



**COMMUNITY AND ECONOMIC DEVELOPMENT
DEPARTMENT
STAFF REPORT**

Planning Commission

September 26, 2019

CASE No.: RCU2019-00020	CASE NAME: Garcia/Mariposa Rezone
Owner's Name:	Maria and Manuel Garcia
Applicant's Name:	Maria and Manuel Garcia
Applicant's Address:	12710 Yates Street Broomfield, Colorado 80020
Location of Request:	7128 Mariposa Street Denver, Colorado 80221
Parcel #:	0182504108026; 0182504108027
Nature of Request:	Rezone from Residential-1-C (R-1-C) to Residential-3 (R3)
Future Land Use:	Residential
Site Size:	Approximately .56 acre
Proposed Uses:	Multifamily
Existing Use:	Multifamily
Hearing Date(s):	PC: September 26, 2019/ 6:00 pm BOCC: October 15, 2019/ 9:30 am
Report Date:	September 5, 2019
Case Manager:	Layla Bajelan
Staff Recommendation:	APPROVAL with 4 Findings-of-Fact

SUMMARY OF APPLICATION

Background:

The applicants, Maria and Manuel Garcia, are requesting the subject property be rezoned from Residential-1-C (R-1-C) to Residential-3 (R-3). The subject site was previously two separate parcels. The applicant has recently received approval for a Plat Correction to remove the lot line in the middle of the parcels, making them one parcel. The western half contains a legal nonconforming multifamily building that consists of four apartment units. The eastern half serves as the parking lot for the apartment buildings and contains a detached garage.

The applicant has expressed interest in adding additional units to the property that would be similar in size and character to the building that already exists. A conceptual review meeting was held on August 20, 2018 regarding the proposal to add additional units to the property.

The County's Future Land Use designation on the property is Urban Residential. This means that the County's long-term goals are for the area to be developed with residential dwellings at a density greater than one dwelling unit per acre.

Development Standards and Regulations:

Section 2-02-13-06-02 of the County’s Development Standards and Regulations outlines the approval criteria for rezoning a property. The criteria include that the Zoning Map amendment (1) is consistent with the Adams County Comprehensive Plan; (2) is consistent with the purposes of these standards and regulations; (3) will comply with the requirements of these standards and regulations; and (4) is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County.

The subject property is designated as R-1-C on the County’s zoning map. Per section 3-13-01 of the County’s Development Standards and Regulations, the purpose of the R-1-C zone district is to serve exclusively as a single-family district for smaller home sites and smaller homes. The properties surrounding the parcel are all zoned as R-1-C and are primarily used for single-family or public uses. The property directly to the south of the subject parcel is zoned as R-1-C and is used as the Perl Mack Neighborhood Recreation Center. The property directly to the west is a building used by the Crestview Water and Sanitation District. The subject property consists of four (4) attached apartment units and is considered to be a legal nonconforming multifamily use. The proposed request to rezone from R-1-C to R-3 is consistent with the Development Standards and Regulations, as it would correct the legal nonconforming status of the parcel. Section 3-15-01 describes that the purpose of the R-3 zone district is to provide a moderate density district which allows three (3) or more single-family attached residences on a single-family lot or on individually owned lots. The current development, as it exists today, would not be allowed in the R-1-C zone district per our current regulations. The rezoning of this property to R-3 would allow for the current use to be a permitted principle use in the zone district.

The subject request also conforms to the dimensional requirements for the R-3 District. Per section 3-15-07-01 of the County’s Development Standards and Regulations, the minimum lot size for attached dwellings on one lot shall be ninety-five hundred (9,500) square feet. The subject lot is roughly 23,500 square feet. The minimum lot width for attached dwellings on one lot in the R-3 zone is 150 feet. The subject lot has a lot width of 170 feet. The maximum density in the R-3 District shall be fourteen (14) dwelling units per acre. The subject parcel is roughly .56 acres and could provide for a maximum of seven (7) dwelling units. Four dwelling units currently exist on the property.

Future Land Use Designation/Comprehensive Plan:

The Future Land Use Designation on the property is Urban Residential. Per Chapter 5 of the Adams County Comprehensive Plan, the purpose of the Urban Residential zone is as follows: Urban residential areas are designated for single and multiple family housing, typically at urban densities of one dwelling per acre or greater. These areas are intended to provide for development of residential neighborhoods with a variety of housing types, with adequate urban services and transportation facilities. Urban residential areas may include supporting neighborhood commercial uses designed to serve the needs of nearby residents.

The rezone of this property would allow for a variety of housing units in this predominately single-family residential neighborhood. Expanding the housing types within a neighborhood can improve the

character and will allow for the neighborhood to be attractive to a variety of individuals with different income levels. Rezoning the property will also correct the legal nonconforming status that currently exists on the property, allowing the parcel to come in compliance with the current Development Standards and Regulations. The subject property has adequate urban services and will continue to be served by Crestview Water and Sanitation District. The property directly to the south serves at the Community Center/ Parks and Recreation for the Perl Mack neighborhood, so the residents at 7128 Mariposa will have access to these facilities.

In addition to being consistent with the future land use designation, the request supports several Adams County Comprehensive Plan policies, including Policy 2.1.d *Urban Residential Development* - the County has defined unincorporated infill areas and/or municipal and county growth areas as the most desirable location for urban residential development; Policy 4.3.b. *Housing* -institute appropriate programs to provide a variety of housing options for County residents, as identified in the Balanced Housing Plan. Ensure land use plans and development regulations support the types of housing needed to attract businesses and new residents; Policy 7.2.c. *Jobs/Housing Balance* -continue to work towards an appropriate jobs/housing balance that will reduce the amount of out-of-county commuting by residents and employees; Policy 14.5: Maintain and enhance the quality of existing residential neighborhoods.

The proposal to rezone to R-3 and add additional units to an already existing parcel supports the Adams County Comprehensive Plan by being located within a designated infill area. The neighborhood currently consists of primarily single-family dwellings, with limited multifamily options scattered throughout the neighborhood. The redevelopment of this parcel would be an improvement to the character of the neighborhood. Services are already located on the subject parcel and adding a variety of housing types makes the neighborhood appealing to individuals with all income levels.

Apartment units are considered a “missing middle” housing type in unincorporated Adams County. In 2018, Adams County adopted a Balanced Housing Plan that sought to increase housing options within the County. One goal of the Balanced Housing Plan seeks to explore “missing middle” development opportunities and incentives infill development. Promoting the missing middle housing type will help Adams County to be attractive to new businesses and employees of all income levels.

The subject parcel is also located within the Southwest Adams County Framework Plan and the Making Connections Plan boundaries. While both plans focus heavily on transportation improvements, connectivity and commercial/ industrial components of Southwest Adams County, housing and the need for affordable housing options are addressed in both. Apartment units can provide a more affordable option for employees and families. The subject rezone request would also protect the neighborhood from commercial uses and maintain the character of the existing neighborhood.

Site Characteristics:

Currently, the site is being used as multifamily and consists of four apartment units. The current parking lot is located to the east of the buildings and a small detached garage is located on the southern portion of the lot. The parcel is accessed from West 71st Place and all the buildings front on Mariposa Street. The site has great connectivity, as Pecos Street is located several blocks to the west and Highway 36 is located three blocks to the north. The property is surrounded by single family homes, with the exception being the Perk Mack Community Center

directly to the south and the Crestview Water and Sanitation District building to the west. The applicant has provided will serve letters from the Crestview Water and Sanitation District for water and sewer services.

Surrounding Zoning Designations and Existing Use Activity:

Northwest R-1-C Single-Family Residential	North R-1-C Single-Family Residential	Northeast R-1-C Single-Family Residential
West R-1-C Public	Subject Property R-1-C <u>Multi-family</u>	East R-1-C Single-Family Residential
Southwest R-1-C Parks/ Recreation	South R-1-C Parks/ Recreation	Southeast R-1-C Single-Family Residential

Compatibility with the Surrounding Area:

The properties to the north and east have single family residential uses. The property directly to the south serves as the Perl Mack neighborhood Community Center, which has a seasonal swimming pool, community center, and park. The property to the west is the location of a building used by the Crestview Water and Sanitation District. The subject site currently exists as a legal nonconforming multifamily building and the rezone of the property will correct the nonconformity. The neighborhood contains limited multifamily options, with other apartment buildings located to the west and north. The site has established landscaping and, from a recent site visit, the parcel looks well-maintained.

Staff Recommendation:

Based upon the application, the criteria for approval for a rezoning, and a recent site visit, staff recommends Approval of this request with 4 findings-of-fact and two notes:

RECOMMENDED FINDINGS OF FACT REZONING

1. The Zoning Map amendment is consistent with the Adams County Comprehensive Plan.
2. The Zoning Map amendment is consistent with the purposes of these standards and regulations.
3. The Zoning Map amendment will comply with the requirements of these standards and regulations
4. The Zoning Map amendment is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County.

Note to Applicant

1. Approval of the rezone request is not an approval of the conceptual site plan.
2. The applicant shall comply with all building, zoning, fire, engineering, and health codes and regulations during the development of the subject site.

CITIZEN COMMENTS

Notifications Sent	Comments Received
164	4

All property owners and occupants within 750 feet of the subject property were notified of the request. As of writing this report, staff has received four letters of citizen comment. All of the letters were in opposition. One letter was from the neighboring property owner to the southeast. His property is directly adjacent to the proposed detention pond. In his letter, he expressed concern for the potential impacts this will have on his property value, the aesthetics and engineering of the proposed detention pond, and trash that may be generated from the additional units on the subject property. The applicant responded to his concerns in their second submittal by providing a preliminary drainage analysis and ensuring that they would follow all Adams County Development Standards and Regulations related to engineering requirements and screening and landscaping adjacent to his property. There were no further comments from this particular property owner after the applicant’s second submittal. Concerns expressed in the remaining letters were primarily focused on the disapproval for more apartments in this area, parking concerns, and increased traffic. The applicant responded to concerns indicating that at the time of development, they would have to complete a full traffic impact study and they have met all County standards for parking requirements. They also indicated that apartments already exist on the parcel as a legal nonconforming use. After the applicant’s responses were sent out, only one citizen still showed disapproval for additional apartments in the area.

COUNTY AGENCY COMMENTS

Staff reviewed the request and initially Adams County Development Review Engineers had concerns regarding the Preliminary Drainage Analysis. The applicant worked with Staff and in their second submittal they were able to provide a sufficient preliminary drainage analysis. Staff had no further concerns with the rezone request.

REFERRAL AGENCY COMMENTS

Hyland Hills Park and Recreation District provided comments concerning parking and increased density. Hyland Hills runs a seasonal swimming pool directly to the south of the property and was concerned that limited parking on site would mean that visitors and residents would park on their property. In their second submittal, the applicant increased the amount of parking and demonstrated that they will meet all of Adams County parking requirements. No further comments were received from the Hyland Hills Park and Recreation District. Tri-County Health Department and Xcel Energy were not opposed to the rezone and they provided comments related to the future development of the site. These comments have been provided to the applicant and may be addressed when building permits are pursued and construction is taking place.

Responding with Concerns:

Hyland Hills Park and Recreation District

Responding without Concerns:

Tri-County Health

CDOT Colorado Department of Transportation

Xcel Energy

Notified but not Responding / Considered a Favorable Response:

Adams County Fire Protection District

CDPHE

Century Link

Colorado Division of Wildlife

Comcast

Crestview Water and Sanitation

Metro Wastewater Reclamation

North Pecos Water and Sanitation

Regional Transportation District (RTD)

Westminster School District #50