



# STAFF REPORT

## Planning Commission

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### CASE #Z-955-19

<b>PC Date:</b>	April 2, 2019	<b>Case Planner:</b>	Brayan Marin
<b>CC Date:</b>	May 6, 2019		
<b>Location:</b>	10560 & 10650 Brighton Rd. Henderson, CO 80640		
<b>Applicant:</b>	Saul Rodriguez Ronquillo	<b>Owner:</b>	Same as Applicant
<b>Address:</b>	10285 E. 112 <sup>th</sup> Way, Henderson, CO 80640	<b>Address:</b>	Same as Applicant

### Case Summary

<b>Request:</b>	Rezone the newly annexed land from ADCO R-1-C to Commerce City AG
<b>Project Description:</b>	The applicant wants to annex two lots into Commerce City in order to construct two residential units and establish a residence on the southern lot. This case is in conjunction with cases AN-252-19 and GID-164-19.
<b>Issues/Concerns:</b>	<ul style="list-style-type: none"><li>• Consistency with the Comprehensive Plan</li></ul>
<b>Key Approval Criteria:</b>	<ul style="list-style-type: none"><li>• Comprehensive Plan</li><li>• Land Development Code</li></ul>
<b>Staff Recommendation:</b>	Approval
<b>Current Zone District:</b>	ADCO AG
<b>Requested Zone District:</b>	AG (Agricultural District)
<b>Comp Plan Designation:</b>	Residential - Low

### 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                     | <input type="checkbox"/> Building Elevations     |

## Background Information

### Site Information

<b>Site Size:</b>	± 3.52 acres
<b>Current Conditions:</b>	Vacant and undeveloped
<b>Existing Right-of-Way:</b>	Brighton Rd. to the west of the property
<b>Neighborhood:</b>	Hazeltine
<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>	Residential	Undeveloped land	ADCO R-1-C
<b>South</b>	Residential	Vacant Land	ADCO R-1-C
<b>East</b>	Residential	Belle Creek	PUD
<b>West</b>	Agricultural	Mobile Home Park	ADCO R-1-C

### Case History

Historically, the two lots in questions have been part of Adams County jurisdiction. At this time, the properties are zoned ADCO R-1-C which allows for residential dwellings with permitted farming uses. However, no development has taken place prior to this zone change request.

## Applicant's Request

The applicant is requesting approval of a zone change from ADCO R-1-C single-family district with permitted farming uses to Commerce City AG (Agricultural). According to the applicant, "the proposed development of the site after annexation is to construct two (2) single-family residential homes on the two parcels. The homes will access through Brighton Road by a combined single access drive between the two parcels. Per the Land Use shown on the current Commerce City Comprehensive plan, the site falls within the Low-Density Residential designation. The proposed development is consistent with this designation."

## Development Review Team Analysis

The Development Review Team (DRT) began by reviewing the request to change the zoning from ADCO R-1-C to Commerce City AG against the goals found in the City's Comprehensive Plan. The 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 as a 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 rezoning keeps the subject property in alignment with the future low residential designation of the Land Use Plan. Additionally, the annexation and zone change of the subject properties brings this area of the city into further compliance with the future land use established by the Comprehensive Plan.	

<u>Section</u>	<u>Goal</u>	<u>Description</u>
Land Use	LU 2.1	Infill Development Promoted Promote infill development and redevelopment to use utilities and services efficiently, to support multi-modal transportation, to revitalize neighborhoods, and to maintain prosperous businesses. Infill means development on vacant unplatted parcels scattered throughout the city or in county enclave areas.
<b><u>Analysis:</u></b>	Developing two residential units in these lots will enable successful infill development on a vacant parcel. Without disrupting the current density of the neighborhood.	

<u>Section</u>	<u>Goal</u>	<u>Description</u>
Land Use	LU 3.3	Compatible Uses in all Neighborhoods Protect neighborhoods from incompatible development. Infill development must consider and be sensitive to the character of stable neighborhoods. Development should be planned so that building scale, placement, size, height transitions, mature landscaping and other design measures ensure compatibility.
<b><u>Analysis:</u></b>	The rezoning of the subject properties to Agricultural will help maintain the character and density of the surrounding neighborhoods.	

### **Compatibility with the area:**

Currently, the majority of the surrounding areas around the subject properties have been developed for low-intensity residential purposes. To the north is the Claybar Creek Subdivision, zoned R-1. To the east is the Belle Creek Subdivision, zoned Residential PUD. To the south is the Hazeltine Heights neighborhood, currently zoned ADCO R-1-C. Lastly, to the west is undeveloped parcels of land that are intended for low-density residential purposes.

If approved, the zone change will allow for development of the property with residential uses that comply with the low density residential designation of the subject properties on the Future Land Use Map. Moreover, the character of the area will not be disturbed, as the future development of each lot will maintain current low-density levels of residential activity.

### **Proposed Development:**

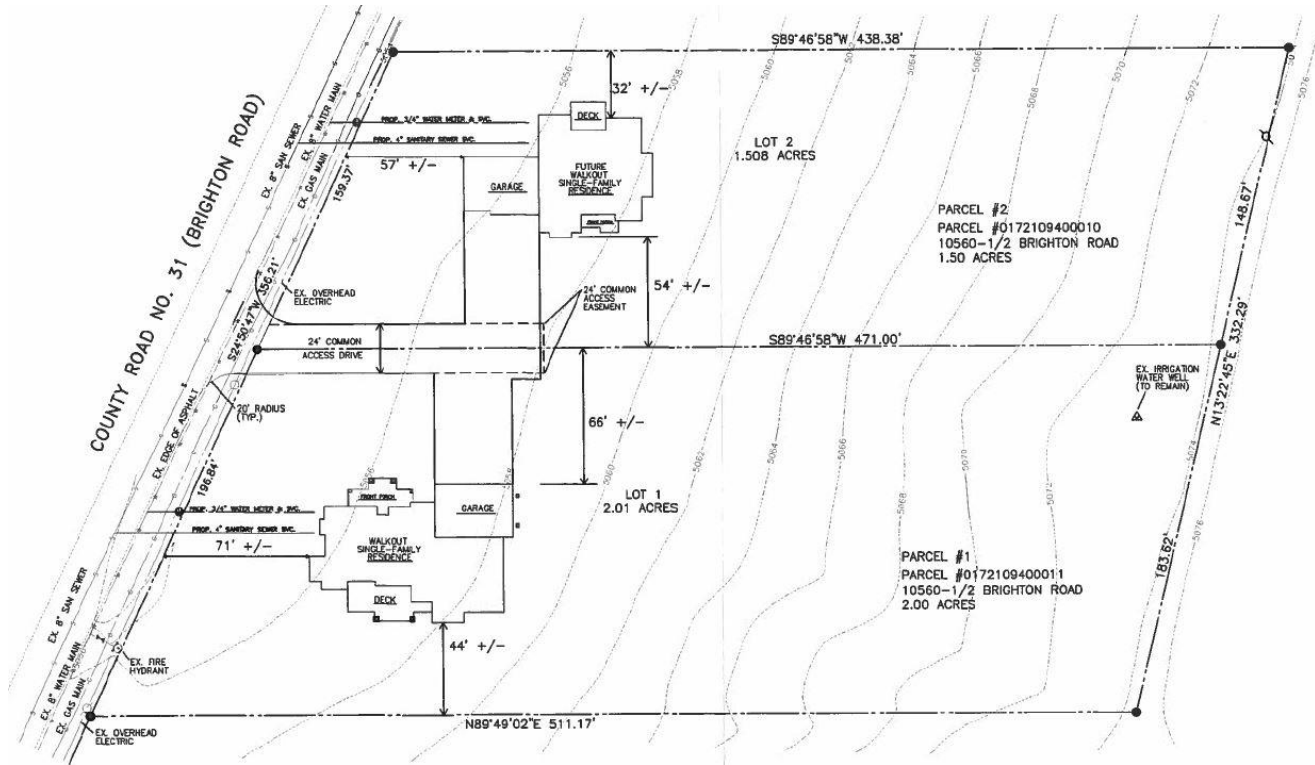
The applicant intends to construct two single dwelling units, one on each lot, with the intent of occupying the residency on the southern lot, and sell the one in the northern lot once it is constructed. Both properties will be able to access their property through Brighton Road by a 24' common access easement that has already been established by the applicant. At this time, no roadway improvements will be required of the applicant along Brighton Rd. However, the applicant has agreed to enter into a pre-annexation agreement with Commerce City. The agreement requires that the applicant be responsible for the following:

- \* Dedication of 30 feet of right of way (ROW) for a minor arterial to be known as Brighton Rd.

\* Construction of one-half of the minor arterial (30' ROW) cross section for Brighton Rd from the southern boundary of the property to the northern boundary of the property.

These improvements will take place once the city decides to move forward with road improvements along Brighton Rd.

### Proposed site plan



### 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 zoning would not create conflicts with their regulations and no objections to the zoning have been received.

### Summary:

Therefore, DRT has concluded that the requested zone change meets the approval criteria required for consideration of a zone change. The proposed zone change and land use complies with the intent of the Comprehensive Plan, and it will match the residential character of the surrounding area. Through the review, it is clear that the proposed zone change meets the criteria for the zoning of newly annexed land. The applicant intends to develop the site in accordance to the current requirements of Commerce City's Land Development Code agricultural standards. This zone change will not create adverse effects to the surrounding properties and the services necessary to serve the applicants development of two dwelling units are already in place along Brighton Rd. Lastly, the applicant has submitted an application to join the Northern Infrastructure General Improvement District (NIGID), case number NIGID-164-19 in order to obtain water and sanitation services. Based on the analysis above, DRT is recommending approval of the requested zone districts for the subject properties.

Criteria Met?	Sec. 21-3350. Zoning of Newly Annexed Land	Rationale
<input checked="" type="checkbox"/>	Most compatible with the city's comprehensive plan designation or the property;	The Comprehensive plan identifies the subject property for Low-Density Residential uses. The Low-Density future land use category includes the AG zone district.
	<b>OR</b>	
<input type="checkbox"/>	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;	N/A
	<b>OR</b>	
<input type="checkbox"/>	Most comparable to the present use(s) of the property.	N/A

## Development Review Team Recommendation

Based upon the analysis above, the Development Review Team believes that the application meets the criteria for a zoning of newly annexed land as set forth in the Land Development Code and recommends the Planning Commission forward the zoning of newly annexed land 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 zoning of newly annexed land for the property located at **10560 & 10650 Brighton Rd** contained in case **Z-955-19** meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the zoning of newly annexed land.

## 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 zoning of newly annexed land for the property located at **10560 & 10650 Brighton Rd.** contained in case **Z-955-19**, meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the zoning of newly annexed land subject to the following conditions:

*Insert Condition(s)*

### *To recommend denial:*

I move that the Planning Commission enter a finding that the requested zoning of newly annexed land for the property located at **10560 & 10650 Brighton Rd.** contained in case **Z-955-19** 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 zoning of newly annexed land.

*To recommend continuance:*

I move that the Planning Commission continue the requested zoning of newly annexed land for the property located at **10560 & 10650 Brighton Rd.** contained in case **Z-955-19**.