



Case CU-091-10-15-23

Location: 4901 Krameria St

Applicant: CoreCivic

Request: Conditional Use Permit Renewal

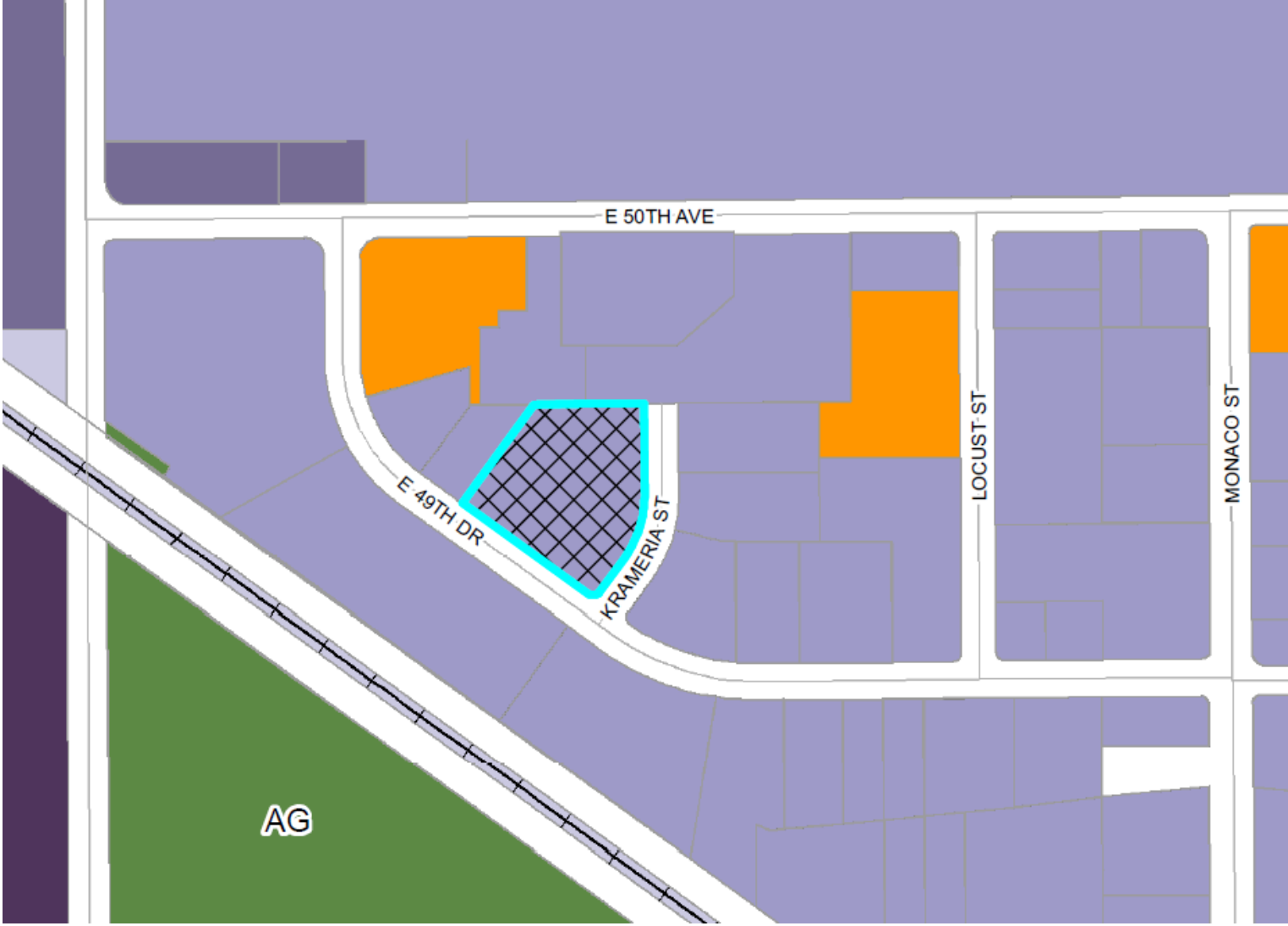
Case Summary

- Address: 4901 Krameria St
- Request: Conditional Use Permit Renewal to allow a corrections facility to continue operation
- Current zoning: I-1S
- Future land use: Industrial/Distribution
- Process: Planning Commission and City Council approval required

Applicant Request

- The applicant is requesting a renewal of their CUP as a result of the previous conditions setting an expiration date of September 21, 2022
- Application for this extension was made in May 2022
- There is no expansion of the facility or operations proposed with this request
- There is no change of use proposed

V-Map



Aerial



CoreCivic

- CoreCivic is a correction facility that safely houses individuals who have served a prison sentence and are transitioning back into the community
- Provides housing, job opportunities, therapy, and other services utilized by the individuals as they serve a sentence or transition into the community
- Benefit to our community through neighborhood clean-ups, volunteering, donation collection, etc.
- Can house up to 136 clients at one time, most stay for an average of 6 months

Case History

- The use of a correctional facility required a use-by-permit until the code was updated and then required a CUP
- Use by Permit was approved with conditions by Board of Adjustment in January 2007
- Conditional Use Permit was approved with conditions by City Council in April 2010
- Conditional Use Permit Renewal was approved with conditions by City Council in September 2015

Case History

- Conditional Use Permit was approved with conditions by City Council in September 2015 (CU-91-10-15) for Time to Change, a community corrections facility at 4901 Krameria St
 - A. The facility shall be prohibited from accepting clients who have been convicted of Sexual Assault and Arson pursuant to C.R.S 18-1.3-406
 - B. The Conditional Use Permit shall expire on **September 21, 2022**. If the applicant wishes to operate the facility after the expiration of this approval, it will be required to renew this Conditional Use Permit.
 - C. The number of clients allowed at this facility shall be limited to 136. Any increase to this number will require the applicant to amend this Conditional Use Permit.
 - D. This facility shall continue to be a single-sex facility only.
 - E. The applicant shall continue to operate the Neighborhood Advisory Board and it shall be comprised of surrounding business owners and operators, surrounding property owners, and anyone in the area that wishes to participate.
 - F. A member of the Commerce City Police Department shall be permitted representation on the board that screens prospective clients for the facility.

Analysis

- CoreCivic has been in good standing with the City according to the Police Department.
- They provide a necessary service for their clients and provide a benefit to our community
- There have been no major issues to report since the last renewal of the CUP
- Some of the previous conditions are no longer necessary and have been removed and replaced with two new modified conditions of approval

Proposed Conditions

- DRT recommends two conditions of approval associated with this request:
 - A. An expansion of the operation of this facility in any capacity shall require a new Conditional Use Permit to address potential adverse effects on adjacent properties including but not limited to the character of the neighborhood, traffic, parking, and public improvements.
 - B. The applicant shall continue to operate the Neighborhood Advisory Board with a Commerce City Police Department representative to ensure that all potential adverse effects related to public safety will be mitigated to the maximum extent feasible.

Proposed Conditions

- Commerce City Police Department is proposing an additional condition:

C. “The applicant shall not accept any client at this facility that is required to register as a sex offender.”

★ This condition was proposed after the Planning Commission hearing on March 7, 2023 ★



Approval Criteria

- (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;
 - This is an existing use that has been in place since 2007. Since 2007 there have been no issues with negative impacts to surrounding properties. Condition A will limit the ability to expand the operation without further review.
 - (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;
 - The use and building have existed since 2007 with little to no adverse effects on adjoining uses. Potential impacts can be mitigated through site improvements and through the Commerce City representative on the Neighborhood Advisory Board.

Approval Criteria

- (iii) The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features;
 - All site conditions are existing but can be improved/modified if negative impacts appear as a result of the use and site design.
- (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;
 - The use has been in place since 2007 and has not created an undue burden on the existing improvements, facilities, or services. Any expansion of the facility is required to be reviewed and approved per Condition A.

Approval Criteria

- (v) The applicant has provided adequate assurances of continuing maintenance;
 - The applicant has indicated that any improvements or maintenance needed to the existing site will be accommodated.
- (vi) There is no evidence to suggest that the use violates any federal, state, or local requirements; and
 - The use being operated at this site has been in good standing with the City and is not in violation of any other regulations mandated on a federal or state level.

Approval Criteria

- (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
 - The Commerce City Police Department stated that the existing use of a Corrections Facility has provided a benefit to the community and has been in good standing with the City. The site is in an appropriate area that does not create conflicts with land use.
 - (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.
 - The site is zoned I-1S and is surrounded by I-1S uses. The use is consistent with the Land Development Code and the Comprehensive Plan

Neighborhood Meeting

- Held on October 6, 2022 at the CoreCivic facility
- No attendees
- As of March 6, 2023 no public comment has been received



PC Recommendation

- On March 7, 2023, the Planning Commission held a public hearing, took testimony, and voted (5 to 0) to forward the Conditional Use Permit request to City Council with a recommendation for approval.

Alternative Options

- A. Remand back to Planning Commission to consider proposed condition from PD

- B. Approve with conditions recommended by DRT

- C. Approve with additional condition proposed by PD

- D. Deny



Staff is available to answer any questions.

The applicant is also present to speak on behalf of this request and to answer any questions that the City Council may have.

