



# Conditional Use Permit Report

Case #CUP24-0002

*Planning Commission Date: December 3<sup>rd</sup>, 2024*

*City Council Date: January 6<sup>th</sup>, 2025*

## **GENERAL INFORMATION**

<b>PROJECT NAME</b>	Werthwhile Event Center
<b>LOCATION</b>	7390 Highway 2 (SE corner of Highway 2 and Magnolia Street)
<b>SITE SIZE</b>	0.33 acres
<b>CURRENT ZONING</b>	Planned Unit Development (PUD)
<b>APPLICANT</b>	Sandra Thompson
<b>OWNER(S)</b>	Rogelio & Alicia Muñoz
<b>CASE PLANNER</b>	Omar Yusuf

## **REQUEST**

The applicant is requesting approval of a Conditional Use Permit (CUP) for an Event Center in the PUD zoning district.

## **BACKGROUND AND CASE HISTORY**

The proposed use will be an Event Center called Werthwhile Events. The proposed use will accommodate gatherings such as weddings, baby showers, birthdays, graduations, or studio sessions such as Zumba. The owner proposes four employees and a capacity for 50-80 patrons within the existing 1,740 sf. building. The proposed hours of operation will be seven days a week from 8:00 am to 10:00 pm. The site is historically known to the community as the former, Werthwhile Inn Tavern, which operated from 1933-2023. The property was annexed from Adams County in 1961.

## **COMPREHENSIVE PLAN (CP) CONSISTENCY**

The subject property is designated on the Comprehensive Plan [Character Area Map](#) as *Central Neighborhoods* with a *PUD (Derby)* zoning designation.

The proposed use conforms to the *Central Neighborhoods* designation in aiming to rehabilitate aging structures such as the existing building on site and improve the public

realm by adding soft features such as adding landscaping around the existing structure. The proposed use of an event center is permitted within the existing zoning district through an approval of a CUP. The proposal meets goals identified in commerce and employment and arts, culture, and tourism identified in the 2025 Commerce City Comprehensive Plan.

The subject property is located along the Highway 2 (South). Vasquez Boulevard to Quebec Street is identified as a connected corridor in the comprehensive plan. The proposed use promotes attractive redevelopment that will eliminate the blighted appearance of a vacant building. The Comprehensive Plan also identifies improvements needed along this site which is site screening and buffering and access management. The applicant proposes landscaping between the building and Highway 2 and redesigning the surface parking lot to ensure traffic management within the site. Additionally, through the economic development framework, the redevelopment encourages commercial reinvestment. The building has existed for more than 90 years, with little to no improvements. The applicant has proposed façade and parking improvements and the addition of landscaping.

The request will meet *Commerce and Employment Goal 4: Reinvest in the City's existing commercial and industrial areas*. The existing structure is being repurposed for an event center which will promote redevelopment and business activity on the site. Additionally, this request will also meet Arts, Culture, and Tourism Goal 2: Preserve and build upon the historic qualities that make up what is now Commerce City. The former tavern that occupied the structure since the 1930s has had an historical presence in the Derby Sub-area and would be repurposed ensuring that improvements promote aesthetically pleasing elements such as landscaping, restriping, and new color scheme for the existing structure.

## **PROJECT ANALYSIS**

### **Site Overview**

The CUP request is for an approximately 0.33-acre site, located at 7390 Highway 2. The property bounded by Highway 2 to the west and Magnolia Street to the east. The subject property currently contains an existing 1,740 sq. ft. commercial building built in 1933. The property to the north is the intersection of Highway 2 and Magnolia Street right-of-way. The property to the south is the U.S. Post Office. The properties to the west are a service garage and a commercial storefront property. There are two access points on the site, a right in/right out on Highway 2 and a full movement on Magnolia Street.

### **Agency Comments**

The applicant was receptive to city comments during the referral phase. Planning staff commented on how the parking overflow will be addressed where the applicant identified on-street parking on E. 73<sup>rd</sup> Avenue; Magnolia Street; and E. 73<sup>rd</sup> Place. The applicant also addressed off-street parking striping including ADA compliant parking configuration, landscaping along Highway 2 and Magnolia Street, and interior/exterior building improvements. South Adams Fire Department met with the applicant to conduct a walkthrough the interior of the building. Additionally, a neighborhood meeting was conducted by the applicant on Wednesday, October 9<sup>th</sup>, 2024, and two residents were in attendance. The residents had concerns about parking, safety, and congestion.

### **Overall Analysis**

Staff supports the proposed CUP and there is substantial information that supports the advancement of this project and is able to meet all relevant City standards identified in the Land Development Code (LDC) and the Derby PUD.

The proposed CUP has been reviewed by the Development Review Team, including Planning; Development Review Engineering; Parks, Recreation & Golf; Economic Development; Energy, Equity, and Environmental (E3) Division; South Adams County Water and Sanitation District; South Adams County Fire Department; Economic Development; and Code Enforcement.

### **CONDITIONAL USE PERMIT APPROVAL CRITERIA**

This case is based on the following criteria from Sec. 21-3230(3) of the Land Development Code. An application may be approved if:

**(a): All of the following criteria are met:**

**Criteria (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;**

The building has been an important part of Derby since 1933. The proposed use will conform to the Derby Strategic Planning Area by instilling maintenance and recognition to sites with historical value. Situated along Highway 2, coordinated access and higher quality development will be implemented on this site. The applicant has identified landscaping on all frontages to promote aesthetically pleasing design and soft buffers for traffic and pedestrian safety. Therefore, no

evidence suggest that any undue adverse impacts will be created by the proposed use. *Therefore, it can be found that this application meets Criteria (i).*

**Criteria (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 applicant has proposed landscaping along Highway 2; and Magnolia Street in proximity to the building. This will create aesthetically pleasing design and ensure there is sufficient buffering between the proposed use and the public right-of-way. *Therefore, it can be found that this application meets Criteria (ii).*

**Criteria (iii): The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features;**

Historically, the site has served the community as a tavern which can accommodate an event center by providing ample on-street and off-street parking. The proposed use would avoid the continuation of a blighted site appearance to this site and provides employment and services to the surrounding communities. The applicant proposes re-striping of the existing parking lot, landscape upgrades, and interior/exterior improvements. *Therefore, it can be found that this application meets Criteria (iii).*

**Criteria (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 site can provide all the necessary utilities and services to the proposed use by redevelopment of the site and utilizing the existing services. *Therefore, it can be found that this application meets Criteria (iv).*

**Criteria (v): The applicant has provided adequate assurances of continuing maintenance;**

The proposed improvements will clean up the site and add a trash enclosure is proposed to ensure that solid waste is collected. Landscaping elements will include xeriscape plant material that will ensure sustainability and requires little to no maintenance to the proposed plant materials. *Therefore, it can be found that this application meets Criteria (v).*

**Criteria (vi): There is no evidence to suggest that the use violates any federal, state, or local requirements; and**

Staff did not receive any comments to suggest that the applicant violates any Federal, state, or local requirement. *Therefore, it can be found that this application meets Criteria (vi).*

**(b): One of the following criteria is met:**

**Criteria (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**

There is a community need for an event center in this community. The proposed use would be the second one in the area and would accommodate for large gatherings such as weddings, fifteens, baby showers; and Zumba classes. This location is in walking distance from nearby residential uses which would benefit from this proposed use. The operating hours for the proposed use are more restrictive from the previous use which improves public safety. Therefore, it can be found that this application meets Criteria (i). *Therefore, it can be found that this application meets Criteria (i).*

**Criteria (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.**

Werthwhile events' use is consistent with the purpose, goals, and policies of the Comprehensive Plan. The request will meet both; Commerce and Employment Goal 4 and; Arts, Culture, and Tourism Goal 2: Preserve and build upon the historic qualities that make up what is now Commerce City. *Therefore, it can be found that this application meets Criteria (ii).*

## **CONSIDERATIONS FOR DISCUSSION**

1. Werthwhile event center will provide site improvements and rehabilitate a blighted property in the Derby Sub-area
2. Werthwhile events has provided an off/on street parking plan which identifies parking overflow areas for larger gatherings.
3. South Adams County Fire has walked through the site and has not identified any fire code violations.
4. The CUP is consistent with the Comprehensive Plan goals and objectives.

## **POTENTIAL PLANNING COMMISSION MOTIONS**

1. Approval

- a. Planning Commission  
I move that the Planning Commission enter a finding that the requested Conditional Use Permit for the property located at **7390 Highway 2**, contained in case **CUP24-0002**, meets the criteria of the Land Development Code, and based upon such finding, recommend that the City Council approve the Conditional Use Permit.
- b. City Council  
I move that the City Council enter a finding that the requested Conditional Use Permit for the property located at **7390 Highway 2**, contained in case **CUP24-0002**, meets the criteria of the Land Development Code, and based upon such finding, approve the Conditional Use Permit.

## 2. Approval with conditions

- a. Planning Commission  
I move that the Planning Commission enter a finding that the requested **Conditional Use Permit** for the property located at **7390 Highway 2**, contained in case **CUP24-0002**, meets the criteria of the Land Development Code with conditions, and based upon such finding, recommend that the City Council approve the Conditional Use Permit with the following conditions:  
\*Proposed conditions\*
- b. City Council  
I move that the City Council enter a finding that the requested **Conditional Use Permit** for the property located at **7390 Highway 2**, contained in case **CUP24-0002**, meets the criteria of the Land Development Code with conditions, and based upon such finding, approve the Conditional Use Permit with the following conditions:  
\*Proposed conditions\*

## 3. Denial

- a. Planning Commission  
I move that the Planning Commission enter a finding that the requested **Conditional Use Permit** for the property located at **7390 Highway 2**, contained in case **CUP24-0001**, fails to meet the following criteria of the Land Development Code and based upon such finding, recommend that the City Council deny the Conditional Use Permit.  
→ *List criteria not met*
- b. City Council  
I move that the City Council enter a finding that the requested **Conditional Use Permit** for the property located at **7390 Highway 2**, contained in case **CUP24-0002**, fails to meet the following criteria of the Land Development Code and based upon such finding, deny the Conditional Use Permit.  
→ *List criteria not met*

## 4. Continuance

- a. Planning Commission  
I move that the Planning Commission continue the public hearing of the requested **Conditional Use Permit** for the property located at **7390 Highway 2**, contained in case **CUP24-0002**, to:
  - 1. The next regularly scheduled Planning Commission hearing; or
  - 2. A date certain.
- b. City Council  
I move that the City Council continue the public hearing of the requested **Conditional Use Permit** for the property located at **7390 Highway 2**, contained in case **CUP24-0002**, to:
  - 1. The next regularly scheduled Planning Commission hearing; or
  - 2. A date certain.

## Vicinity Map



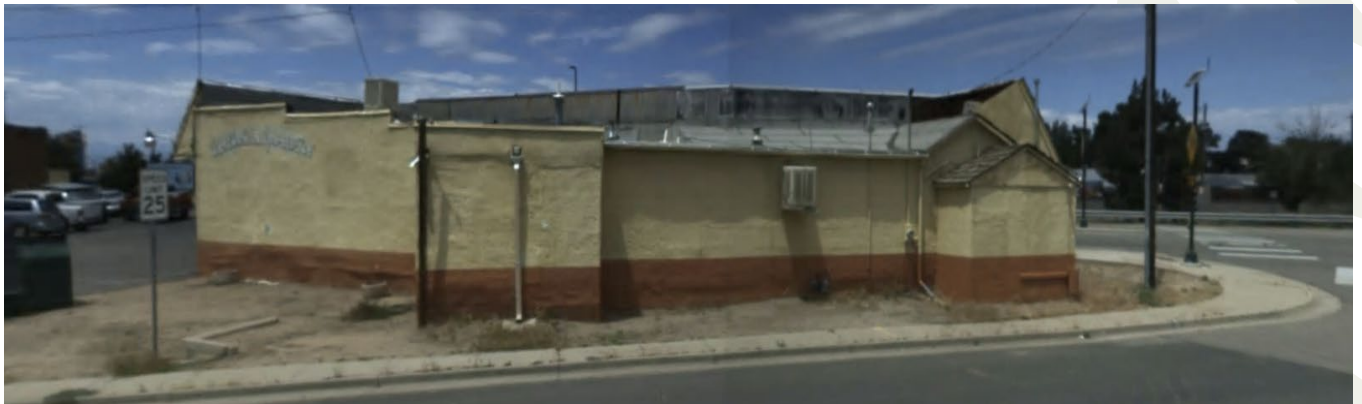


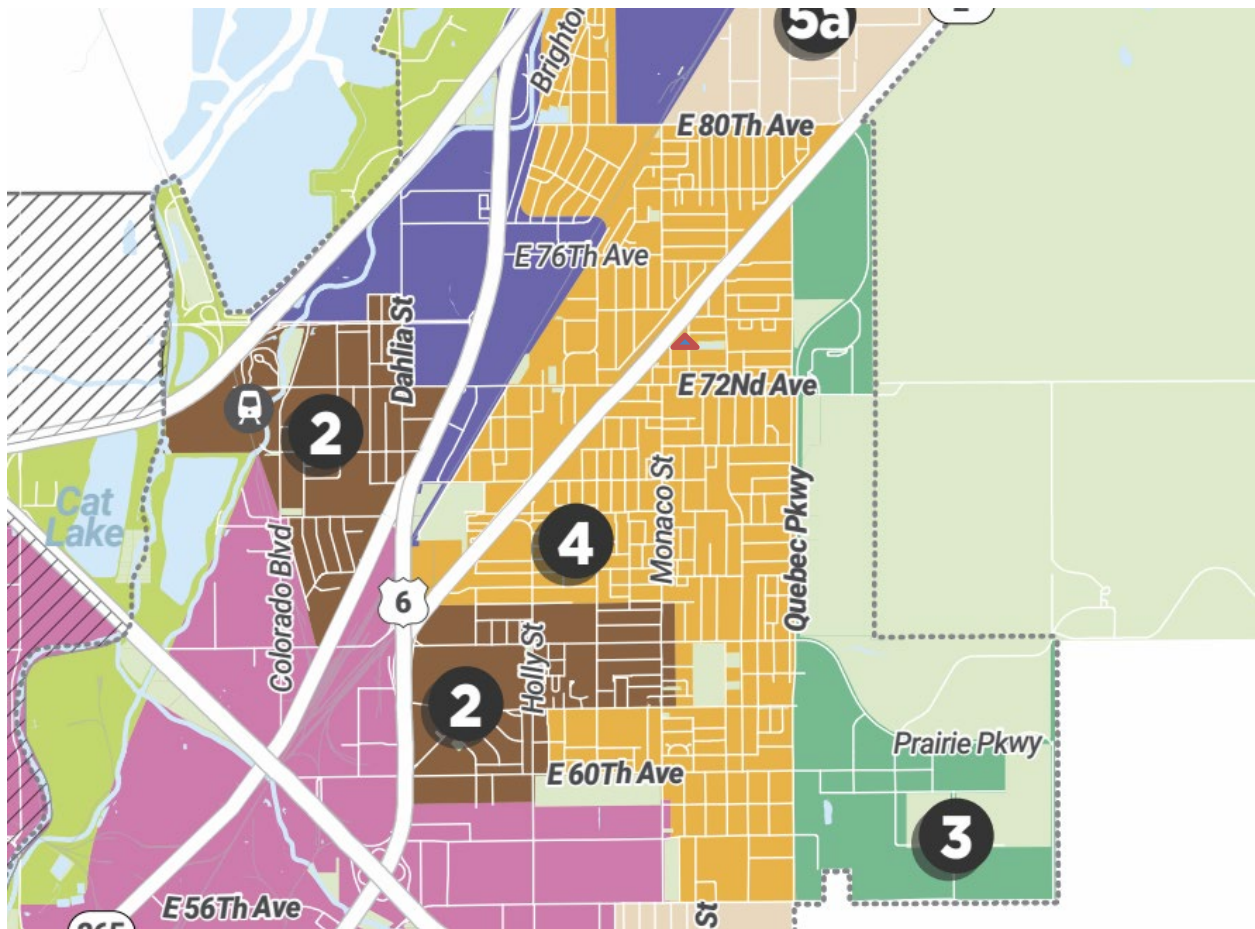
## Current Conditions

West Elevation



East Elevation





**Legend**

- |   |   |
|---|---|
| <b>1</b> 270 Industrial District            | <b>7</b> Northern Business District         |
| <b>2</b> Community Connection District      | <b>8</b> Northern Neighborhoods             |
| <b>3</b> Stadium District                   | <b>9</b> E-470 Expressway Corridor District |
| <b>4</b> Central Neighborhoods              | <b>10</b> DEN Gateway District              |
| <b>5a</b> Fusion District (Irondale)        | <b>11</b> Innovation District               |
| <b>5b</b> Fusion District (South Rose Hill) | <b>12</b> North Airport District            |
| <b>6</b> South Platte District              | <b>13</b> Future Growth Areas               |