



# STAFF REPORT

## Planning Commission

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### CASE #Z-968-21

<b>PC Date:</b>	September 3, 2019	<b>Case Planner:</b>	Brayan Marin
<b>CC Date:</b>	October, 7, 2019		
<b>Location:</b>	7205 E. 53 <sup>rd</sup> Pl. Commerce City, CO 80022		
<b>Applicant:</b>	Ed Jennings	<b>Owner:</b>	Conquest 7167 LLC / Shawn Conquest.
<b>Address:</b>	P.O.BOX 200662 Denver, CO 80220	<b>Address:</b>	1717 Willamette Pl. Colorado Springs

### Case Summary

<b>Request:</b>	Applicant is requesting a zone change from C-3 to I-2
<b>Project Description:</b>	The applicant proposes a zone change from C-3 Regional Commercial District to I-2 Medium-intensity Industrial District in order to expand his current industrial operation, which is located directly east of this property.
<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><li>• Neighborhood Compatibility</li></ul>
<b>Staff Recommendation:</b>	Approval
<b>Current Zone District:</b>	C-3 (Regional Commercial District)
<b>Requested Zone District:</b>	I-2 (Medium Intensity Industrial District)
<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                     | <input type="checkbox"/> Building Elevations     |

## Background Information

### Site Information

<b>Site Size:</b>	± 1.90 Acres / 82,966 S.F.
<b>Current Conditions:</b>	Fully Developed
<b>Existing Right-of-Way:</b>	E. 53 <sup>rd</sup> Pl
<b>Neighborhood:</b>	South Rose Hill
<b>Existing Buildings:</b>	Yes, a single-family detached dwelling unit
<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	Industrial Site	I-2
<b>South</b>	Industrial	TA Trucking Station	I-1
<b>East</b>	Commercial	Gas Station	C-3
<b>West</b>	Industrial	Metal products assembly	I-2

### Case History

This property is part of the Kemp subdivision, which in 1972 was granted a zone change from I-1 Light intensity Industrial District to C-3 Regional Commercial District via case Z-65-72. The existing single family home on the site was built in 1935 and was used exclusively for residential purposes.

In the past, efforts from individual property owners along E. 53<sup>rd</sup> Place have been successful in rezoning their properties from commercially designated lots to Industrial (I-2) in order to match their properties with the surrounding uses. Additionally, the City has been supportive in the rezoning of these properties, in accordance with the long term for outlook, placed forth by the City's Comprehensive Plan for properties along E. 53<sup>rd</sup> Place.

## Applicant's Request

The applicant is requesting the approval of a zone change from C-3 commercial to I-2 Medium-Intensity Industrial District. According to the applicant, the change in zoning of this lot will allow the applicant to purchase the property in order to expand their Metal Products assembly operation currently located directly east of this property at 7167 E. 53<sup>rd</sup> Pl. The approval of this zone change will allow the applicant to consolidate the lots into one and expand their current operation from 11,880 S.F. operation to over 50,000 S.F. over two construction phases, once Community Development provides administrative approval of the proposed Development plan.

## Development Review Team Analysis

The Development Review Team (DRT) began by reviewing the request to change the zoning from C-3 to I-2 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 current medium intensity industrial uses that surround the site and it meets the designation of the Land Use Plan. Additionally, the zone change of the property will bring 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	Phase Growth in an orderly and Compact Manner
<b><u>Analysis:</u></b>	The proposed Zone Change is located in an area that already has a significant amount of existing industrial Development and traffic. This proposed change will allow the development of the site to provide additional opportunities to both employees and employers of the site.	
<u>Section</u>	<u>Goal</u>	<u>Description</u>
Economic Development	ED 2	Retain and increase a strong employment base The city will retain and expand its existing industrial base, and attract and recruit new businesses that contribute positively to city revenues .
<b><u>Analysis:</u></b>	The proposed Zone Change will allow Metal Products to continue operating within Commerce City while also allowing the expansion of their business operations, further enhancing the industrial character of the area.	

### **Surroundings**

Currently, the majority of the surrounding areas around the subject properties are developed for low to medium density Industrial purposes. To the north is there is a variety of industrial businesses, Zoned I-2. To the east, there is a dwelling unit in a C-3 commercial lot that currently uses its backyard as outdoor storage for industrial purposes. To the east is Metal Products assembly, zoned I-2. To the south is TA trucking station currently zoned I-1.

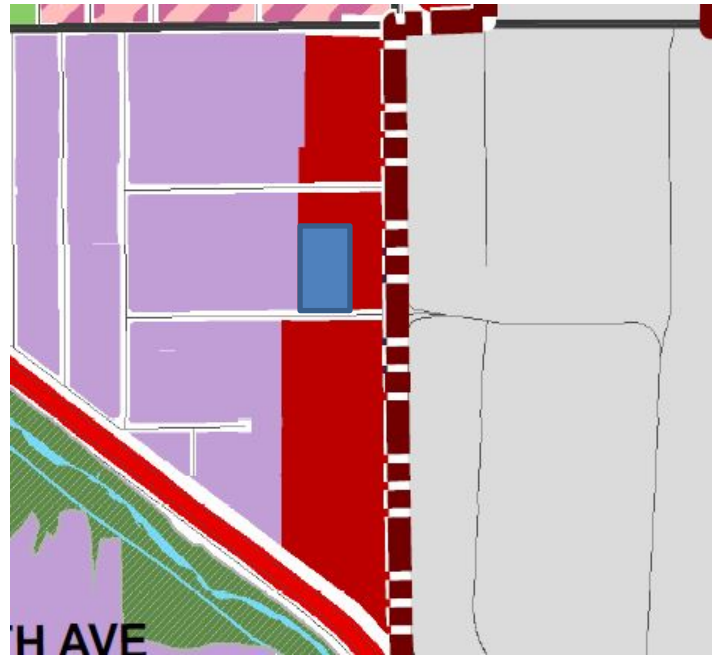
### **Proposed Use**

The requested zoning designation for the lot will allow the applicant, Metal Products, located directly east currently and zoned I-2, the opportunity to plat a new lot and enable the development of the site in a manner that is consistent with I-2 medium intensity industrial uses. The applicant intends to create an addition of over 40,000 S.F. over two building phases with the first phase taking place soon after the approval of the administrative development plan. The second phase of the project will take place 3 to 5 years after the completion of the first phase.

### **Comprehensive Plan**

This property is designated for Commercial uses, which according to table 3.1 of the C3 Vision Plan, allows for uses such as restaurants, financial services, medical offices, libraries, open space as well as public uses. The current allowable uses on the site do not match the current industrial character of the neighborhood and any new development that is commercial in nature would be difficult to accommodate as this lot does not front a major road. While the DRT finds maintaining commercial properties directly along Quebec Street is important, since this site is not directly adjacent to Quebec street, the DRT believes it is appropriate for it to be rezoned industrially to allow for its consolidation into the existing lot to the east, which does comply with the industrial comprehensive plan designation for that location. The comprehensive plan map was not drawn to follow precise property boundaries and therefore the DRT believes this rezoning is still in harmony with the intent of the plan.

### Current Land Uses around Property



### Outside Agency Review:

Staff referred this application to several departments in the city, as well as outside agencies for review. 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.

Additionally DRT has also reviewed the rezoning application against the approval criteria for a zone change as outlined in the analysis below:

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;	While the comprehensive plan calls for this area to remain commercial, the current character of the neighborhood has changed in a way that commercial uses along E. 53 <sup>rd</sup> Place would not be compatible with the uses surrounding the property. Therefore, The proposed I-2 zoning would be a better designation as it would match the current character of the neighborhood.
<input checked="" type="checkbox"/>	The change is compatible with proposed development, surrounding land uses and the natural environment;	The proposed change will be compatible with the surrounding Industrial land uses that can be found in the neighborhood district. Additionally, the area has changed to such degree that maintaining the zoning of the site commercial might create adversity between uses if not properly managed. Therefore, the proposed

Criteria Met?	Sec. 21-3232. Rezoning or Zone Changes	Rationale
		I-2 zoning is a much better designation for the site as it would allow the site to develop in a manner that is consistent with the surrounding environment.
<input checked="" type="checkbox"/>	There is, or will be, adequate public services, (water, sewerage, streets, drainage, etc.);	There are adequate public services for the subject property. No additional public services will be required due to this zone change.
<input checked="" type="checkbox"/>	There is, or will be, adequate public uses (parks, schools, and open space);	There are adequate parks, schools, and open space for the subject property. No additional public uses will be required due to this zone change.
<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 the property in line with the surrounding industrial properties in the area, allowing the applicant to expand their business in conformity with its zoning, affording it the same ability to expand and upgrade as other industrial sites.
<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 has been residential in nature since it was first developed. However, over time, this area has changed from a residential district to an industrial district. Therefore, this zone change will bring the property in line with the surrounding uses of the area, allowing the applicant to develop in a manner that is current with the guidelines of our comprehensive plan.

### **Summary:**

The DRT has concluded that the requested zone change application 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 Industrial character of the surrounding area. Through the review, it is clear that the proposed zone change meets the criteria for zone change from C-3 regional commercial to I-2 medium Intensity Industrial District. The applicant intends to develop the site in accordance to the current requirements of Commerce City's Land Development Code for Industrial standards. This zone change will not create adverse effects to the surrounding properties as the services necessary to serve the applicants proposed addition are already in place. Based on the analysis above, DRT is recommending approval of the requested zone districts for the subject properties.

## Development Review Team Recommendation

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 **7205 E. 53<sup>rd</sup> Pl.** contained in case **Z-968-21** 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 **7205 E. 53<sup>rd</sup> Pl.** contained in case **Z-968-21**, 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 zone change for the property located at **7205 E. 53<sup>rd</sup> Pl.** contained in case **Z-968-21** 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 zone change for the property located at **7205 E. 53<sup>rd</sup> Pl.** Contained in case **Z-968-21**.