



## Legislation Details (With Text)

**File #:** ID-52-20      **Version:** 1      **Name:**  
**Type:** Ordinance      **Status:** Agenda Ready  
**File created:** 1/27/2020      **In control:** City Council  
**On agenda:** 2/18/2020      **Final action:**  
**Title:** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE ZONING OF AN APPROXIMATELY 3.853 ACRE AREA OF LAND TO GENERAL RETAIL AND SERVICES (C-3), GENERALLY LOCATED IN THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Draft CC\_ORD\_Prairie Corner II, 2. Resolution 20-1 Prairie Corner II Zoning-Planning Commission, 3. Aerial Prairie Corner II Map, 4. Applicant's Zoning Map, 5. NeighborNotification\_Prairie Corner II Zoning\_12.2.19, 6. Buffer Map of Mailing Area, 7. Newspaper Notice\_Prairie Corner II Zoning, 8. Draft CC\_Presentation\_Prairie Corner II-Final

Date	Ver.	Action By	Action	Result
2/18/2020	1	City Council		
2/4/2020	1	City Council		

Department of Community Development

Reference: Prairie Corner II - Zoning

**To:** Mayor Gregory Mills and Members of City Council

**Through:** Holly Prather, AICP, Community Development Director

Marv Falconburg, Acting City Manager

**Prepared By:** Lauren Simmons, AICP, Senior Planner

**Date Prepared:** January 24, 2020

### PURPOSE

The zoning application before the City Council is for approximately 3.853 acres (the "Property"), located near the northeast corner of Eagle Boulevard (aka 144<sup>th</sup> Avenue) and Interstate 76. The Property, formerly owned as right-of-way by the Colorado Department of Transportation was annexed in 1987 and is not currently zoned. The Owner, Mark Connor is requesting a zoning designation of General Retail and Services (C-3) for the Property, which is consistent with adjacent properties, which were zoned C-3 in 2015, known as the Prairie Corner rezoning.

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. It establishes standards for construction including building height, lot coverage, and building setbacks. There are a variety of zone districts within the City including residential, commercial, industrial, mixed-use, and planned unit development (PUD).

City Council is tasked with the final decision on requests to zone and rezone properties within City limits. The *Land Use and Development Code* outlines review criteria upon which the decision should be made. 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 the Planning Commission and thereafter, City Council. Requests to rezone are brought before the Planning Commission for their recommendation prior to review and final determination by the City Council.

### **NEW CODE TRANSITION STATEMENT**

In the City's transition to the newly adopted code, applications submitted prior to the effective date of January 1, 2020, were reviewed by staff using the previous *Land Use and Development Code* and such sections and criteria are referenced in this report.

### **STRATEGIC FOCUS AREA**

Recognizable and Well-Planned Community

### **BACKGROUND**

The Property was annexed into the City in 1987 as right-of-way and part of the Sable No. 1 Annexation. Since the subject property was right-of-way at the time of annexation, it was not zoned at the time of annexation. The Property, since 1987, has remained outside of the ultimate right-of-way for I-76 and is currently located between the existing Prairie Corner property and the Burlington Northern Railroad right-of-way. The Colorado Department of Transportation sold the Property to the owner of the Prairie Corner parcels. The addition of this property to the Prairie Corner parcels would add almost 4 acres of land to the existing 7 acres of land within the future Prairie Corner development. The Property is currently undeveloped, with the exception of existing over-head transmission lines. Development of the Property, because of access restrictions related to the highway, could only occur with the adjacent Prairie Corner property.

### **Surrounding Land Use(s):**

	Land Use(s)	Zoning	Annexation Status
<b>North</b>	Vacant	Bromley Park PUD, 2 <sup>nd</sup> Amendment	City
<b>South</b>	Right of Way	Not Zoned	City
<b>East</b>	Railroad & Barr Lake	Not Zoned/Adams County Agricultural 3	Adams County
<b>West</b>	Right of Way	Not Zoned	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 zoning 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 commercial land uses. The requested zoning, General Retail and Services (C-3) is consistent with the commercial character of this area. Additionally, Principle 9: Develop a Dynamic, Regionally Competitive, and Sustainable Recreation and Tourism Based Industry, Policy 9.3 Ensure that Land Uses and Transportation Support Tourism, which encourages zoning designations at appropriate locations that will support the recreation and tourism industry. The location of the property is one of few properties in city limits that is directly adjacent to Barr Lake and provides access to the trail system. The allowance of commercial uses will be compatible with the adjacent Prairie Corner property zoned C-3, the I-76 highway and provides services for visitors to Barr Lake.

### **Land Use and Development Code:**

Per Article 17-16, Defining and Application of District Regulations (i.e., the zone district regulations), Section 17-16-160

(a) states, “*The C-3 District is a general retail and service district designated 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. The minimum lot size for C-3 is 20,000 square feet, this property exceeds the minimum size for a C-3 property at 167,836 square feet.*”

The City Council in making its zoning determination is required to use the following criteria (Section 17-8-80 (5)):

- a.) *Complies with the Comprehensive Plan and other master plans of the City;*  
As stated above, the Property’s zoning will generally comply with the Comprehensive Plan as C-3 is consistent with the mixed-use commercial character of this area. Additionally, the zoning application seems to support Policy 9.3, “Ensure that Land Uses and Transportation Support Tourism, encourage zoning designations at appropriate locations that will support the recreation and tourism industry.” The location of the property is directly adjacent to Barr Lake. The allowance of commercial uses will be compatible with the adjacent Prairie Corner property zoned C-3, the I-76 highway and provides services for visitors to Barr Lake.
- 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 C-3 zone district.
- c.) *Provides consistency with the purpose and intent of the Land Use and Development Code;*  
The zoning of the Property will facilitate orderly growth and expansion of the City. It will allow for the property owners to expand, enlarge, or otherwise modify a commercial property that is directly adjacent to I-76.
- 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 will bring the zoning classification of the Property into conformance with the character of the surrounding area, and will enlarge a currently vacant property.

#### **Development Review Committee (DRC) Review:**

The Development Review Committee (DRC) and referral agencies have reviewed the zoning request 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 of the *Land Use and Development Code*, mailings were sent to all property owners within 300 feet of this proposed zone change. These mailings were sent on December 31, 2019 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 January 6, 2020 at the subject property. Finally, a notice was published in the *Brighton Standard Blade* on January 1, 2020, 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 January 23, 2020 and unanimously recommended approval (see the attached Resolution #20-01).

#### **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 a C-3 zoning request for the Property. Staff has prepared a draft resolution that recommends approval of the proposed zoning as it in conformance with the Comprehensive Plan.

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 zoning 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 hear at a later, specified date.

**ATTACHMENTS**

- DRAFT City Council Ordinance
- Copy of the Planning Commission Recommendation, Resolution #20-01
- Aerial Map
- Applicant's Zoning Map
- Neighboring Property Owner Notification
- Buffer Map of Mailing Area
- Newspaper Notice