



Legislation Text

File #: ID-309-18, **Version:** 1

Department of Community Development

Reference: Rodriguez Camacho Subdivision Zone Change

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

Through: Philip A. Rodriguez, City Manager

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Date Prepared: August 27, 2018

PURPOSE

The zone change application before the City Council is for approximately 0.03 of an acre, located at the site addressed as 248 N. Main Street ("Property"). Currently, the Property has a zoning designation of Light Industrial (I-1). Emil Tanner of Emil Designs, Inc. is the applicant, and Raquel Camacho Armendariz and Carlos Rodriguez Flores are the owners ("Owners") of the Property. The Applicant is requesting a zone change to Downtown (DT).

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 a final determination by the City Council.

If the Property is rezoned to Downtown, zoning is the second step in the overall development process. This step is after annexation and before platting, a Downtown Plan, and building permitting.

Annexation > Zoning > Platting > Downtown Plan > Building Permits

STRATEGIC FOCUS AREA

Recognizable and Well-Planned Community

BACKGROUND

The Property was included within the original city boundaries. In 1984, the Property was zoned to Light Industrial (I-1) as part of a larger rezoning in the area. The Property was first platted as part of the Davis and Riggs's Addition in 1887, and it is part of a proposed minor (administrative) subdivision replat, known as the Rodriguez Camacho Subdivision. This seeks to combine the Property with a formerly unplatted, Downtown zoned parcel to the immediate south. As such, the proposed single lot is split between two zone districts. The request brought by the Applicant seeks to zone the I-1 portion of the lot to match the DT zoning of the other portion. The Property has a one story commercial structure on it, and the southern portion of the newly platted lot has a paved parking lot on it. The past use of both parcels was for that of a used car lot and office. Even though the Owners own both current parcels, the plat is necessary as the owners seek to build

over the current lot line separating the two parcels, and for this reason, the zone change is necessary as well.

The Owners seek to rezone to Downtown (DT) as this will allow for building expansion with favorable setbacks within an urban setting. Section 17-16-90 of the *Land Use and Development Code* states that the District “is intended to create an atmosphere for historic preservation and enhancement. The application of innovative urban design and land use concepts are encouraged in a manner consistent with the Comprehensive Land Use Plan and objectives of the property owners and tenants of the area. The DT District provides for flexibility in design in order to maximize the benefits received from individual or collective improvements in the area. Performance criteria are used to evaluate the DT Plan in lieu of more traditional design standards which have proven to be ineffective if applied without flexibility.” If an applicant’s building and/or site plans do not meet the provisions of the C-3 or R-3 Districts, a DT Plan shall be required.

Surrounding Land Use(s):

	Land Use(s)	Zoning	Annexation Status
North	Commercial	Downtown (DT)	City
South	Commercial	Downtown (DT)	City
East	Commercial	Downtown (DT)	City
West	Commercial/Residential	Light Industrial (I-1)	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 portion of *Be Brighton*, the Comprehensive Plan, has designated this area as appropriate for Downtown use. The designation’s primary purpose is to provide an area for retail, cultural, educational, entertainment, civic, and medium- and high-density residential establishments. This designation discourages light industrial, storage, warehousing, assembly/manufacturing, and auto-oriented uses. The Downtown zoning designation is in alignment with the Downtown Comprehensive Plan designation as it will move the lot toward the designated primary uses and away from those that are discouraged.

The *Plan* outlines that growth should be prioritized in coordination with transportation and further outlines Downtown as an opportunity area where infill development and redevelopment can work to improve the area’s appearance, investment, and pedestrian 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.”

Land Use and Development Code:

In summary, Section 17-16-90 (a) states: The DT District is intended for a diverse set of users in an urban setting with flexibility in design.

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 comply with the Comprehensive Plan, which designates this area as Downtown. The DT zone district will make the Property available to a possible mix of retail, commercial, office, public, and high-density residential users.

As for adherence to *Plan* goals and principles, the zone change encourages growth in an area that has sidewalk connections and is deemed able to densify, thus it promotes infill and redevelopment in an existing built-up area that is linked to the transportation network in multiple ways. The zone change supports increasing foot traffic.

Additionally, with a future DT Plan, site improvements such as landscaping will be addressed administratively.

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 the DT zone district. The zone change will allow future building and site plans to be reviewed with flexibility. It will allow for more dense development and a wide range of building intensities. Uses allowed can be thought of to be compatible as the majority of the adjacent properties are already zoned Downtown.

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 owners to redevelop or occupy the property with a variety of users that align with the Comprehensive Plan designation. A DT Plan will be required for any building expansion.

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 zoning designation of DT eliminates light industrial and most auto-oriented businesses from operating on the site. The Property's rezoning will push it toward being compatible with the future redevelopment of the area.

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 *Land Use and Development Code*, mailings were sent to all property owners within 300' of this proposed zone change. These mailings were sent on August 29, 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, a public hearing sign was posted on August 14, 2018 at the Property. Finally, a notice was published in the *Brighton Standard Blade* on August 29, 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 August 14, 2018 and recommended unanimous approval (see the attached Resolution #18-08).

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 Downtown (DT).

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 the 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 #18-08
- Aerial Map
- Applicant's Zone Change Map
- Neighboring Property Owner Notification
- Addresses of Property Owners Notified

- Buffer Map of Mailing Area
- Newspaper Notice
- Newspaper Publication Proof
- Applicant's Affidavit of Sign Posting
- Draft City Staff PowerPoint