



## Legislation Text

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File #: ID-36-20, Version: 1

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### *Department of Community Development*

Reference: Marrone Trucking Facility Zone Change

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

**Through: Marv Falconburg, AICP, Acting City Manager**

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

**Prepared By: Mike Tylka, AICP, Senior Planner**

**Date Prepared: January 6, 2020**

#### **PURPOSE**

The zone change application before the Commission is for approximately 20 acres, comprised of one unplatted and yet to be annexed parcel, located east of Fulton Avenue approximately one-quarter mile south of its intersection with Bromley Lane ("Property"). Currently, the Property has a zoning designation of Adams County I-1 (Industrial-1). EnviroFinance Group is the applicant working on behalf of the Property owners Kenneth M. Marrone and Marrone EAT, LLC. The Applicant has submitted an annexation petition to the City that is being run through the City's processes concurrently to the Zone Change. The Property owners desire to develop the Property with access to City utilities and therefore must annex. Land annexed to the City must have a City zoning designation, and as such, the Applicant is requesting a zone change to Light Industrial (I-1).

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 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.

#### **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 AREAS**

- Recognizable and Well-Planned Community
- Supportive, Sustainable Infrastructure

#### **BACKGROUND**

The Property is not currently annexed and is adjacent to city limits on three of its four sides. It is currently in use for

agricultural purposes. The Applicant seeks to rezone to allow for the development of the Property for light industrial uses. The Property owners have stated that their desire is to move their trucking company to a portion of the site, but it is important for the City Council to consider the rezoning under the entire scope of uses that could be allowed with the desired zone district. Rezoning is the second step in the land development process with the City (*Annexation > Rezoning > Platting > Site Plan Review > Permits*). A plat and development agreement will be required before site development can occur.

**Surrounding Land Use(s):**

<i>Direction</i>	<i>Land Use(s)</i>	<i>Zoning</i>	<i>Annexation Status</i>
<i>North</i>	Agricultural / Industrial	Light Industrial (I-1)	City
<i>South</i>	Agricultural	Adams County A-1	County (Adams)
<i>East</i>	Industrial	Light Industrial (I-1)	City
<i>West</i>	Industrial	Heavy Industrial (I-2)	City

**CRITERIA BY WHICH COUNCIL MUST CONSIDER THE ITEM / STAFF ANALYSIS**

When considering this zone change, the 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 industrial use. The use of the Property for light industrial uses allowed under the I-1 (Light Industrial) zone district are consistent with the Comprehensive Plan. Primary uses in this designation include, but are not limited to, light and heavy manufacturing, processing, assembly, large distribution warehouses, and truck terminals. Secondary uses in this designation are storage, warehousing, and public facilities. This designation states that industrial uses with large employment bases should be located adjacent to rail, major corridors served by transit, and or infrastructure that supports heavy truck traffic. The Property is adjacent to Fulton Avenue that is a designated Collector Street in the City's adopted Master Transportation Plan and in close proximity to the major transit roadways of US Highway 85, Bromley Lane (Major Arterial), and S. 4th Avenue / Sable Boulevard (Minor Arterial).

**Land Use and Development Code:**

Section 17-16-180 states, "The I-1 District is a general industrial and restricted commercial district intended to accommodate a variety of compatible business, warehouse, wholesale, offices and most manufacturing, processing, fabrication, assembly and storage of nonhazardous and/or non-obnoxious materials and products, as well as allowing service facilities for industries and their employees. Land within this category must have access, parking, loading, fencing and storage area commensurate with the use."

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;*

As stated above, the property's rezoning will comply with the Comprehensive Plan, which indicates the property is intended to be industrial in nature.

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 I-1. The area to be zoned is large enough for future site development to meet development standards in terms of such items as setbacks and minimum lot sizes.

c.) *Provides consistency with the purpose and intent of the Land Use and Development Code; and*

The rezoning of this Property will facilitate orderly growth and expansion of the City. It will allow for the property owner to develop the Property within the City of Brighton for light industrial uses. Additionally, it will allow for the development of the Property under the City's 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 zoning designation of I-1 allows the lot to be opened up to be developed within the City with variety of users that could provide employment opportunities and service to local industry or business. The area already contains a mix of commercial and industrial users adjacent to agricultural ones. The parcel to the immediate south is restricted in regards to future development as it has been placed in a conservation easement to continue its agricultural use. The City's Design Standards will ensure that the development of the Property is conducted in a manner that provides proper screening and buffering to the non-industrial neighbors.

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

The Development Review Committee (DRC) and referral agencies have reviewed the application 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 Municipal Code, mailings were sent to all property owners within 300' of this proposed Zone Change. These mailings were sent on January 2, 2020 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. Additionally, 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 the 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 December 12, 2019 and recommended approval unanimously (see the attached Resolution #19-12).

#### **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 Light Industrial (I-1).

A draft ordinance 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 Zone Change via ordinance as drafted;
- 2.) Approve the Zone Change via an amended ordinance;
- 3.) Deny the Zone Change via ordinance with specific findings to justify the denial; or
- 4.) Continue the item to be heard at a later, specified date if the Council feels it needs additional information to ensure compliance with the approval criteria as set forth in the *Land Use and Development Code*.

Note: A second reading of the ordinance, if approved at first reading, will be required at a future meeting.

#### **ATTACHMENTS**

- Draft City Council Ordinance
- Copy of the Planning Commission Recommendation, Resolution #19-12
- Aerial Map by City Staff
- Zone Change Map by Applicant
- Neighboring Property Owner Notification
- Addresses of Property Owners Notified

- Buffer Map of Mailing Area
- Newspaper Notice
- Newspaper Publication Proof
- City Staff's Draft Presentation