



Council Communication File Number: Z23-0001

Agenda Date: 8/19/2024

Version: 1

Status: Public Hearing

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 REZONING THE PROPERTY GENERALLY LOCATED AT 6540 HIGHWAY 2 FROM GENERAL COMMERCIAL DISTRICT (C-2) TO MULTI FAMILY RESIDENTIAL DISTRICT (R-3)

Summary & Background

Real Estate Construction Group, on behalf of Galatians Enterprises is requesting approval of a Zone Change from C-2 (General Commercial District) to R-3 (Multi-Family Residential District) on approximately 0.84 acres. The intent of the rezone is to allow continued use of existing residential buildings on site and allow for development of additional units in the future.

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.

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 are required before any building permits are issued.

The site will be primarily accessed off of Highway 2, through an existing driveway. Minimal impact to traffic and roadway conditions are anticipated with the new zoning.

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). A full analysis of the approval criteria can be found within the Zone Change Report. Relevant approval criteria are as follows (LDC Sec. 21-3232(5)):

Zone Changes

(5) Approval Criteria. 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
- (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 (Department Head): Jeff Brasel, Interim Community Development Director

Staff Presenting: Nic Berry, City Planner

Financial Impact: N/A

Funding Source: N/A

Planning Commission Recommendation: On July 2, 2024, this case was presented to the Planning Commission. The Planning Commission held a public hearing, took testimony, and voted (4 to 0) to forward the Zone Change request to City Council with a recommendation for approval.

Action Alternatives:

Approve the application in accordance with the PC recommendation;
Approve the application with conditions; or
Deny the application