File Number: Z-984-22

**Agenda Date:** 6/20/2022

**Version:** 1

**Status:** Public Hearing

**In Control:** City Council

**File Type:** Zoning Ordinances

FIRST READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO BY ZONING THE PROPERTY ANNEXED AS 7001 COLORADO BOULEVARD ANNEXATION FROM ADCO ADAMS COUNTY A-1 TO COMMERCE CITY R-3 (MULTI-FAMILY RESIDENTIAL)

### Summary & Background

Prospect, LLC is requesting the approval of a property for annexation zoning into the City of Commerce City. The parcel is approximately 3.992 acres in size and is currently unused. The subject property is located at 7001 Colorado Boulevard (PIN 182501100015) and is proposed to be rezoned to R-3 (Multi-Family Residential) to allow for the development of affordable multi-family housing. This case is in conjunction with the annexation case AN-265-22 and the vacation case V-94-22.

### Approval Criteria

Section 21-3350(2) of the Commerce City Land Development Code (LDC) identifies the approval criteria when evaluating the zoning of newly annexed land.

#### 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;**

**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**

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

Section 21-3232(5) of the Commerce City LDC identifies the approval criteria when

evaluating Rezoning or Zone Changes as made applicable by Sec. 10-11 of the City Charter.

**Sec. 21-3232(5)**

*Approval Criteria.* An application may be approved if:

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

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

**Criteria (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:** The Station Area Master Plan (STAMP) is the document use to evaluate this application as it is a sub-area master plan and has considered the area surrounding the commuter rail station in greater detail than the comprehensive 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.*

**Criteria (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.*

**Criteria (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.*

**Criteria (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 and Adams 14 School District has indicated that there is capacity for the students expected to be generated by the proposed development. 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.*

**Criteria (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 to 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.*

**Criteria (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.*

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

**Staff Presenting:** Anita Riley, City Planner

**Financial Impact:** N/A

**Funding Source:** N/A

**Staff Recommendation:** On May 3, 2022, the Planning Commission held a public hearing, took testimony, and voted (5 to 0) to forward the annexation zoning request to City Council with a recommendation for approval.

**Suggested Motion:** I move that the City Council enter a finding that the requested annexation zoning for the subject property contained in case Z-984-22 meets the criteria of the Land Development Code and, based upon such finding, approve the zone change to R-3 (Multi-Family Residential).