



# STAFF REPORT

## Planning Commission

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### CASE #Z-418-87-95-19

<b>PC Date:</b>	May 7, 2019	<b>Case Planner:</b>	Stacy Wasinger
<b>CC Date:</b>	June 3, 2019		
<b>Location:</b>	8150 Syracuse Street Commerce City, CO 80022		
<b>Applicant:</b>	Paul J. Mattorano, Jr	<b>Owner:</b>	Same as Applicant
<b>Address:</b>	8150 Syracuse Street Commerce City, CO 80022	<b>Address:</b>	Same as Applicant

### Case Summary

<b>Request:</b>	Removal of zoning conditions from property
<b>Project Description:</b>	The current zoning includes conditions which require review of a development plan by the Planning Commission and City Council prior to issuance of building permits. This request to remove the conditions will make the property straight-zoned without the burden of public hearing review for small improvements. No new development is proposed at this time. The existing residence remains non-conforming and all code requirements apply.
<b>Issues/Concerns:</b>	Consistency with Comprehensive Plan and Irondale Plan
<b>Key Approval Criteria:</b>	Compatibility with Comprehensive Plan Compatibility with surrounding area and need for I-1 zoned property
<b>Staff Recommendation:</b>	Approval
<b>Current Zone District:</b>	I-1 (Light Intensity Industrial District)
<b>Comp Plan Designation:</b>	Industrial/Distribution

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

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|--|--|
| <input checked="" type="checkbox"/> Applicant's Narrative Summary          | <input checked="" type="checkbox"/> Vicinity Map |
| <input checked="" type="checkbox"/> Development Review Team Recommendation |  |

## Background Information

### Site Information

<b>Site Size:</b>	1.33 acres
<b>Current Conditions:</b>	Developed with single family home
<b>Existing Right-of-Way:</b>	Syracuse Street to the west
<b>Neighborhood:</b>	Irondale
<b>Existing Buildings:</b>	Single-family detached house; garage; miscellaneous accessory structures.
<b>Buildings to Remain?</b>	<input checked="" type="checkbox"/> Yes <input 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	Single family home	I-1
<b>South</b>	Undeveloped	Vacant	I-1
<b>East</b>	Undeveloped	Union Pacific Railroad	I-1
<b>West</b>	Commercial	Fraternal Order of Eagles	C-3

### Case History

The property was zoned Agricultural (AG) with its annexation into the City in 1986. The property is currently developed with a single-family residential use. The existing residence remains non-conforming and all code requirements apply. In February 1987, the property was rezoned from AG to Light Intensity Industrial (I-1) with 5 conditions:

- A. Development plan to be approved by Council prior to any site improvements, change in use, development of any kind, issuance of building permits, or subdivision;
- B. Approved development plan shall be recorded as a deed restriction with Adams County;
- C. Applicant shall sign a development agreement for future public improvements;
- D. Existing residence allowed to continue in use until any of the following occur:
  - 1. No longer owner-occupied;
  - 2. Use discontinued for 90 days;
  - 3. Any change in use on the property;
  - 4. Any change in ownership of the property;
  - 5. Any subdivision;
  - 6. 10 years from the effective date of ordinance;
- E. Existing residence shall become nonconforming, where if the structure is damaged to the extent of more than 60% of its replacement value, special permit granted in Condition D shall expire in 90 days.

Conditions D and E were removed by ordinance in May 1995. The property zoning currently still includes conditions A-C and the current request is to remove those conditions.

<u>Case</u>	<u>Date</u>	<u>Request</u>	<u>Action</u>
Z-411-86	Oct. 20, 1986	Annexation rezone from A-1 Adams County to Agricultural (AG)	<b>Approval</b>
Z-418-87	Feb. 16, 1987	Rezone from AG to I-1 with 5 conditions	<b>Approval with Conditions</b>
Z-418-87-95	May 1, 1995	Amendment of original ordinance to remove Conditions D and E	<b>Approval with Conditions</b>

## Applicant's Request

The request by the applicant, who is the property owner, is to remove the remaining conditions from the 1987 zoning of the property because they have been met, are no longer relevant, or can be handled within current City administrative processes. By keeping these existing conditions on the property, it has the effect of creating properties which are not treated equally to other similarly zoned and designated properties in the city, creates confusion and uncertainty for future buyers and sellers, and unnecessarily lengthens the city's development review process.

## Development Review Team Analysis

The Development Review Team (DRT) began by reviewing the request to remove the zoning conditions against the goals found in the City's Comprehensive Plan. That analysis is provided below:

### Comprehensive Plan

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

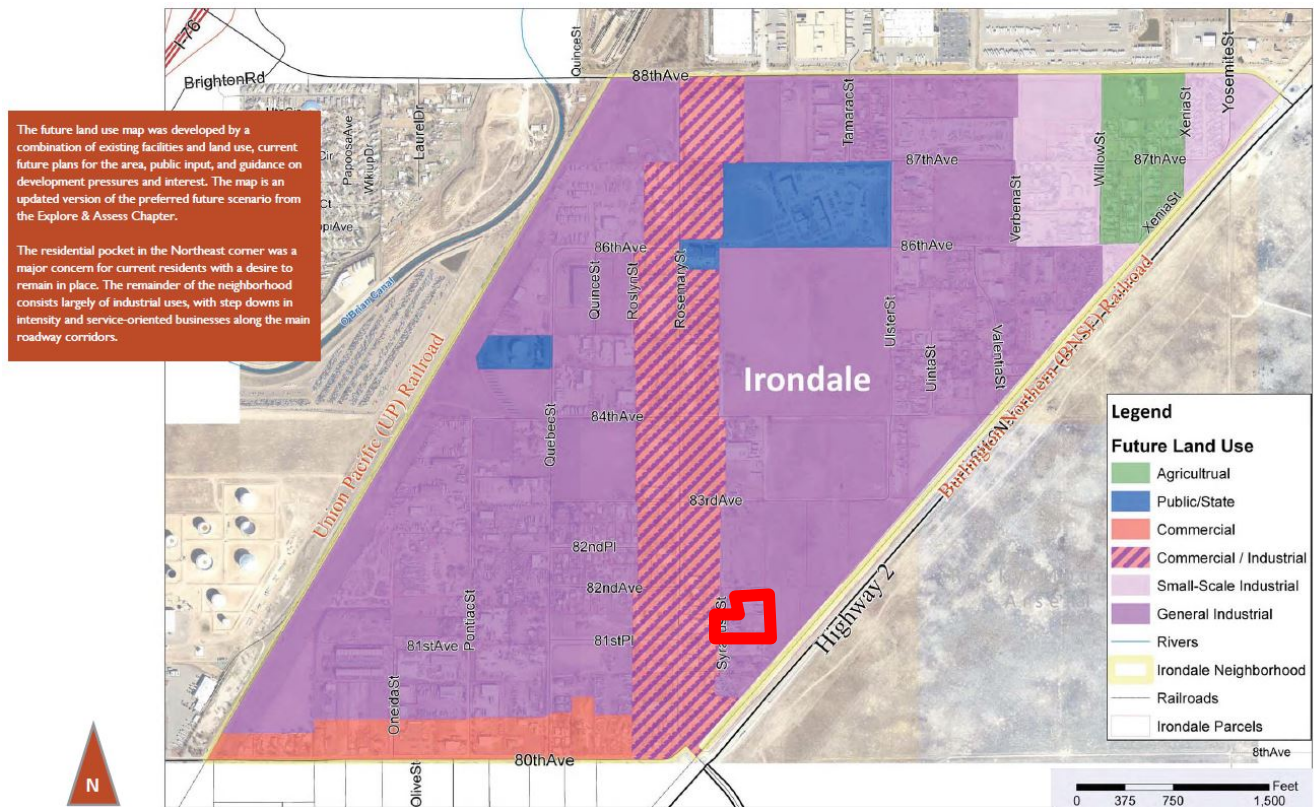
<u>Section</u>	<u>Goal</u>	<u>Description</u>
Land Use	LU 1.1	Growth and Future Land Use Plan Consistency To implement this plan, ensure future development is consistent with the Future Land Use Plan and map.
<b><u>Analysis:</u></b>	In this case, the recently adopted Irondale Neighborhood and Infrastructure Plan provides an updated Future Land Use Plan for this area. The underlying I-1 zoning, without conditions, is consistent with the General Industrial designation. Removing the conditions will help streamline future development and city administrative processes will ensure all codes and regulations are met.	
<u>Section</u>	<u>Goal</u>	<u>Description</u>
Land Use	LU 2.1	Infill Development Promoted
<b><u>Analysis:</u></b>	Removing the zoning conditions will help streamline future development processes and potential infill redevelopment on these parcels.	
<u>Section</u>	<u>Goal</u>	<u>Description</u>
Land Use	LU 4.3	Irondale New Employment/Business Center
<b><u>Analysis:</u></b>	Although no new development is proposed at this time, removing the zoning conditions would help streamline the processes for future development.	

## Background and Requirements

The Irondale Neighborhood and Infrastructure Plan, developed in 2017 and 2018 with extensive input from residents and property owners, adopted a variety of changes to the future land uses in the Irondale neighborhood. It changed the future land use designation for the subject property to General Industrial, which is defined as a variety of light to medium industrial uses. The plan did allow for existing permitted uses to continue, and future redevelopment to be permitted as the zoning allows. This plan also encourages the rezoning of properties to better align with the Future Land Use Plan map, acknowledging that much of the Irondale area is moving towards more industrial type development (see Figure 1). The removal of the zoning conditions and maintaining the underlying I-1 zone would

bring this property into closer compliance with the future land use designation and remove barriers to future redevelopment of the property to industrial use.

**Figure 1: Irondale Neighborhood and Infrastructure Plan Future Land Use Map** (subject property highlighted in red)



The Comprehensive Plan also contains policy direction for the Irondale area. In addition to the recent Irondale Neighborhood and Infrastructure Plan, the Comprehensive Plan indicates that the Irondale area be zoned for a mix of light and medium intensity industrial. The subject properties currently contain a single-family residence on the southern portion and undeveloped area used for residential accessory uses on the northern portion. The owner originally proposed a shop/garage to be built but that is no longer proposed; there are no current plans to add structures or redevelop the properties at this time. Previous paving and grading work has been reviewed by Public Works and found to be in compliance with grading and drainage requirements.

There are a mix of uses in the area, including residential and properties that have transitioned to commercial and industrial uses. The future land use plan created under the extensive process associated with the Irondale Neighborhood and Infrastructure Plan indicates that these properties be zoned and developed as industrial properties. The zoning history of the property and zoning conditions imposed occurred before the original Irondale area planning process that was adopted as the Irondale Comprehensive Plan Addendum in 1998. The owner would like these conditions removed because it creates unnecessary confusion and lengthens the planning and building permit process for future development. There is no request to change the underlying I-1 zoning of the properties, only to remove the supplementary conditions. The Irondale area has been studied more than any other area within the

city. There are now policies in place from other planning processes to help direct and regulate development other than zoning conditions.

The zoning conditions were placed upon the property in February 1987 when it was rezoned from AG to I-1 and later modified in May 1995. These were common conditions which City Council placed upon speculative rezonings at the time. These conditions were added at a time when the city was smaller, less complex, and did not have all of the processes and standards in place to ensure a high level of development. The Development Review Team has reviewed the original and existing conditions for the property and provides the following analysis for the Planning Commission:

The property is currently zoned I-1 with 3 conditions:

A. Development plan to be approved by Council prior to any site improvements, change in use, development of any kind, issuance of building permits, or subdivision;

*Staff Analysis: The City now has effective, City Council approved processes and standards in place that provide for high quality development, which can be administratively approved. By requiring city council approval for every building permit or change in use on this property, this condition imposes a lengthy, uncertain review that is a detriment for possible development of this property.*

B. Approved development plan shall be recorded as a deed restriction with Adams County;

*Staff Analysis: This condition is a supplement to Condition A. Typically, the actual zoning ordinance is recorded with the county. It is not commonplace to record a deed restriction with the county, so this condition is atypical, and with the recording of the zoning ordinance, is unnecessary and repetitive. This condition could also hinder a potential future sale of the property because a deed restriction would be part of any title report for a sale. It could impede or discourage future buyers from the property if the property is restricted by deed to a specific development plan, thereby restricting it from developing as other I-1 zoned property is permitted to develop.*

C. Applicant shall sign a development agreement for future public improvements;

*Staff Analysis: Condition C was met in 1988 and is no longer applicable. Additionally, current City processes would account for required improvements with any future development as well.*

Conditions D and E were removed in 1995.

### **Approval Criteria for Zone Change**

The underlying I-1 zone district is not being requested to change but the removal of zoning conditions has been reviewed against the approval criteria within the city's Land Development Code. All of the approval criteria for the zone change request have been met and the DRT is recommending approval based on the rationale below.

Criteria Met?	Sec. 21-3232. Rezoning or Zone Changes	Rationale
<input type="checkbox"/>	The change corrects a technical mistake by the city.	N/A
	<b>OR</b>	
<input checked="" type="checkbox"/>	The change is consistent with any City adopted plans for the area;	This area is identified as general industrial in the Irondale Neighborhood and Infrastructure Plan; removal of the conditions will not affect the consistency of the I-1 zoning with the future land use designation.
<input checked="" type="checkbox"/>	The change is compatible with proposed development, surrounding land uses and the natural environment;	The surrounding area is predominantly developed and is a mix of residential, commercial, and industrial uses. The future land use plan envisions the area as general industrial. Removal of the zoning conditions will not affect the compatibility.
<input checked="" type="checkbox"/>	There is, or will be, adequate public services, (water, sewerage, streets, drainage, etc.);	All future development on these properties will be able to connect to all public services and public utilities. Removal of the conditions will not affect this.
<input checked="" type="checkbox"/>	There is, or will be, adequate public uses (parks, schools, and open space);	All future development on these properties will still need to meet any city requirements for open space, etc. Removal of the conditions will not affect this.
<input checked="" type="checkbox"/>	The change is needed to provide/maintain a proper mix of uses in the area/City;	Removal of the conditions will streamline future development of the property and allow it to be developed as intended by the Irondale Neighborhood and Infrastructure Plan.
<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 removal of conditions does not change the underlying zoning. The I-1 zone is appropriate for the properties and area and the allowed uses are compatible with the Irondale Neighborhood and Infrastructure Plan.

### **Summary and Recommendation**

In summary, the Development Review Team is recommending that the Planning Commission forward this request to City Council with a favorable recommendation, which would amend the existing zoning by removing the three conditions that currently exist on the property, because they have been met, are able to be handled through other procedures in the city, and create a property that can be harder to market, use, and potentially sell. In short, the conditions create a property and process that is not business friendly.

## Development Review Team Recommendation

Based upon the analysis above, the Development Review Team believes that the application meets the criteria for a Zone Change set forth in the Land Development Code and recommends that 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 **8150 Syracuse Street** contained in case **Z-418-87-95-19** 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 **8150 Syracuse Street** contained in case **Z-418-87-95-19** 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 **8150 Syracuse Street** contained in case **Z-418-87-95-19** 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 Zone Change.

#### *To continue the case:*

I move that the Planning Commission continue the requested Zone Change for the property located at 8150 Syracuse Street contained in case Z-418-87-95-19 to a future Planning Commission agenda.