



## Legislation Text

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**File #:** Z-970-21, **Version:** 1

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AN ORDINANCE REZONING FROM C-2 (GENERAL COMMERCIAL DISTRICT) TO PUBLIC. THE PROPERTY LOCATED AT 4761 E 69TH AVENUE, COMMERCE CITY, COLORADO, AS DESCRIBED IN EXHIBIT A, AND AMENDING THE ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO TO REFLECT SAID REZONING.

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

The applicant, South Adams County Fire Department, is requesting to rezone of the entirety of the property located at 4761 E 69<sup>th</sup> Avenue, at the northwest corner of E. 69<sup>th</sup> Avenue and Dahlia Street from General Commercial (C-2) to PUBLIC in order to be able to expand the existing building with an approximately 600 square foot addition. The subject property is approximately 0.29 acres, and contains an existing fire department building previously used as a vehicle maintenance facility. This proposed fire station will serve the existing and new developments in the area. The rezone and proposed development are not expected to impact access to the site and will have minimal impact to traffic patterns.

A concurrent development plan and subdivision plat are in the administrative review process. The proposed addition containing firefighter office and bunk space, along with proposed landscape and other site improvements, will convert the existing site to Fire Station No. 1. Moreover, additional landscaping, patio space for staff, parking improvements, and a screened utility area are proposed with the building expansion. All current regulations and standards will be required to be met with these applications. The proposed rezone is consistent with the future land use and the goals of the Comprehensive Plan.

The Planning Commission has recognized that the proposed zone change and proposed use are consistent with the Comprehensive Plan, will not negatively impact surrounding properties, and will have the potential to positively improve the character of the neighborhood.

*Please see attached Staff Report and draft Planning Commission minutes for detailed background and discussion.*

**Applicable Decision Criteria:** Council will consider the zoning application following a public hearing in a quasi-judicial proceeding. Per LDC 21-3232(5), Council may only approve the zoning amendment application if all of the following criteria are found to be satisfied:

(a)The zone change corrects a technical mistake on the part of the city in classifying a parcel within a specific zoning district; or

(b)The zone change meets all of the following:

(i)The proposed zone district and allowed uses are consistent with the policies and goals of the comprehensive plan, any applicable adopted area plan, or community plan of the city;

(ii)The proposed zone district and allowed uses are compatible with proposed development, surrounding land uses and the natural environment;

(iii)The proposed zone district will have, or future development can provide, efficient and adequate provision of public services, including but not limited to, water, sewerage, streets, and drainage;

(iv)The proposed zone district will have, or future development can provide, efficient and adequate provision of public uses including but not limited to, parks, schools, and open space;

(v)There is a community need for the zoning district in the proposed location, given need to provide or maintain a proper mix of uses both within the city and the immediate area of the proposed use; and

(vi)The area for which zone change is requested has changed or is changing to such a degree that it is in the public interest to allow a new use or density.

[https://library.municode.com/co/commerce\\_city/codes/land\\_development\\_code?nodeId=ARTIIIDERE\\_DIV2RE\\_CAPRECOAP\\_S21-3232REZOCH](https://library.municode.com/co/commerce_city/codes/land_development_code?nodeId=ARTIIIDERE_DIV2RE_CAPRECOAP_S21-3232REZOCH)

**Staff Responsible (Department Head):** Jason Rogers, Community Development

**Staff Member Presenting:** Stacy Wasinger, City Planner

**Financial Impact:** N/A

**Funding Source:** N/A

**Planning Commission's Recommendation:**

On April 6, 2021, 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 Recommendations:**

One option would be for City Council to approve the requests 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.

**Suggested Motions:**

- To accept the Planning Commission's recommendation and findings (does not approve zoning application): I move to accept the Planning Commission's findings and recommendations. [Requires simple majority.]

- To approve the zoning application (first reading): I move to introduce and approve Ordinance Z-970-21 on first reading by Council as seated. [Requires simple majority, but a majority of the members of council in office to override the Planning Commission (i.e., 5 no votes).]

- To finally approve the zoning application (second reading): I move to approve Ordinance Z-970-21

on second and final reading by Council as seated. [Requires a majority of the members of council in office to pass an ordinance on final reading or to override the Planning Commission (i.e., 5 no votes).]