



# STAFF REPORT

## Planning Commission

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### CASE #Z-942-17

<b>PC Date:</b>	August 1, 2017	<b>Case Planner:</b>	Caitlin Hasenbalg Long
<b>CC Date:</b>	September 18, 2017		
<b>Location:</b>	Northeast of East 88 <sup>th</sup> Avenue and Monaco Street (PINs 172120011005 and 172120011007)		
<b>Applicant:</b>	Colozona, Inc	<b>Owner:</b>	Colozona, Inc
<b>Address:</b>	9285 E. Harvard Ave Denver, CO 80231	<b>Address:</b>	9285 E. Harvard Ave Denver, CO 80231

### Case Summary

<b>Request:</b>	Annexation zoning from Adams County C-4 to Commerce City C-3
<b>Project Description:</b>	The applicant proposes to annex and zone two properties, consolidate them into one lot, and develop a hotel and in-line retail center.
<b>Issues/Concerns:</b>	<ul style="list-style-type: none"><li>• Future Uses</li><li>• Compliance with the requirements for zoning annexed land</li></ul>
<b>Key Approval Criteria:</b>	<ul style="list-style-type: none"><li>• Compliance with the Comprehensive Plan</li><li>• Compliance with the requirements for zoning annexed land</li></ul>
<b>Staff Recommendation:</b>	Approval
<b>Current Zone District:</b>	Adams County C-4
<b>Proposed Zone District:</b>	Commerce City C-3
<b>Comp Plan Designation:</b>	Commercial

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

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Applicant's Narrative Summary | <input checked="" type="checkbox"/> Vicinity Map |
| <input checked="" type="checkbox"/> Site Plan                     |  |

## Background Information

### Site Information

Site Size:	2.8 acres
Current Conditions:	Undeveloped
Existing Right-of-Way:	Monaco Street to the west, I-76 Frontage Road to the east
Neighborhood:	South Platte
Existing Buildings:	None
Buildings to Remain?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Site in Floodplain	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

### Surrounding Properties

Existing Land Use		Occupant	Zoning
North	Commercial	La Quinta Inn and Super 8 motel	ADCO
South	Commercial	Shell gas station	ADCO
East	Commercial	Mile High Flea Market	PUD
West	Undeveloped	None	ADCO

### Case History

Since this is an annexation zoning, there is no previous City case history for these properties. The cases currently under review are listed below:

Case	Date	Request	Action
AN-247-17 & AN-248-17	TBD	Annexation of two properties into Commerce City	CC Public Hearing: September 18 CC Consent: October 16
Z-942-17	TBD	Annexation zoning to C-3	CC Public Hearing: September 18 CC Consent: October 16
S-684-17	TBD	Consolidation plat to create one lot	Administrative approval following annexation/zoning approval.
D-349-17	TBD	Development plan for new hotel and in-line retail	Administrative approval following annexation/zoning/plat approval.

## Applicant's Request

The applicant states: *"We request a Rezoning from C-4 [Adams CO] to C-3 Regional Commercial District, Commerce City. Our concept is a 101 Room Hotel with adjacent 3,500sf retail shop on site, after Annexation, Rezone and Re-Plat. Detention Pond Easements will be revised to suit our building layout & parking. Perimeter roads on the West, South and East allow easy access. Water, Sewer and Gas mains border the site as well as Underground Electric power adequate for our needs."*

## Development Review Team Analysis

### Request:

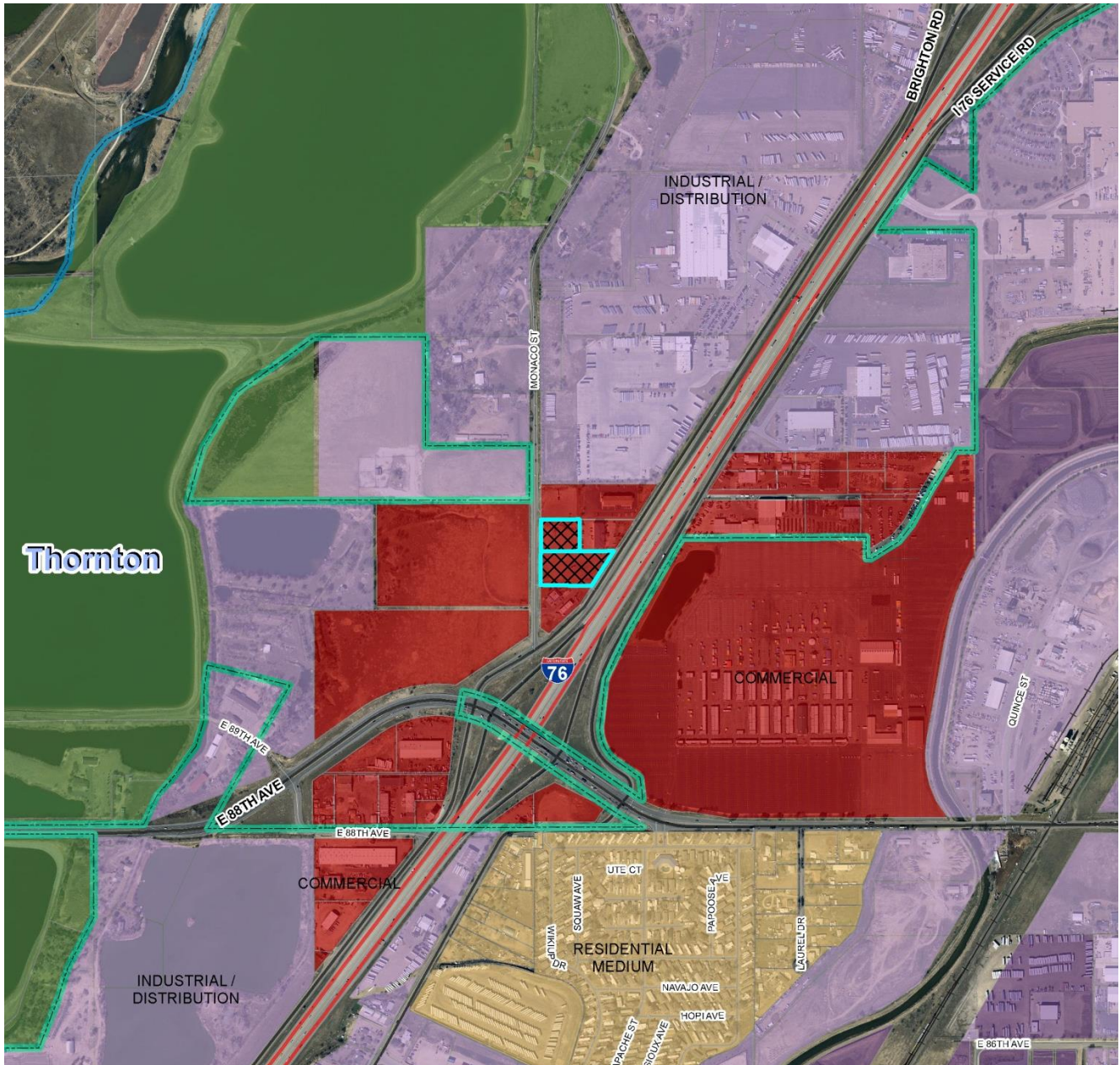
The subject properties are currently undeveloped and zoned C-4 in Adams County. The applicant proposes to annex and zone them to C-3 Regional Commercial District in order to accommodate their proposed hotel and retail development, which is currently under administrative review. This request for annexation zoning is being made in conjunction with cases AN-247-17 and AN-248-17 and in accordance with state law to zone newly annexed property within 60 days of annexation.

Current Adams County Zoning and Requested Commerce City Zoning:

The subject properties are currently zoned for commercial uses in Adams County. The applicant intends to develop the properties with a hotel and in-line retail center. The requested C-3 zoning is consistent with the future plans for the properties.

Comprehensive Plan:

The Comprehensive Plan identifies the future land use for the subject properties as Commercial, which includes all types of retail, office, and other commercial uses, as shown in the map below:



The requested C-3 zoning and the proposed development are compatible with this vision, as detailed in the Comprehensive Plan analysis below:

### Comprehensive Plan

The DRT recommendation for this case is supported by the following Comprehensive Plan Goals:

<u>Section</u>	<u>Goal</u>	<u>Description</u>
Land Use	LU 1a	<b><u>Future Land Use Plan (FLUP) as a Guide:</u></b> Use the Future Land Use Plan (FLUP) to guide development patterns and mix of uses and amendments to the Land Development Code (LDC)
<b><u>Analysis:</u></b>	The Future Land Use Plan identifies the area in which the subject property lies to be designated for future commercial development. The requested annexation zoning to C-3 and the proposed development align with that vision.	
<u>Section</u>	<u>Goal</u>	<u>Description</u>
Economic Development	ED 3.1	<b><u>New Centers with Emphasis on Commercial:</u></b> Focus new commercial and retail into the designated centers as shown on the FLUP. The types of centers at different scales will provide for retail and other needs ranging from neighborhood to regional markets.
<b><u>Analysis:</u></b>	In addition to being designated for future commercial development, the area surrounding the I-76 and East 88 <sup>th</sup> Avenue interchange is identified as a future regional commercial center. The C-3 zoning allows the highest intensity and larger scale commercial uses associated with a regional market area.	

### Compatibility with the Area:

The surrounding developed properties in Adams County are also highway-oriented businesses, including a Shell gas station, a Super 8 motel, and a La Quinta Inn. The area around the I-76 and East 88th Avenue interchange is anticipated to be a regional commercial center long-term, as additional properties annex and develop.

### Summary of Entitlements:

The C-3 Regional Commercial District in Commerce City allows the highest intensity and broadest range of commercial uses. This includes such uses as eating and drinking establishments, financial institutions, food and beverage sales, fuel sales, offices, recreation or private amusement facilities, repair services (including a limited amount of vehicle repair), retail establishments, and visitor accommodations.

### Compliance with 21-3350 (Zoning of Newly Annexed Land):

When the city zones property that has been recently annexed, there are three ways in which property may be zoned:

1. Most compatible with the city's Comprehensive Plan designation of the property;
2. Most compatible 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
3. Most comparable to the present use(s) of the property.

The following table demonstrates how the proposed zoning meets these criteria:

Criteria Met?	Sec. 21-3350. Zoning of Newly Annexed Land	Rationale
<input checked="" type="checkbox"/>	The zoning is most compatible with the city's comprehensive plan designation for the property;	The request for the Commerce City C-3 designation is the most compatible with the Comprehensive Plan designation for future commercial uses.
<input checked="" type="checkbox"/>	The zoning is most comparable to the county zoning classification on the subject property at the time of acceptance of the annexation petition; or	The current Adams County C-4 allows a wide range of commercial uses and is most similar to the Commerce City C-3 zone district.
<input type="checkbox"/>	The zoning is the most comparable to the present use(s) on the subject property.	Not applicable.

The request for Commerce City C-3 Regional Commercial District is both most compatible with the city's Comprehensive Plan designation of Commercial, but is also similar to the current Adams County zoning classification of C-4. The C-3 zone district will allow for the development of the subject property as proposed.

Outside Agency Review:

Staff referred this application to several departments in the city as well as outside agencies. All of the responses that were received indicated that the proposed Annexation Zoning would not create conflicts with their regulations.

Summary:

In summary, the DRT has determined that the request meets the approval criteria for Annexation Zoning outlined in the LDC and the goals of the Comprehensive Plan. After performing this analysis, the DRT is recommending that the Planning Commission forward a recommendation for approval to City Council.

## Development Review Team Recommendation

Based upon the analysis above, the Development Review Team believes that the application meets the criteria for an Annexation Zoning set forth in the Land Development Code and recommends that the Planning Commission forward the Annexation Zoning request to the City Council with a recommendation for **approval**.

## **\*Recommended Motion\***

### ***To recommend approval:***

I move that the Planning Commission enter a finding that the requested Annexation Zoning for the property located at **PINs 172120011005 and 172120011007** contained in case **Z-942-17** meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Annexation Zoning.

## **Alternative Motions**

### ***To recommend approval subject to condition(s):***

I move that the Planning Commission enter a finding that, subject to certain conditions, the requested Annexation Zoning for the property located at **PINs 1721200110055 and 172120011007** contained in case **Z-942-17** meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Annexation Zoning subject to the following conditions:

*Insert Condition(s)*

### ***To recommend denial:***

I move that the Planning Commission enter a finding that the requested Annexation Zoning for the property located at **PINs 1721200110055 and 172120011007** contained in case **Z-942-17** fails to meet the following criteria of the Land Development Code:

*List the criteria not met*

I further move that, based upon this finding, the Planning Commission recommend that the City Council deny the Annexation Zoning.

### ***To continue the case:***

I move that the Planning Commission continue the requested Annexation Zoning for the property located at PINs 1721200110055 and 172120011007 contained in case Z-942-17 to a future Planning Commission agenda.