



Council Communication File Number: Z-959-19-24

Agenda Date: 1/6/2025

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Zoning Ordinances

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO BY ZONING THE PROPERTY ANNEXED AS THE CARBAJAL AUTO ANNEXATION FROM ADAMS COUNTY AGRICULTURAL-1 DISTRICT TO REGIONAL COMMERCIAL DISTRICT (C-3)

Summary & Background

The applicant is requesting approval of an annexation zoning from Adams County Agricultural-1 (ADCO A-1) to Commerce City Regional Commercial (C-3) district for a 0.45-acre property, located generally at 8581 Rosemary Street. There is a concurrent Annexation (AN-255-22-24), Final Plat (S23-0005), and Development Plan (D-439-24) applications under review.

The intent of the Annexation and Annexation Zoning of this property is to develop a car dealership. The existing single-family home and garages would remain and repurposed as an office and maintenance garages respectively. The site is bordered by industrial uses to the north and south, a residential unincorporated property directly to the west, and a South Adams County Fire Department fire house to the east.

The site meets all relevant City standards and Land Development Code (LDC) requirements. There are no conditions proposed in conjunction with the annexation zoning.

A full analysis of the approval criteria is provided in the attached Zone Change report. Relevant approval criteria are as follows LDC Sec. 21-3350(2) & 21-3232(5).

Zoning of Newly Annexed Land approval criteria - Land Development Code Section 21-3350(2)

Criteria for zoning. After passage on first reading of an ordinance annexing property to the City, the subject property shall be given the zoning classification:

- (a) Most compatible with the City's comprehensive plan designation of the property;
- (b) Most comparable to the county zoning classification existing on the subject property at the time of acceptance by the City of the annexation petition for the subject property; or

- (c) Most comparable to the present use(s) of the property.

Zone Change approval criteria - Land Development Code Section 21-3232(5)

A Zone Change may be approved only 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
- (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.

Staff Responsible: Jeff Brasel, Community Development Director

Staff Presenting: Nathan Chavez, Planner II

Financial Impact: N/A

Funding Source: N/A

Planning Commission Recommendation: On December 3, 2024, this case was presented to the Planning Commission. The Planning Commission held a public hearing, took testimony, and voted 5 to 0 to forward the annexation zoning request to City Council with a recommendation for approval.

Actions:

Approve the application, in accordance with the PC recommendation;

Approve the application with conditions; or

Deny the application