

**CITY OF EVANS, COLORADO**

**ORDINANCE NO. 836-25**

**AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED AT 3705  
CARSON AVENUE FROM THE I-2 (MEDIUM INDUSTRIAL) ZONE DISTRICT  
TO THE R-3 (HIGH-DENSITY RESIDENTIAL) ZONE DISTRICT**

**WHEREAS**, the City Council of the City of Evans, Colorado, pursuant to Colorado statute, the Evans City Charter, and the Evans Municipal Code, is vested with the authority of administering the affairs of the City of Evans, Colorado; and

**WHEREAS**, the Planning Commission of the City of Evans is charged with reviewing various land use applications and providing comments and a recommendation to City Council prior to City Council's consideration of a specific land use application; and

**WHEREAS**, Planet View Inc., ("the Applicant") is authorized by ABW REO's, LLC ("the property owner") of certain real property located within the City of Evans at 3705 Carson Avenue, and more specifically described on Exhibit A, attached ("the Property"); and

**WHEREAS**, the Applicant has submitted an application to rezone the Property from I-2 (Medium Industrial) to R-3 (High-Density Residential) ("the Application"); and

**WHEREAS**, the materials provided by the Applicant fulfill the submission requirements of Sections 18.03.010.E and 18.03.040 of the Evans Municipal Code for a Rezoning application; and

**WHEREAS**, the review process described in Sections 18.03.010 and 18.03.040.C of the Evans Municipal Code was followed by City of Evans staff; and

**WHEREAS**, the Application was provided to all required referral agencies and the issues raised by such agencies have been satisfactorily addressed by the Applicant; and

**WHEREAS**, the criteria to be applied by the Planning Commission and the City Council in considering the Application are set forth in Section 18.03.040.B of the Evans Municipal Code; and

**WHEREAS**, following proper notice, on November 26, 2024, the Planning Commission conducted a public hearing to consider the Application and, based on the Application, the presentation by staff, the presentation by the Applicant, and the comments of the public, the City finds the Application satisfies each of the criteria set forth in Section 18.03.040.B of the Evans Municipal Code as follows:

*1. The proposal is in accordance with the goals and objectives of the Master Plan and any other plan, policy or guidance adopted pursuant to that plan.*

The proposed rezoning to R-3 is aligned with the present and expected future land uses of the area. In particular, the City of Evans Future Land Use Map (FLUM) designates this site for residential-urban land uses. The proposed R-3 zoning allows for a wider variety of residential housing types. Specifically, as the site already has a developed assisted living facility, constructed in approximately 1940, the rezoning better supports the existing land use. In addition to compliance with the Future Land Use Map, the City's Community Master Plan contains a Housing Chapter, which specifically focuses on principles and strategies to increase housing supply for all income levels and price points. In summary, Strategies under Principles H1 and H2 encourage development of higher-density (including multi-family) housing to meet the City's demand for attainable housing. Staff believes that the proposed zone change achieves the goals of the Housing Chapter and the overall Vision and Values of the City's Community Master Plan.

*2. The uses allowed in the proposed zone district will be compatible with the surrounding land uses.*

The existing use of the property is residential, although currently zoned for industrial. The site is defined by two roadways with 37th Street to the north and Carson Avenue to the east.

The surrounding properties are made up of a variety of land uses. There are residential properties on all immediate cardinal directions, ranging from single-family houses to apartments. The properties to the north are zoned R-1 (Low-Density Residential); the properties to the east and west are zoned R-2 (Medium-Density Residential); the property to the south is zoned I-2, although it is occupied by a long-term residential apartment building. Future uses on the subject site, as allowed in the R-3 zone district, are compatible with these surrounding land uses. Any impacts that would be generated by any new use would require commensurate mitigation.

*3. The City or other agencies have the ability to provide services or facilities that may be necessary for anticipated uses in the proposed zone district.*

No capital improvements or new infrastructure demands are generated by this application. Water and sewage disposal is presently serving the lot. The Evans Fire Protection District had advisory comments on this Change of Zone, which relate more to any potential site improvements, outside the scope of this application. Any site plans, construction documents or building plans will require separate review and approval with the Fire District.



*4. The rezoning will serve a community need, provide an amenity or accommodate development that is not possible under the current zoning.*

The City of Evans believes this rezoning supports a community need by correctly aligning the zoning to the current and anticipated residential land uses. This also protects the 37th Street corridor, by removing the opportunity for potential industrial land uses to be located on the direct frontage of this major City roadway, which should be reserved for residential and commercial uses.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANS, COLORADO AS FOLLOWS:**

Section 1. The Property legally described in Exhibit A shall be zoned R-3 (High-Density Residential) in accordance with the zoning plat to be recorded in conjunction with this ordinance. The City Clerk is hereby directed to record this Ordinance with the Weld County Clerk and Recorder. The official City of Evans Zoning Map shall be updated to reflect this zoning change.

Section 2. The City Council's approval is subject to the following conditions of approval, which shall be satisfied prior to recording the plat.

1. The applicant shall review the advisory comments provided by the City of Evans Neighborhood Services Division, dated October 22, 2024.
2. The applicant shall review the advisory comments provided by the Evans Fire Protection District, dated November 4, 2024.
3. The applicant shall submit the revised rezoning plat for review, addressing Planning redlines comments.

Section 3. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

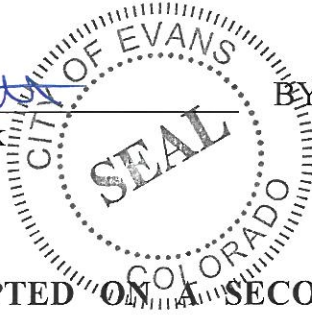
Section 4. Repeal. Existing ordinances or parts of ordinances covering the same matters embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this ordinance.

**INTRODUCED AND PASSED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF EVANS ON THIS 17<sup>th</sup> DAY OF DECEMBER, 2024.**

ATTEST:

CITY OF EVANS, COLORADO

*Julie Barnett*  
Julie Barnett, City Clerk



BY: *[Signature]*  
Mark C. Clark, Mayor

PASSED AND ADOPTED ON A SECOND READING THIS 7<sup>th</sup> DAY OF JANUARY, 2025.

ATTEST:

CITY OF EVANS, COLORADO

\_\_\_\_\_  
Julie Barnett, City Clerk

BY: \_\_\_\_\_  
Mark C. Clark, Mayor

Exhibit A (“the Property”)

Legal Description:

LOTS 1, 2, 3 AND 4, BLOCK 109 ALSO VACATED 15 FEET OF ADJACENT CARSON AVENUE, ALL LOCATED IN THE NE 1/4 OF SECTION 30, TOWNSHIP 5 NORTH, RANGE 65 WEST, 6TH P.M., TOWN OF EVANS, WELD COUNTY, COLORADO

CONTAINING 14026.9 SQ. FT. OR / 0.322 ACRES, MORE OR LESS

ALSO KNOWN AS: 3705 CARSON AVENUE