



## Legislation Text

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**File #:** Z-984-22, **Version:** 1

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SECOND AND FINAL READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO BY ZONING THE PROPERTY ANNEXED AS 7001 COLORADO BOULEVARD ANNEXATION FROM ADCO ADAMS COUNTY A-1 TO COMMERCE CITY R-3 (MULTI-FAMILY RESIDENTIAL)

### Summary & Background

On the City Council agenda for the meeting of July 18, 2022, is Ordinance Z-984-22 zoning newly annexed property located at 7001 Colorado Boulevard from ADCO Adams County A-1 to R-3 (Multi-Family Residential). This ordinance was passed on the first reading on June 20, 2022. The details and analysis of the case are found in the Council Communication from the June 20<sup>th</sup> meeting and follow this communication in the packet. The reason for this additional communication is to clarify statements that were made at the June 20 public hearing.

The requested zoning for the property is R-3 (Multi-Family Residential). It is the most appropriate zoning for the proposed use of affordable apartments. At the public hearing, the applicant was asked if there would be any commercial use in the project and the applicant's representatives responded that there may be a not-for-profit located on the first floor that might have retail sales such as coffee in their use. This was not clearly addressed and has led to some confusion. The proposed zoning does not allow commercial use on this property. To have a first-floor commercial use would require mixed-use zoning. However, that zoning requires that the commercial use encompass the entire first floor. That is not something the applicant desires to do currently.

For clarity please read the email below to the applicant that was written by the Community Development Director on January 24, 2022, to clarify for the applicant what was allowed. This email was written in response to his stated desire to include a "community room" within the development.

*"Thank you for sending this. I agree that the R-3 zoning is the most appropriate for the use of affordable housing in a multi-family building. I am going to classify the community room you speak of as an ancillary use to the multi-family use. Most multi-family buildings have some sort of community space so I think that what you are proposing fits. As we get into our comprehensive planning process and update of the land development code there may be zoning changes that would let you convert that space to a commercial space if appropriate. Those changes should occur in the next 12 to 16 months."*

The fact is that the Land Development Code does not contain a zoning district that would allow limited commercial use to include a non-profit as discussed by the applicant in a multi-family building. It has been discussed that a zoning to PUD might allow the desired result but staff has advised the applicant that a PUD zoning would not be supported because it would not meet the intent of the PUD section of the code. A PUD cannot be used to simply avoid the requirements of a straight zoning.

That said, the staff has recommended approval of this zoning because it meets the recommendations of the Station Area Master Plan which were later validated by the Urban Land Institute Study. Both recommend high-density residential on this site and suggest that the best location for commercial

uses is along 72<sup>nd</sup>. Access and visibility on this site are not appropriate for a commercial use that will depend on vehicular traffic. In time, as development occurs in the area surrounding the RTD station a mixed-use zoning specific to properties near transit stations may be appropriate.

**Staff Responsible (Department Head):** Jim Tolbert, Community Development

**Staff Presenting:** Anita Riley, City Planner

**Financial Impact:** N/A

**Funding Source:** N/A