



# Stout Street Foundation Conditional Use Permit

Case #CUP24-0001

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Location: 7251 & 7201 E. 49<sup>th</sup> Ave.

Applicant: Stout Street Foundation

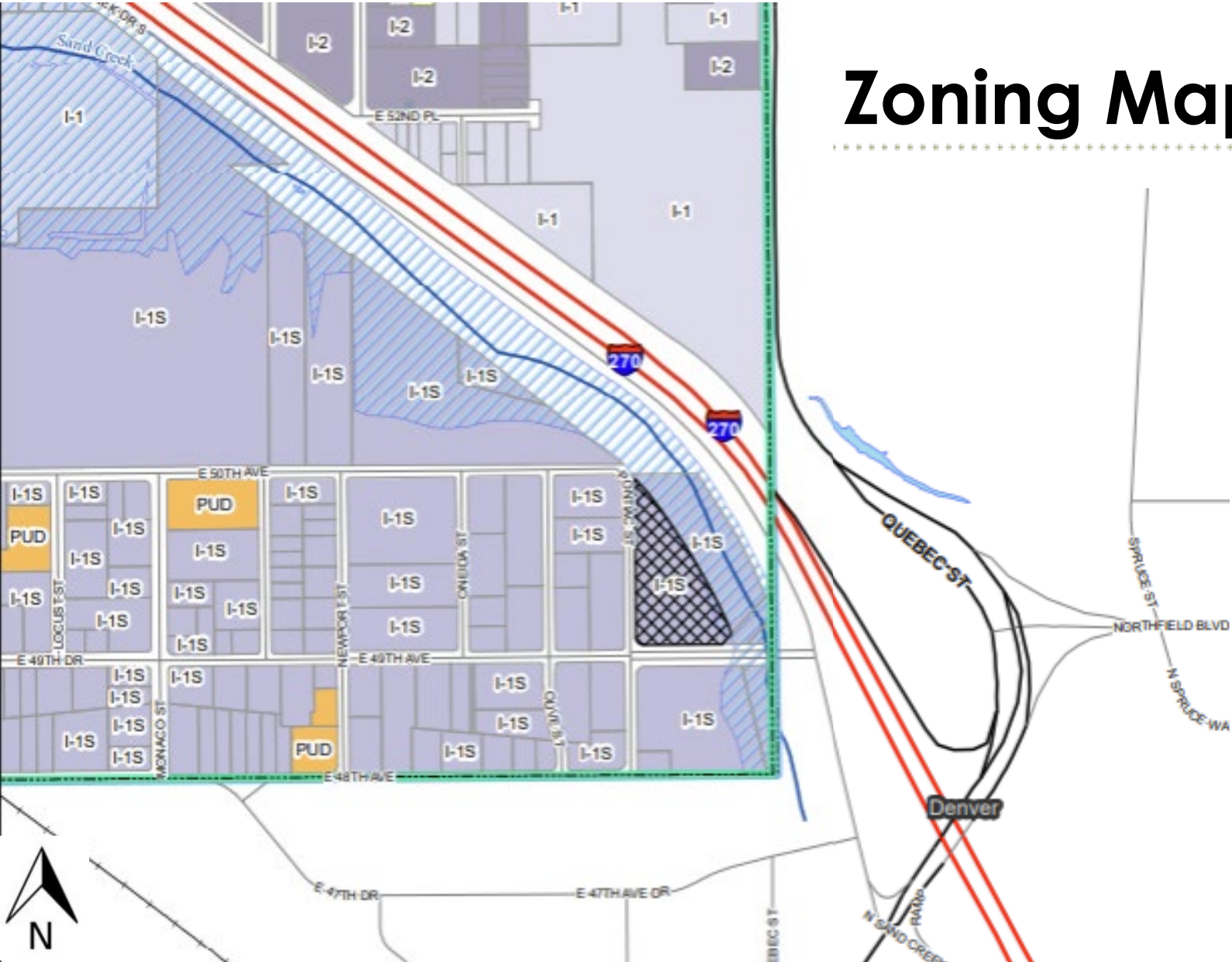
Request: A Conditional Use Permit for an inpatient residential substance abuse treatment facility

# Case Summary

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- Request: A Conditional Use Permit (CUP) for an inpatient residential substance abuse treatment facility.
- In operation since 2003 (occupies old Economy Lodge Hotel)
  - Last CUP has expired
- Location: 7251 & 72014 E. 49th Ave.
- Site size: 4.00 Acres
- Current zoning: I-1S (Industrial Park Storage District)
- Future land use: Industrial/Distribution

# Zoning Map



	Subject Property		I-1S - Industrial Park Storage District		PUD - Planned Unit Development District		Commerce City Boundary
	C-3 - Regional Commercial District		I-2 - Medium Intensity Industrial District		R-1 - Single-Family Detached Residential District		Growth Boundary
	I-1 - Light Intensity Industrial District		PUBLIC - Public District		R-2 - Single-Family Attached Residential District		



# Aerial View



# Current Conditions



# Current Conditions



# Neighborhood Meeting

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- Neighborhood meeting held April 23<sup>rd</sup> from 5:30 pm – 6:30 pm at Stout Street Foundation
- Applicants mailed letters in a 500-foot radius to notify surrounding property owners of the meeting
- No individuals attended the open house style meeting, with the exception of City Staff and Stout Street Foundation representatives

# Planning Commission Summary

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- Seen by Planning Commission on June 4<sup>th</sup>
- There was no public comment
- Planning Commission voted 4 to 0 to recommend approval





# Overall Analysis

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- Proposed Conditional Use Permit has been reviewed by all relevant Development Review Team (DRT) agencies



# Approval Criteria

## Sec. 21-3230(3) – Conditional Use Permit Approval Criteria.

A decision for a CUP must be based on the following criteria from Sec. 21-3230(3) of the LDC. A conditional use permit may be granted if:

a) All of the following criteria are met:

- i. The proposed use will not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, either as they presently exist or as they may exist in the future as a result of the implementation of provisions and policies of the comprehensive plan, this land development code, or any other plan, program or ordinance adopted by the city;
- ii. Any adverse effect has been or will be mitigated to the maximum extent feasible, including but not limited to sufficient landscaping and screening to ensure harmony for adjoining uses;
- iii. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features;
- iv. The proposed use will be adequately served by and will not impose an undue burden on any of the existing improvements, facilities, and services of the city or its residents. Where any such improvements, facilities, utilities or services are not available or are not adequate to service the proposed use in the proposed location, the applicant shall, as a part of the application and as a condition of approval, be responsible for establishing an ability, a willingness, and a binding commitment to provide such improvements, facilities, utilities and services in sufficient time to serve the proposed use;
- v. The applicant has provided adequate assurances of continuing maintenance;
- vi. There is no evidence to suggest that the use violates any federal, state, or local requirements; and

b) One of the following criteria is met:

- i. There is a community need for the use at the proposed location, given existing and proposed uses of a similar nature in the area and of the need to provide and maintain a proper mix of uses both within the city and the immediate area of the proposed use; or
- ii. The use complies with the general purposes, goals, objectives, policies, and standards of the comprehensive plan and all other plans or programs adopted by the city.

# Considerations for Discussion

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- Stout Street Foundation has occupied the property since 2003 and rehabilitated an old hotel.
- Stout Street keeps the property well maintained and takes corrective action for maintenance when necessary.
- The Commerce City Police Department has provided calls for service data which illustrate an annual decrease in the amount of calls for service for the facility.
- The CUP is consistent with the Comprehensive Plan goals and objectives.
- No conditions are proposed with this case.



The applicant has prepared a presentation and is then available to answer any questions.

Staff is also available to answer any questions after the applicant's presentation.



# Approval Criteria

## Sec. 21-3230(3) – Conditional Use Permit Approval Criteria.

A decision for a CUP must be based on the following criteria from Sec. 21-3230(3) of the LDC. A conditional use permit may be granted if:

a) All of the following criteria are met:

- i. The proposed use will not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, either as they presently exist or as they may exist in the future as a result of the implementation of provisions and policies of the comprehensive plan, this land development code, or any other plan, program or ordinance adopted by the city;

**Analysis:** The buildings were originally constructed in 1972 as a hotel and offices around the time the adjacent area was also developed. Stout Street, which has occupied the buildings since 2003, has integrated itself in the neighborhood through continued maintenance of their property and upgrades in landscaping. There is no evidence in the application materials or other information that suggests any undue adverse impacts will be created by the continuation of Stout Street’s operations. The characteristics of the facility will not undermine the industrial zone district requirements. The applicants have worked diligently with various agencies to ensure they are in compliance with state, local, and federal standards. **Therefore, it can be found that this application meets Criteria (i).**

- ii. Any adverse effect has been or will be mitigated to the maximum extent feasible, including but not limited to sufficient landscaping and screening to ensure harmony for adjoining uses;

**Analysis:** Previous applications and conditions have brought increased landscaping and maintenance to the property. The applicants have demonstrated that they keep the property clean and well maintained during their ownership of the site. **Therefore, it can be found that this application meets Criteria (ii).**



# Approval Criteria

All of the following criteria are met:

- iii. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features;

**Analysis:** Stout Street has repurposed an abandoned hotel property for purposes of assisting the community. By taking advantage of existing features Stout Street has not only rehabilitated a potential blighted property, but also has paired with surrounding businesses and the Sand Creek Regional Greenway for opportunities to provide vocational training options to their residents and volunteer work respectively. Furthermore, the closest residential homes are over a quarter mile from Stout Street across the Sand Creek Trail and I-270. The site is large enough for the facility with ample parking and enough room that Stout Street incorporated a garden in the northern corner of the property during the COVID-19 pandemic. **Therefore, it can be found that this application meets Criteria (iii).**

- iv. The proposed use will be adequately served by and will not impose an undue burden on any of the existing improvements, facilities, and services of the city or its residents. Where any such improvements, facilities, utilities or services are not available or are not adequate to service the proposed use in the proposed location, the applicant shall, as a part of the application and as a condition of approval, be responsible for establishing an ability, a willingness, and a binding commitment to provide such improvements, facilities, utilities and services in sufficient time to serve the proposed use;

**Analysis:** The site has been in operation since 2003 and is adequately served by the necessary utilities. Therefore, it will not pose a burden to any existing facilities or utilities. In addition, no agencies have provided reason to believe that there is an undue burden created through Stout Street's existence. **Therefore, it can be found that this application meets Criteria (iv).**

# Approval Criteria Continued

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All of the following criteria are met:

- v. The applicant has provided adequate assurances of continuing maintenance;  
**Analysis:** The applicant has occupied this location for 21 years and has demonstrated their commitment to the area through continual maintenance. Any issues that do arise through Code Enforcement are quickly addressed. **Therefore, it can be found that this application meets Criteria (v).**
  
- vi. There is no evidence to suggest that the use violates any federal, state, or local requirements; and  
**Analysis:** City Staff did not receive any comments to suggest that the applicant is anything other than compliant with all federal, state, and local requirements. The primary purpose of this application is for Stout Street to obtain the proper zoning approvals from Commerce City in order to show the Colorado Behavioral Health Administration that the facility follows local municipal standards. Even though this is lacking, there are annual inspections of the facility by the Colorado Behavioral Health Administration, Adams County Health Department, and South Adams County Fire Department. **Therefore, it can be found that this application meets Criteria (vi).**



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# Approval Criteria Continued

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- b) One of the following criteria is met:
- i. There is a community need for the use at the proposed location, given existing and proposed uses of a similar nature in the area and of the need to provide and maintain a proper mix of uses both within the city and the immediate area of the proposed use; or  
**Analysis:** Stout Street is the only inpatient substance abuse facility within Commerce City and is a needed land use not only for Commerce City but the greater metro area. The use is nestled within an industrial district which provides a buffer to any nearby residential, as well as, allows for job and vocational training opportunities. Therefore, it can be found that this application meets Criteria (i).
  - ii. The use complies with the general purposes, goals, objectives, policies, and standards of the comprehensive plan and all other plans or programs adopted by the city.  
**Analysis:** Stout Street's use is consistent with the purpose, goals, and policies of the comprehensive plan. Specifically, it is supported by Land Use and Growth Goal LU 3.3 by promoting compatible uses in all neighborhoods. The surrounding area is light industrial, which provides job and vocational training opportunities to the residents and provides a buffer to any residential neighborhoods in the City. In addition, Safety and Wellness Goal SW 3.3 – Health and Human Services is met. Stout Street provides critical services to those suffering from substance abuse disorders. Lastly, due to the rehabilitation of the property and continued maintenance, the application also meets goal HN 1.3 – Property Maintenance. Therefore, it can be found that this application meets Criteria (ii).