



## Legislation Text

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**File #:** Z-936-16, **Version:** 1

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AN ORDINANCE REZONING THE PROPERTY DESCRIBED IN EXHIBIT “A” ATTACHED HERETO AND MADE A PART HEREOF, LOCATED AT 15050 EAST 104<sup>TH</sup> AVENUE, COMMERCE CITY, COLORADO, FROM PUD TO C-2 AND AMENDING THE ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO TO REFLECT SAID REZONING

### **Summary and Background Information:**

The subject property is 43,722 square feet in size, which meets the minimum 8,000 square foot lot size required by the Land Development Code (LDC) for the C-2 zone district. The existing PUD zoning allows a variety of commercial uses, which are most similar to those in the C-2 zone district, such as restaurants, retail stores, and offices. However, the Aspen Hills PUD requires larger buildings than would be required in the C-2 zone district, and does not permit the use of monument signs for the individual pad sites. Larger monuments signs are allowed for the entire development.

The proposed Popeye's restaurant will be 2,297 square feet, with a drive-thru window and ample outdoor patio seating. Landscaping is provided around the perimeter of the site, and bike parking and pedestrian walkways connect to the adjacent streets. The development will meet all applicable standards of the C-2 zone district, and will be able to take advantage of the lower FAR requirement and the signage regulations as laid out in the LDC, which allows a maximum monument sign height of 6 feet.

This zone change to C-2 is preferable to amending the existing PUD for two reasons. First, amending the PUD zone document for the entire Aspen Hills development would require coordination with many different property owners, some of which have existing development. Second, amending the PUD for only one lot creates custom zoning for just that property, which is more difficult to administer.

**Staff Responsible (Department Head):** Chris Cramer, Community Development Director

**Staff Member Presenting:** Caitlin Hasenbalg Long, City Planner

**Financial Impact:** N/A

**Funding Source:** N/A

### **Planning Commission Recommendation:**

On May 3, 2016, the Planning Commission held a public hearing, took testimony, and voted (5 to 0) to forward the zone change request to City Council with a recommendation for approval, subject to the findings of fact.

### **Alternative:**

One option would be for City Council to approve the request as submitted by the applicant; a second option would be to approve the request subject to conditions; a third option would be for City Council to deny the request.