



Legislation Details (With Text)

File #: ID-165-18 **Version:** 1 **Name:**

Type: Ordinance **Status:** Agenda Ready

File created: 4/19/2018 **In control:** City Council

On agenda: 5/15/2018 **Final action:**

Title: AN ORDINANCE OF THE CITY OF BRIGHTON CITY COUNCIL, APPROVING THE REZONING OF AN APPROXIMATELY 7.39 ACRE AREA OF LAND GENERALLY LOCATED IN THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO, FROM A ZONING DESIGNATION OF PUBLIC LAND (PL) TO A ZONING DESIGNATION OF GENERAL RETAIL AND SERVICES (C-3) (FINAL READING)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Draft City Council Ordinance, 2. Copy of the Planning Commission Recommendation, Resolution #18-04, 3. Aerial Map, 4. Applicant's Zone Change Map, 5. Neighboring Property Owner Notification, 6. Addresses of Property Owners Notified, 7. Buffer Map of Mailing Area, 8. Newspaper Notice, 9. Newspaper Publication Proof

Date	Ver.	Action By	Action	Result
5/15/2018	1	City Council		
5/1/2018	1	City Council		

Department of Community Development

Reference: Fulton Plaza Subdivision Zone Change

To: Mayor Kenneth J. Kreutzer and Members of City Council

Through: Holly Prather, AICP, Community Development Director

Marv Falconburg, AICP, Assistant City Manager

Philip Rodriguez, City Manager

Prepared By: Mike Tylka, Associate City Planner

Date Prepared: April 19, 2018

PURPOSE

The zone change application before the City Council is for approximately 7.39 acres, comprised of part of one existing unplatted parcel, located at the northeast corner of the intersection of Bridge Street and N. 19th Avenue (the "Property"). Currently, the Property has a zoning designation of Public Land (PL). Mr. Christopher Pletcher of Ayres Associates is the applicant, and he is acting on behalf of the property owner, Adams County. The Applicant, on behalf of the owner, is requesting a zone change to General Retail and Services (C-3).

Zoning is necessary as it guides a property's uses allowed by right or conditionally, and this, in turn, allows owners, neighbors, and the community at large to have a reasonable expectation of what can occur on the subject property. City Council is tasked with the final decision on requests to zone and rezone properties within City Limits. An ordinance to

rezone must be approved by City Council via two readings to be considered approved. City staff collects and analyzes application materials, and after a thorough review, presents their findings to Planning Commission and City Council. Requests to rezone are brought before the Planning Commission for their recommendation prior to review and final determination by the City Council.

BACKGROUND

The Property was annexed as a part of a larger annexation in this area in 1960 known as the Court House Annexation. In 1976, the Property was zoned to Public Land (PL) as part of a City-wide zoning ordinance. A request to plat the entire unplatted parcel into two lots, which includes the subject Property, will be coming before City Council on May 15th, and that is the same date as the proposed second reading of the subject rezoning ordinance. This plat proposes to create a lot that will be uniform to the area being proposed to be rezoned. The subject Property is planned to be sold by the County to an independent developer for commercial purposes. The other lot in the plat is to remain zoned as Public Land and continue its use as a County facility. Over the past few years, the County has removed all of their former government office buildings from the subject Property and now the site sits vacant other than remaining asphalted parking areas.

The Applicant seeks to rezone to General Retail and Services (C-3) as this will allow commercial development. Section 17-16-160 of the *Land Use and Development Code* states that “the C-3 District is a general retail and service district designed to provide the broadest scope of compatible services and products for both the general and traveling public. Land within this category should be located along and/or at the intersection of major arterials in sufficient size parcels as to provide for larger buildings and/or uses with sufficient parking and loading areas. This District should not abut a residential district and within each district care should be taken that commercial uses are compatible with each other and the surrounding area.”

Surrounding Land Use(s):

	Land Use(s)	Zoning	Annexation Status
North	Public (Adams County Usage)	PL	City
South	Commercial	C-2, Queen Square PUD	City
East	Multi-Family Residential	Brentwood Village PUD	City
West	Commercial	C-2	City

CRITERIA BY WHICH COUNCIL MUST CONSIDER THE ITEM / STAFF ANALYSIS

When considering this zone change, City Council should use the criteria outlined in the *Land Use and Development Code*, Section 17-8-80 (5). These criteria include, but are not limited to, whether the rezoning is consistent with the Comprehensive Plan and other master plans of the City; whether the rezoning complies with the requirements of the Land Use and Development Code and with the zone district; whether the rezoning provides consistency with the purpose and intent of the Land Use and Development Code; and whether the rezoning provides compatibility with surrounding areas, is harmonious with the character of the neighborhood and is not detrimental to the immediate area, the future development of the area, or the health, safety, or welfare of the inhabitants of the City. As the rezoning is reviewed, it is important to refer back to the criteria in Section 17-8-80 (5) to ensure consistency in review.

Comprehensive Plan:

The Future Land Use Map portion of *Be Brighton*, the Comprehensive Plan, has designated this area as appropriate for Public Land use. The use of the subject Property for uses allowed as C-3 would allow non-governmental and quasi-public or non-profit entities, as allowed in PL, but would also open the Property up to a range of retail and service types including small businesses and commercial centers. The *Plan* outlines that growth should be prioritized in coordination with transportation and further outlines the Bridge Street Corridor as an opportunity area where infill development and redevelopment can work to improve the area’s appearance, investment, and pedestrian and bicycle systems. Additionally, Policy 1.1 of the ‘Managing Growth Principle’ of the *Plan* states that “new growth should favor existing areas of infrastructure investment and planning.” Policy 1.3 outlines that “private development should pay its own way”. The ‘Multimodal Development Principle’ of the *Plan* states that development patterns that support all modes of transportation should be encouraged.

Land Use and Development Code:

Section 17-16-160 (a) states: The C-3 District is intended for general retail and services that provide the broadest scope of compatible services and products for both the general and traveling public. It further outlines that these areas should be along major arterials or at major intersections.

The City Council in making its decision shall use the following criteria (Section 17-8-80 (5)):

- a.) *Complies with the Comprehensive Plan and other master plans of the City;*
The proposed rezoning does not strictly comply with the Future Land Use Map as set forth in the Comprehensive Plan, which designates this area as Public Land. Historically, it is important to note that the PL designation reflected County government uses that existed on the property, prior to and at the time of Plan adoption and/or under County ownership. Now, however, those County government buildings have been removed, the public uses have been discontinued, and the Property (along the Bridge Street frontage) is planned to be sold by the County for private commercial development. Conceptually, Staff deems the Bridge Street corridor in this area as being appropriate for commercial development. In addition, Staff intends to recommend a change to the Future Land Use Map of the Comprehensive Plan, to better reflect the propriety of a commercial corridor along Bridge Street in this area. Where, as here, commercial uses are appropriate along Bridge Street, strict compliance is not required under the circumstances.

As for adherence to *Plan* goals and principles, the zone change encourages growth in an area that has sidewalk and trail pedestrian connections and is adjacent to a bus stop and route, thus it promotes infill and redevelopment in an existing built-up area that is linked to the transportation network in multiple ways. Additionally, with the plat and development agreement in a separate application, the agreement outlined that the future developer will be responsible for adjacent improvements, thus fulfilling the principle that development pay its own way as the developer will pay for any necessary roadway, access, sidewalk, trail, and additional improvements that will benefit the site and the public at large.

- b.) *Complies with the requirements of the Land Use and Development Code and with the zone district;*
The subject property is in compliance with the *Land Use and Development Code* and it meets the requirements for C-3 as the rezoned lot is along a heavily used minor arterial, is large enough to provide sufficient space for buildings and parking, and the uses can be thought of to be compatible with the surrounding area. A portion of the property does abut a residential district, but there is a sizable trail easement and a ditch that act to provide a sufficient buffer as to not unduly affect the existing apartment complex to the east.
- c.) *Provides consistency with the purpose and intent of the Land Use and Development Code;*
The rezoning of this property will facilitate orderly growth and expansion of the City. It will allow for the property owner to market the property to a greater variety of users and eventually one will be able to redevelop under the Commercial Design Standards.
- d.) *Provides compatibility with surrounding areas, is harmonious with the character of the neighborhood and is not detrimental to the immediate area, the future development of the area, or the health, safety, or welfare of the inhabitants of the City;*
The proposed zoning designation of C-3 allows the lot to be opened up to be developed by users that will support Brighton's residents and workers. The area already contains a mix of public, commercial, and high-density residential users.

Development Review Committee (DRC) Review:

The Development Review Committee (DRC) and referral agencies have reviewed the Zone Change and all comments have been resolved. A complete list of comments and the agencies who made them are available upon request.

PUBLIC NOTICE AND INQUIRY

As required by Section 17-8-30(f) of the *Municipal Code*, mailings were sent to all property owners within 300' of this proposed zone change. These mailings were sent on April 11, 2018, and included a letter describing the proposed zoning as well as the time and place for the public hearing. Also included with the letter was a map of the subject area. Along with the public mailings, public hearing signs were posted on April 11, 2018, along Bridge Street and N. 19th Avenue adjacent to the proposed project. Finally, a notice was published in the *Brighton Standard Blade* on April 11, 2018, to give notice to those who are not affected property owners or those who do not drive near this Property on a consistent basis. As of the date of this staff report, no formal comments have been received by staff. Please see all public notice attachments for further detail.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission heard the request on March 13, 2018 and recommended unanimous approval (see the attached Resolution #18-04).

SUMMARY OF FINDINGS AND STAFF RECOMMENDATION

Staff finds that the proposal meets the review criteria found in Section 17-8-80 of the *Land Use and Development Code*, and therefore recommends approval of this Zone Change for the Property to General Retail and Services (C-3).

A draft resolution has been provided to the Council should it decide to proceed with the application as presented.

OPTIONS FOR COUNCIL CONSIDERATION

The City Council has four options when reviewing this Zone Change application. City Council may:

- 1.) Approve the ordinance as drafted;
- 2.) Approve an ordinance with specific changes;
- 3.) Deny the ordinance with specific findings to justify the denial; or
- 4.) Continue the item to be heard at a later, specified date.

ATTACHMENTS

- Draft City Council Ordinance
- Copy of the Planning Commission Recommendation, Resolution #18-04
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- Neighboring Property Owner Notification
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- Newspaper Notice
- Newspaper Publication Proof
- Draft City Staff PowerPoint