



Council Communication

File Number: Z-979-24

Agenda Date: 10/7/2024

Version: 1

Status: Public Hearing

In Control: City Council

File Type: Zoning Ordinances

Agenda Number:

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO BY REZONING THE PROPERTY GENERALLY LOCATED AT 9022 E-470 FROM AGRICULTURAL DISTRICT (AG) TO REGIONAL COMMERCIAL DISTRICT (C-3)

Summary & Background

The Applegreen Zone Change (Ordinance Z-979-24) was continued from the September 16, 2024 City Council.

The applicant is requesting approval of a Zone Change from AG (Agricultural District) to C-3 (Regional Commercial District) for one, approximately 4.40-acre lot, along the along the eastern (northbound) side of E-470 between East 88th Avenue and East 96th Avenue. The intent of the Zone Change is to develop a convenience food and gasoline travel plaza to serve E-470 commuters. The travel plaza will contain fuel pumps, EV charging stations, a convenience store, and 3 dining options. There is a concurrent Development Plan (D-537-24) application under review in which drainage, traffic, landscaping, architecture, and site layout are reviewed.

Because the site is approximately 0.85 miles to the nearest South Adams County Water and Sanitation District (SACWSD) utilities, the applicant initially proposed an on-site wastewater treatment facility and reserve infiltration area. This is required to serve the property because there is no existing sanitary sewer infrastructure in the vicinity. At the request of SACWSD there is one condition proposed with the Zone Change.

- Once South Adams County Water and Sanitation District (“SACWSD”) has utilities constructed within 400-ft of the Project location, the owner will be required to connect to SACWSD utilities at that time.

The site meets all relevant City standards and Land Development Code (LDC) requirements. A full analysis of the approval criteria is provided in the attached Zone Change report. Relevant approval criteria are as follows (LDC Sec. 21-3232(5)).

Zone Change approval criteria - Land Development Code Section 21-3232(5)

An application may be approved if:

- (a) The zone change corrects a technical mistake on the part of the city in classifying a parcel within a specific zoning district; or

- (b) The zone change meets all of the following:
- i. The proposed zone district and allowed uses are consistent with the policies and goals of the comprehensive plan, any applicable adopted area plan, or community plan of the city;
 - ii. The proposed zone district and allowed uses are compatible with proposed development, surrounding land uses and the natural environment;
 - iii. The proposed zone district will have, or future development can provide, efficient and adequate provision of public services, including but not limited to, water, sewerage, streets, and drainage;
 - iv. The proposed zone district will have, or future development can provide, efficient and adequate provision of public uses including but not limited to, parks, schools, and open space;
 - v. There is a community need for the zoning district in the proposed location, given need to provide or maintain a proper mix of uses both within the city and the immediate area of the proposed use; and
 - vi. The area for which zone change is requested has changed or is changing to such a degree that it is in the public interest to allow a new use or density.

Staff Responsible: Jeff Brasel, Interim Community Development Director

Staff Presenting: Nathan Chavez, Planner II

Financial Impact: N/A

Funding Source: N/A

Planning Commission Recommendation: On August 6, 2024, this case was presented to the Planning Commission. The Planning Commission held a public hearing, took testimony, and voted (5 to 0) to forward the zone change request to City Council with a recommendation for approval.

Actions:

Approve the application, in accordance with the PC recommendation;

Approve the application without conditions;

Deny the application; or

Continuance to Date Certain