



# STAFF REPORT

## Planning Commission

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### CASE #Z-950-18

<b>PC Date:</b>	March 6, 2018	<b>Case Planner:</b>	Brad Callender
<b>CC Date:</b>	April 2, 2018		
<b>Location:</b>	SWC of East 88 <sup>th</sup> Avenue and Willow Street (PIN#: 0172128101005)		
<b>Applicant:</b>	Baseline Engineering C/O Brian Stites	<b>Owner:</b>	DASMWS13, LLC
<b>Address:</b>	1950 Ford Street Golden, CO 80401	<b>Address:</b>	2382 S. Miller Ct. Lakewood, CO 80227

### Case Summary

<b>Request:</b>	Rezone undeveloped lot from AG to I-1
<b>Project Description:</b>	The applicant is requesting a zone change to improve the marketability of the property for light-industrial uses. At the time of this application, the applicant has not identified a potential buyer, therefore no development is proposed.
<b>Issues/Concerns:</b>	<ul style="list-style-type: none"><li>Consistency with Comprehensive Plan and Irondale Focus Area</li></ul>
<b>Key Approval Criteria:</b>	<ul style="list-style-type: none"><li>Compatibility with Comprehensive Plan</li><li>Community need for additional I-1 uses in the Irondale area</li></ul>
<b>Staff Recommendation:</b>	Approval
<b>Current Zone District:</b>	AG (Agricultural District)
<b>Requested Zone District:</b>	I-1 (Light-Intensity Industrial District)
<b>Comp Plan Designation:</b>	Industrial/Distribution

### 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"/> Plat                          |  |

## Background Information

### Site Information

<b>Site Size:</b>	±3.973 acres
<b>Current Conditions:</b>	Undeveloped
<b>Existing Right-of-Way:</b>	East 88 <sup>th</sup> Avenue to the north and Willow Street to the east
<b>Neighborhood:</b>	Irondale
<b>Existing Buildings:</b>	None
<b>Buildings to Remain?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Site in Floodplain</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

### Surrounding Properties

<u>Existing Land Use</u>		<u>Occupant</u>	<u>Zoning</u>
<b>North</b>	Industrial	FedEx Ground Freight Terminal	I-2
<b>South</b>	Agricultural & Residential	Single-family detached residences and agricultural	AG
<b>East</b>	Agricultural	Single-family detached residences and agricultural	AG
<b>West</b>	Agricultural & Residential	Single-family detached residences, agricultural and Interstate Highway Construction	AG & I-1

### Case History

Historically, the subject property has been used for agricultural purposes. It was annexed into Commerce City in 1978 along with adjoining properties from the Irondale neighborhood. At that time, the property was zoned AG due to the existence of agricultural operations located on the subject property, as well as neighboring properties.

<u>Case</u>	<u>Date</u>	<u>Request</u>	<u>Action</u>
AN-7-78	1978	Annexation into Commerce City.	<b>Approval</b>
Z-164-78	1978	Zone change to ADCO AG to Commerce City AG zoning district	<b>Approval</b>
MM-83-17	March 2017	Minor modification to reduce building setbacks	<b>Approval</b>
S-671-16	April 2017	Parent tract was subdivided into 5 tracts	<b>Approval</b>

## Applicant's Request

The applicant is requesting a zone change from AG (Agricultural) to I-1 (Light-Intensity Industrial). The applicant's narrative states, "The subject property currently measures approximately 3.9 acres in total area and is zoned AG for agricultural uses. The parcel is vacant of any permanent improvements and is surrounded by Industrial-Two I-2 zoned properties to the north and south, and additional agricultural zoning to the south and southeast. If the proposed rezoning application is successful, the zoning of the property will change from agriculture to the Industrial-One (I-1) zone district. This zoning is consistent with future uses identified in the City of Commerce City's Comprehensive Plan that call for Industrial/Distribution, or I-1 use. This zoning will promote a development that is characteristic of the surrounding area, and one that is in conformance with the intended use for the property as identified on the Comprehensive Plan."

The applicant's narrative also states, "The ownership feels that the property, based on its current location and surrounding developments, is best suited for a light industrial use. There is no current development plan for the parcel. If Industrial zoning is achieved however, if successful, the property should sell relatively quickly as there appears to be a need, and in fact, a shortage of desirable industrial zoned vacant land sites in Commerce City."

## Development Review Team Analysis

The Development Review Team (DRT) began by reviewing the request to change the zoning from AG to I-1 against the goals found in the City's Comprehensive Plan as well as the Irondale Focus Area Plan. That analysis is provided 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	Future Land Use Plan as Guide: 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 Comprehensive Plan identifies the East 88 <sup>th</sup> Avenue corridor for Industrial/Distribution uses. This has generally been associated with the I-1 zone district. In addition, the specific policy direction for the Irondale Focus Area calls for consistency with the land uses indicated in the previous sub-area plan, which identifies this corridor for commercial uses with the integration of low-impact industrial uses due to the proximity of residential properties in the area.	
<u>Section</u>	<u>Goal</u>	<u>Description</u>
Economic Development	ED 3.3	Ensure Availability of Industrial Land and Buildings: In accordance with the Future Land Use Plan, monitor and maintain the amount of land zoned for office/flex, technology, and industrial uses, and limit or restrict rezoning of industrial land to residential, to preserve these areas for existing or new business and industry
<b><u>Analysis:</u></b>	The requested zone change to I-1 will increase the opportunities for new and existing businesses to locate in Irondale and develop an underutilized vacant property along a prominent corridor.	

The Irondale neighborhood historically consisted of agricultural and residential uses, and since the 1970's has been increasingly transitioned to industrial uses. In 1998, the City adopted a sub-area plan to further study the particular uses in Irondale and identify the desired future development patterns. In 2010, the City's Comprehensive Plan was updated. Regarding Irondale, this update includes policies to rezone for industrial or commercial uses to be consistent with the past Irondale Comprehensive Plan.

The Future Land Use Plan identifies the East 88<sup>th</sup> Avenue corridor for Industrial/Distribution uses. This Industrial/Distribution designation has generally been correlated with the I-1 zoning district along arterials with I-2 zoned properties occurring on interior properties in Irondale. Industrial developments are subject to greater industrial design standards that were developed since the 1998 Irondale Comprehensive Plan and adopted in the 2009 Land Development Code. Currently, the City has initiated public meetings to solicit input for adoption of an Irondale Neighborhood and Infrastructure Plan. The anticipated adoption of the plan for Irondale is in 2018.

Criteria Met?	Sec. 21-3232. Rezoning or Zone Changes	Rationale
<input checked="" type="checkbox"/>	The change is consistent with any City adopted plans for the area;	The proposed zone change to I-1 meets the intent of the Comprehensive Plan and the Irondale Focus Area.
<input checked="" type="checkbox"/>	The change is compatible with proposed development, surrounding land uses and the natural environment;	The proposed I-1 zoning is appropriate given the context of the surrounding area. The surrounding properties to the north and west are zoned and/or used industrially, while the properties to the south and east predominantly include single-family detached dwellings and agricultural uses.
<input checked="" type="checkbox"/>	There is, or will be, adequate public services, (water, sewerage, streets, drainage, etc.);	There are adequate public services available for the development of this property. Water and sewer are available along East 88 <sup>th</sup> Avenue, and the property is bounded on three sides by existing rights-of-way.
<input checked="" type="checkbox"/>	There is, or will be, adequate public uses (parks, schools, and open space);	No additional public uses will be required due to this zone change. Any impact fees will be determined at the time of development.
<input checked="" type="checkbox"/>	The change is needed to provide/maintain a proper mix of uses in the area/City;	The requested zone change will bring additional business opportunities to an area of Irondale with little development in recent years. This property has never been developed under AG zoning. Rezoning the property to I-1 will allow a wider variety of uses and will increase the potential for new development along the East 88 <sup>th</sup> Avenue corridor.
<input checked="" type="checkbox"/>	The area for which the change is requested has changed/is changing and it is in the public interest to allow a new use or density.	The area surrounding the subject property is changing towards industrial uses. It is also in the public interest to allow a wider variety of uses the potential to develop a property which has been used for agricultural purposes.

Traditionally, the City does not require a specific development plan to accompany rezoning applications. Because Irondale has been extensively studied and the future land use plan is more parcel specific. Staff feels comfortable with an I-1 designation for this property without a development plan.

## Development Review Team Recommended

Based upon the analysis above, the Development Review Team believes that the application meets the criteria for a Zone Change as set forth in the Land Development Code and recommends the Planning Commission forward the Zone Change request to the City Council with a favorable recommendation.

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

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

I move that the Planning Commission enter a finding that the requested Zone Change for the property located at **the southwest corner of East 88<sup>th</sup> Avenue and Willow Street** contained in case **Z-950-18** meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Zone Change.

## **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 Zone Change for the property located at **the southwest corner of East 88<sup>th</sup> Avenue and Willow Street** contained in case **Z-950-18** meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Zone Change subject to the following conditions:

*Insert Condition(s)*

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

I move that the Planning Commission enter a finding that the requested Zone Change for the property located at **the southwest corner of East 88<sup>th</sup> Avenue and Willow Street** contained in case **Z-950-18** 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 Zone Change.

### ***To recommend continuance:***

I move that the Planning Commission continue the requested Zone Change for the property located at **the southwest corner of East 88<sup>th</sup> Avenue and Willow Street** contained in case **Z-950-18**.