



Zone Change Report

Case #Z-993-24

Planning Commission Date: March 5, 2024

City Council Date: April 1, 2024

GENERAL INFORMATION

PROJECT NAME	QuikTrip Zone Change
LOCATION	8050 Rosemary St.
SITE SIZE	2.40 Acres
CURRENT ZONING	Agricultural District (AG)
APPLICANT	FT-Hwy 2 & Quebec, LLC
OWNER	FT-Hwy 2 & Quebec, LLC
CASE PLANNER	Omar Yusuf

REQUEST

The request is a Zone Change from AG (Agricultural) to I-1 (Light Intensity Industrial).

ZONING

The zoning of a property determines what uses are allowed/not allowed and sets bulk development standards such as setbacks, lot size requirements, and maximum building heights. The City has a variety of zoning districts including residential districts, commercial districts, industrial districts, and other districts such as Public, Agricultural, and Mixed-Use. Zoning districts help create consistency and predictability for development across the City. Zoning districts are general in nature and do not determine what user will occupy a specific parcel. However, zoning districts do determine what types of uses are allowed (and prohibited) on all parcels within a particular district. Zoning is approved by the City Council in the form of an ordinance and “runs with the land” meaning that the zoning for a parcel remains in effect unless it is modified by a subsequent zoning process.

BACKGROUND AND CASE HISTORY

In 1986, this property was annexed (AN-68-86) into the City of Commerce City and zoned (Z-413-86) to Agricultural (AG). The property contained a single-family home that was constructed in 1953 which was then demolished in 2023 (RDEMO23-00003).

ADDITIONAL INFORMATION

There is a concurrent Development Plan (D-564-24) and Final Plat (S-847-24) which are currently under review for this site. The Development Plan consists of a QuikTrip fuel sales/convenience store, approximately 5,312 sf. in size. The property is unplatted and therefore needs a Final Plat to create a lot on which development can occur.

COMPREHENSIVE PLAN (CP) CONSISTENCY

The subject property is designated on the Commerce City Future Land Use Map (FLUP) as *Industrial/ Distribution and Community Commercial Center*, while the Irondale Neighborhood & Infrastructure Plan designates the property as *Commercial/Industrial*. The proposed zoning designation of I-1 is consistent with the Future Land Use Map in the Comprehensive Plan, and with the Irondale Neighborhood & Infrastructure Plan. This zoning is supported by the following goals as outlined in the Commerce City Comprehensive Plan:

- Land Use and Growth (Goal LU 1.1) – Growth and Future Land Use Plan Consistency
 - The proposed Zone Change is consistent with the Future Land Use Plan designation of Industrial/Distribution for this property.
- Land Use and Growth (Goal LU 2.1) – Infill Development Promoted
 - The property is currently unplatted and vacant. A Zone Change to I-1 will promote re-development of the site.
- Land Use and Growth (Goal LU 3.3) – Compatible Uses in All Neighborhoods
 - The surrounding area is zoned mostly I-1 with existing residential and industrial uses. A Zone Change of this property to I-1 would be compatible with the surrounding uses and Irondale neighborhood.
- Economic Development (Goal ED 2.3) – Strengthen Employment Land Base
 - This goal aims to retain and strengthen the industrial base within Irondale. A Zone Change for this property will help retain and strengthen employment opportunities by allowing more land uses.

PROJECT ANALYSIS

Site Overview

The subject property is approximately 2.40 acres, and is located on the northeast corner of Rosemary Street and E. 80th Avenue. The site is currently vacant and contained a single-family home from 1953 to 2023. The demolition of the residence was conducted to make way for a future QuikTrip fuel sales/convenience store.

The subject property is located in the Irondale Neighborhood which contains a mix of uses from residential to industrial. The property is surrounded by industrial zoned properties to the north, the Burlington Northern Railway (BNSF) to the east, and Unincorporated Adams County (ADCO) properties to the west. The Zone Change will allow a number of light industrial and commercial land uses such as fuel sales and convenience store which are allowed by right in I-1 per the Land Development Code (LDC).

Neighborhood Meeting

A neighborhood meeting was conducted on June 21, 2023 at the Municipal Services Center. One resident was in attendance to ask questions and provide comments about the rezoning request. The resident's main concern was if the proposal was going to provide enough buffering along the north property line from the existing residential uses. There was also a concern regarding wildlife getting trapped between fences. The applicant explained that there will be sufficient landscaping to buffer the residential uses and that the fencing would be spaced in a way that would prevent wildlife from being trapped.

Road Network Impacts

The concurrent Development Plan will establish the exact location of the access points to this site. There are two separate access points being proposed off of Rosemary Street. The northern access point will be full movement while the southern access point will be a right in and right out movement. A preliminary traffic report has been reviewed by the DRT and will be approved as part of the Development Plan.

Overall Analysis

The proposed Zone Change has been reviewed by the Development Review Team, including Planning, Engineering, Economic Development, BNSF, South Adams County Fire Department and South Adams County Water and Sanitation District.

The DRT has reviewed the proposal against all relevant City standards and Land Development Code (LDC) requirements for the proposed I-1 zoning. These requirements include, but are not limited to: access, floor area ratio (FAR), minimum lot area, minimum lot frontage, landscaping, and setbacks. There were no comments from referral agencies in opposition to the proposed Zone Change.

ZONE CHANGE APPROVAL CRITERIA

A decision for this case must be based on the following criteria from Sec. 21-3232(5) of the Land Development Code. An application may be approved if:

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

Not Applicable.

(b): The Zone Change meets all of the following:

Criteria (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;

This proposal meets the Future Land Use Plan designation of, *Industrial/Distribution*, and the Irondale Neighborhood & Infrastructure Plan of *Commercial/Industrial*, with the proposed designation of I-1. *Therefore, it can be found that this application meets Criteria (i).*

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

This proposal is requesting the zoning of I-1 which is consistent with the zoning of adjacent properties. Additionally, the FLUP designates the surrounding properties as *Industrial/Distribution*, which is also reflected in the *Irondale Neighborhood & Infrastructure Plan*. Therefore, it can be found that this application **meets Criteria (ii)**.

Criteria (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;

This proposal was referred and reviewed by the applicable public service providers such as Public Works, South Adams County Water and Sanitation District (SACWSD), Mile High Flood District (MHFD) and there are no outstanding concerns. Therefore, it can be found that this application **meets Criteria (iii)**.

Criteria (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;

Future development at this location would have access to public uses. A non-residential parks impact fee will be paid at the time that building permits are issued. Therefore, it can be found that this application **meets Criteria (iv)**.

Criteria (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

The Comprehensive Plan and *Irondale Neighborhood & Infrastructure Plan* designate this area for industrial and commercial uses. This infill development would provide additional services to the community and utilize a vacant site with existing services. Therefore, it can be found that this application **meets Criteria (v)**.

Criteria (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.

The location of the subject property is designated as a *Community Commercial Center* by the Future Land Use Plan which emphasizes the importance of commercial uses to service the community. The *Irondale Neighborhood and Infrastructure Plan* also designates this area for Commercial/Industrial. Both the Comprehensive Plan and *Irondale plan* suggest that this area is intended for light industrial and commercial uses and a Zone Change from AG to I-1 supports that vision. Therefore, it can be found that this application **meets Criteria (vi)**.

CONSIDERATIONS FOR DISCUSSION

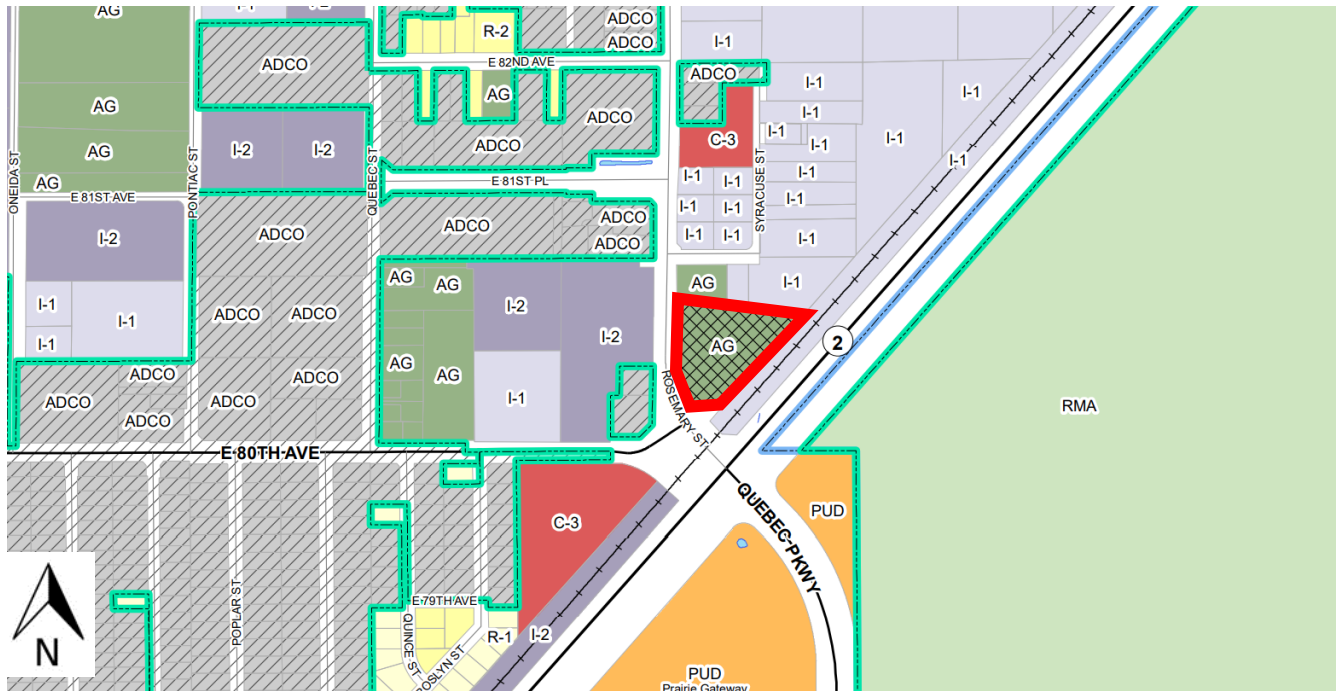
1. Zone Change is consistent with the Comprehensive Plan and Irondale Plan
2. Zone Change allows the site to develop with an Industrial/Commercial use
3. Zone Change allows for the expansion of public services to the site.
4. Zone Change will accommodate for road widening project on Rosemary Street to address traffic concerns.

POTENTIAL MOTIONS

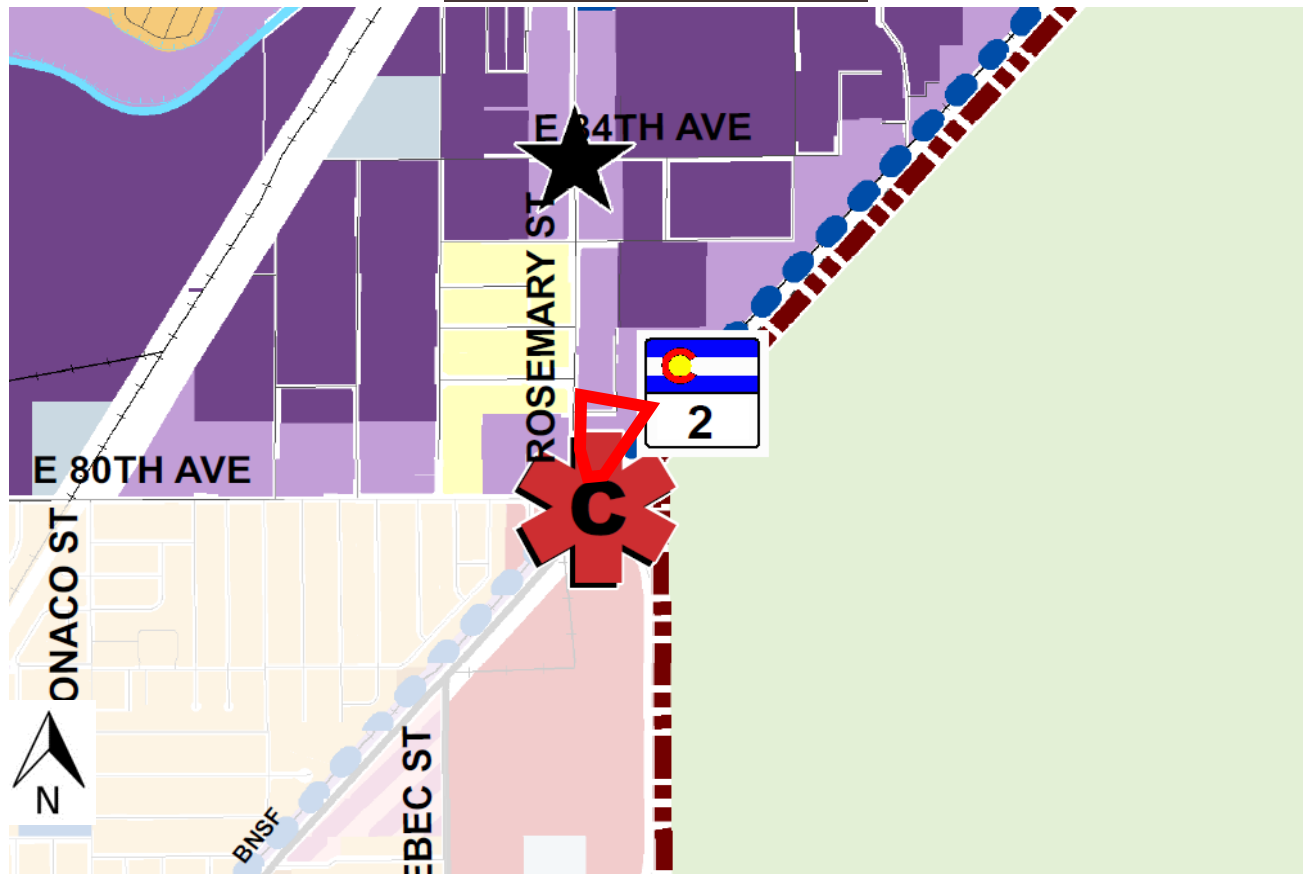
1. Approval
 - a. Planning Commission
 - i. I move that the Planning Commission enter a finding that the requested **Zone Change** for the property located **at 8050 Rosemary Street** contained in case **Z-993-24** meets the criteria of the Land Development Code and based upon such finding, recommend that the City Council approve the Zone Change.
 - b. City Council
 - i. I move that the City Council enter a finding that the requested **Zone Change** for the property located **at 8050 Rosemary Street** contained in case **Z-993-24** meets the criteria of the Land Development Code and based upon such finding, approve the Zone Change.
2. Denial
 - a. Planning Commission
 - i. I move that the Planning Commission enter a finding that the requested **Zone Change** for the property located **at 8050 Rosemary Street** contained in case **Z-993-24**, fails to meet the following criteria of the Land Development Code and based upon such finding, recommend that the City Council deny the Zone Change.
 1. [insert approval criteria not met]
 - b. City Council
 - i. I move that the City Council enter a finding that the requested **Zone Change** for the property located **at 8050 Rosemary Street** contained in case **Z-993-24** fails to meet the criteria of the Land Development Code and based upon such finding, deny the Zone Change.
 1. [insert approval criteria not met]
3. Continuance
 - a. Planning Commission
 - i. I move that the Planning Commission continue the public hearing of the requested **Zone Change** for the property located **at 8050 Rosemary Street** contained in case **Z-993-24**, to:
 1. The next regularly scheduled Planning Commission hearing; or
 2. A date certain.
 - b. City Council

- i. I move that the City Council continue the public hearing of the requested **Zone Change** for the property located **at 8050 Rosemary Street** contained in case **Z-993-24** to:
 - 1. The next regularly scheduled City Council hearing; or
 - 2. A date certain.

Zoning Map



Future Land Use Plan



Aerial Map



Site Photos



View from Rosemary St. facing north



View from Rosemary St. facing southeast