

6-5-2015

Honorable Mayor and Members of City Council,

This letter is in regard to Case Z-920-15, which was presented to the Planning Commission, on April 7, 2015. The Minutes of which, are below.

Commerce City Planning Commission Commerce City Civic Center

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Z-920-15 and S-630-15: Jose Alberto Rodriguez requests to rezone from R-2, multifamily district, to R-4, townhome district, and subdivide into 6 lots for townhome development for the property located at 6440 E. 64th Avenue. Ms. Stevens introduced both cases and stated that they would be presented together. She asked that the record reflect, the files contained the relevant notification and publication information.

Mr. Draper reviewed the staff report and presentation, including the Development Review Team's recommendation for approval, subject to one condition for the zone change. He noted that a minor modification case was under administrative review. Mr. Draper stated the request was the first for an R-4 zone district in the city.

The Commissioners expressed concern regarding emergency vehicle access, allowed parking spaces per unit, ADA requirements, compliance of design standards, location of the drainage pond, and impacts due to operation of trash service.

Mr. Alberto Rodriguez, 9006 E. 50th Avenue, Denver, Colorado, thanked the Commission for their consideration of the request. He stated that he has owned the property for over two years. He believes the development would create new housing opportunities and attract a younger demographic to the city. Mr. Rodriguez expressed his interest in attracting model tenants by creating a home owners association for property management.

Testimony from the Public

Joy Bishop, 6751 E. 64th Avenue, stated that the parking was limited in the neighborhood and the proposal would create even more parking limitations that would impact the emergency vehicle access.

Discussion on the vote:

The commission explained that they are not opposed to the development of the property.

However, they believe the request does not align with the surrounding neighborhood due to the high density of the proposal and therefore recommend denial of the request. It was suggested to the applicant to consider reducing the number of units of the proposal.

Z-920-15 Motion:

Commissioner Jones made the following motion “I move that the Planning Commission enter a finding that the requested Zone Change for the property located at 6440 E. 64th Avenue contained in case Z-920-15 fails to meet the criteria of the Land Development Code because

- 1. The change is not compatible with the surrounding land uses and the natural environment.*
- 2. It is not in the public’s interest to allow the proposed density.*

I further move that, based upon this finding, the Planning Commission recommend that the City Council deny the Zone Change.”

Commissioner Dreiling seconded the motion

Cammack Yes

Dreiling Yes

Jones Yes

McFarlin Yes

Robertson Yes

5 Yes, Motion passed.

S-630-15 Motion:

Commissioner Robertson made the following motion “I move that the Planning Commission enter a finding that the requested Final Plat for the property located at 6440 E. 64th Avenue contained in case S-630-15 fails to meet the criteria of the Land Development Code because:

The Commission has recommended denial of the zone change that was requested in conjunction with this Final Plat and, as a result, the Final Plat cannot be approved because it does not comply with the applicable standards for the current zoning.

Furthermore, the Final Plat would result in a substantial or undue adverse effect on adjacent properties, traffic conditions, parking, public improvements, either as they presently exist or as they are envisioned to exist in any adopted City plan, program or ordinance;

I further move that, based upon this finding, the Planning Commission recommend that the City Council deny the Final Plat.”

Commissioner Jones seconded the motion.

Cammack Yes

Dreiling Yes

Jones Yes

McFarlin Yes

Robertson Yes

5 Yes, Motion passed.

The Cases which City Council heard on May 18, 2015, were considerably different than those presented to the Planning Commission. This was because the Applicant, Mr. Rodriguez, took the effort to address and attempt to correct most of the Issues raised by the Planning Commission. He is to be commended for his efforts.

Due to the Density of 6 Owner Occupied Townhomes on this lot, with a Street Frontage of 79'0", if ON STREET Trash Removal Service is ALLOWED, we are creating a Continual Problem for this Neighborhood.

As shown on the Revised Site Plan, the 64th Ave. frontage is 79'0", with a 30'7" Driveway Cut and a 2' landscape buffer on the West end of the frontage. All of this is in the Turn Lane to Southbound Monaco Street. This leaves 46'5" of usable Curb footage to place Trash containers on the street. Again this is all in the Turn Lane.

96 gal. Trash Containers measure 30" wide, each Townhome would have 2, 1 Trash and 1 Recycle container. For 6 Units, that is 12 containers. Which is 30'. W/M requires 3' separation between containers for on street Pickup. That is an additional 33'. $30' + 33' = 63'$. $63'$ for containers – $46'5'$ usable curb = $16'5"$ of containers in the Driveway cut.

This allows less than half of the Driveway Cut open to access the 6 units on the property, for a sizable part of the normal Recycle/Trash pickup day. Again this is all in the Turn Lane to Southbound Monaco Street.

Typical Dumpsters measure 6'10" wide x 6'0" deep. 2 of these would easily fit on the Southeast corner of the property, ahead of the parking spots on the West side of the property. They could be moved to the center of the Driveway at the South end of the property on Trash Day.

The simple solution would be, to have the HOA provide and maintain the Dumpsters for OFF STREET pickup. There may be other solutions?

It is the recommendation of the Planning Commission to City Council regarding Z-920-15:

Add a Condition B, requiring the HOA to provide for adequate Trash Dumpsters on the property for OFF STREET trash and or recycle pickup.

We thank you for your consideration in this matter, as together we all strive to build a
“Quality Community for a Lifetime”.

Respectfully yours, The Commerce City Planning Commission

Dennis Cammack

Joe Dreiling, Vice Chairman

Warren Jones

Michael MacCallum

Sonia Montano

Robby Robertson

Harvest Thomas

Joseph E. “Mac” McFarlin Jr., Chairman