



Zone Change Report

Case #Z23-0001

Planning Commission Date: July 2, 2024
City Council Date: August 19, 2024

GENERAL INFORMATION

PROJECT NAME	Galatians Commons
LOCATION	6540 Highway 2
SITE SIZE	0.84 Acres
CURRENT ZONING	C-2 (General Commercial District)
APPLICANT	Real Estate Construction Group
OWNER(S)	Galatians Enterprises LLC
CASE PLANNER	Nic Berry

REQUEST

The request is to rezone the property from C-2 (General Commercial District) to R-3 (Multi-Family Residential District).

BACKGROUND AND CASE HISTORY

This property was a part of the original incorporation of Commerce City and has been zoned C-2 since the first zoning map was approved in 1964. There are two existing residential structures on site that were constructed in 1950; these are legal-nonconforming structures.

There is a proposed Development Plan (D-537-24) currently under review. Review for a Development Plan includes drainage, lighting, traffic, signage, architecture, site layout, and landscaping.

COMPREHENSIVE PLAN (CP) CONSISTENCY

The subject property is designated on the Future Land Use Map as Mixed-Use (Corridor and Commercial). The proposed zoning designation of R-3 is inconsistent with the related zonings of Future Land Use Map designation. However, as characterized in the Comprehensive Plan, Mixed-Use does allow for residential uses with density as high as 40 units per acre. Mixed-Use is further described to allow residential to be a part of a horizontal mixed-use project. This zone change is supported by Comprehensive Plan Goal HN3, Increased Range of Housing Prices Goal, which strives to maintain affordable housing options. The intended use of the property is to maintain current structures on site and add additional residential units to provide affordable rental options for Commerce City residents.

PROJECT ANALYSIS

Site Overview

The requested rezoning is for a 0.84 lot, located at 6540 Highway 2. A portion of the lot is developed with an existing four-unit residential structure and a two-unit residential structure.

In general, the subject property is surrounded by commercial zonings with a majority of the zoning established 1964. However, there are also a number of other residential uses, also nonconforming, in the area. Additionally, the general shape of the property and the alignment towards Highway 2 limits visibility of the site. Access for the property is limited to a right-in and right-out only. This combination of orientation and access makes the site undesirable for commercial users.

Road Network Impacts

The subject property has access from Highway 2, which is classified as a principal arterial road. Any additional units to be developed would need to be supported by a traffic study. In general, residential uses are considered low traffic generators, compared to commercial uses.

Neighborhood Meeting

A neighborhood meeting was held on May 30th, 2024 at 6496 Highway 2 (Versatil Event Center). There were no members of the public who attended that meeting.

Overall Analysis

The Land Development Code does not allow expansion of a nonconforming use (Sec. 21-5520). The existing use on site of multi-family is nonconforming. However, if the property were to be rezoned to R-3, any future development would need to comply with the bulk standards of R-3. The subject property currently meets most of relevant City standards and Land Development Code (LDC) requirements for the proposed R-3 zoning. The subject property does not meet the minimum lot frontage requirement. However, the LDC does allow development on nonconforming lots (Sec. 21-5540).

The proposed zone change has been reviewed by the Development Review Team, including Planning, Public Works, CDOT, Economic Development, Parks, Xcel Energy, Fire District, and South Adams County Water and Sanitation District. Code Enforcement, Building Safety, District 14 Schools, Xcel Energy, and the Police Department had no comments.

ADDITIONAL INFORMATION

The applicants' request to change the zoning of the property is for the purpose of adding additional residential structures on site to serve as affordable rental housing. A development plan application will be required if the zone change is approved. With the development plan the site will be reviewed for adequate parking, circulation, other site improvements, and will include a traffic study. Approval of the development plan will be necessary before any building permits are issued.

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.

Criteria (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

Criteria (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 application is consistent with the goals of the Comprehensive Plan. There are no additional area plans for the subject property. *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;

The proposed R-3 zone district is compatible with the existing use of the property. In addition, the site is bordered by residential uses. This zone change would allow for future development of the site that is compatible with how the area has historically been used. *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 zone change application was reviewed by the applicable public service providers, namely Public Works and South Adams County Water and Sanitation District, and Xcel Energy, 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. Any future development of the site will need to have 15 percent of the lot set aside as open space. Parks and Adams 14 will have the opportunity to comment on any future development plan. While each additional unit will be subject to the respective impact fees. *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

Typically, multi-family residential is placed between single family residential and higher intensity commercial uses or major roadways. Therefore, this is a logical location for multi-family development. Further, R-3 zoning in this location would provide a good mix of uses in the area, allowing for commercial, multi-family and single family residential all within close proximity of each other. *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 Mixed-Use development desired by the Comprehensive Plan has not come to fruition in this area or throughout the City. By changing the subject property's zoning to R-3 it would allow for improvements and investment to the site. *Therefore, it can be found that this application **meets Criteria (vi).***

CONSIDERATIONS FOR DISCUSSION

1. The zone change is consistent with the goals Comprehensive Plan but not specifically the Future Land Use Plan Designation.
2. The zone change will bring the existing use into conformance.
3. The zone change will allow the site to expand residential uses.
4. The zone change will allow for development of the site through improvements and investment.
5. The subject property does not meet the lot frontage requirements of R-3.
6. The lot orientation and limited access make commercial development unlikely.

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 **6540 Highway 2** contained in case **Z23-0001** 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 **6540 Highway 2** contained in case **Z23-0001** 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 **6540 Highway 2** contained in case **Z23-0001**

fails to meet the criteria of the Land Development Code and based upon such finding, recommend that the City Council deny 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 **6540 Highway 2** contained in case **Z23-0001** fails to meet the criteria of the Land Development Code and based upon such finding, deny the Zone Change.

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 **6540 Highway 2** contained in case **Z23-0001** 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 **6540 Highway 2** contained in case **Z23-0001** to:
 1. The next regularly scheduled City Council hearing; or
 2. A date certain.

Future Land Use Plan

Future Land Use

- Residential - Low
- Residential - Medium
- Residential - High
- Mixed-Use - E-470
- Mixed-Use (Corridor and Commercial)
- Commercial
- Office / Flex
- DIA Technology
- Industrial / Distribution
- General Industrial
- DIA Reserve
- Utility
- Public/State
- Park
- Open Space



Aerial Map



Site Photos



View from Highway 2 facing northwest (taken June 17, 2024)



Existing two unit residential building (taken June 14, 2024)

Site Photos (continued)



Existing four unit residential building (taken June 14, 2024)