



Commerce City

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Council Communication File Number: CUP23-0003

Agenda Date: 3/4/2024

Version: 1

Status: Public Hearing

In Control: City Council

File Type: Conditional Use
Permit

South Adams County Water and Sanitation District, on behalf of Kroenke CC Properties LLC, is requesting a Conditional Use Permit for a water treatment facility, for the property generally located at the northeast corner of E. 74th Place and Quebec Street (west of 7400 Quebec Street), zoned PUBLIC and consisting of approximately 9.738 acres

Summary & Background

South Adams County Water and Sanitation District (SACWSD) is requesting a Conditional Use Permit (CUP) for a water treatment facility on approximately 9.738 acres. The proposed use of the site is additional to the existing Klein water treatment facility, on a separate parcel of land. The existing water treatment facility is located at 7400 Quebec Street.

The surrounding area is primarily vacant to the north and south, with commercial uses allowed per the Prairie Gateway (Victory Crossing) PUD. This site is bordered by the existing water treatment plant with Public zoning to the east, Prairie Gateway PUD to the north and south, and R-1 (Single-Family Residential) to the west.

The proposed facility will implement a more efficient treatment process for the removal of perfluorooctane sulfonate (PFAS) and perfluorooctanoic acid (PFOA). The removal of these chemicals is to meet health advisory standards promoted by the Environmental Protection Agency (EPA). All treatment activities are proposed to occur inside the new facility.

The site is currently vacant. A concurrent development plan (D23-0009) is under administrative review. An approximately 17,000 square foot building is proposed toward the east side of the property, utilizing the existing facility accesses on the adjacent property. Improvements and site upgrades such as landscaping, parking, and on-site stormwater facilities are proposed.

The site will be primarily accessed off of Quebec Parkway, to the east through the existing facility. No truck or heavy traffic will enter off of Quebec Street, to the west. Minimal impact to traffic analysis and roadway conditions are anticipated with the new facilities.

The site will be able to meet all the relevant City standards and Land Development Code (LDC) requirements for the proposed Conditional Use Permit. These

requirements include, but are not limited to: access, landscaping, buffering, and setbacks.

A full analysis of the approval criteria is provided in the attached Conditional Use Permit report. Relevant approval criteria are as follows (LDC Sec. 21-3230(3)):

Conditional Use Permits

(3) Approval Criteria. An application may be approved 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.

Staff Responsible (Department Head): Jared Gerber, Community Development Director

Staff Presenting: Stacy Wasinger, City Planner

Financial Impact: N/A

Funding Source: N/A

Planning Commission Recommendation: On February 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 Conditional Use Permit request to City Council with a recommendation for approval, with four conditions:

- A. South Adams County Water and Sanitation District (SACWSD) shall cause the Property to be established as a legal parcel, either through subdivision or through a warranty deed as provided in LDC Sec. 21-6100(2)(c). The applicant shall provide a copy of the warranty deed to the City.
- B. Landscaping required per LDC Article 7, Division 5 (including a minimum of 20 trees and 91 shrubs) shall be provided and concentrated on the west side of the subject property to provide additional buffer to existing Quebec Street and neighboring properties.
- C. Commercial vehicles greater than two (2) axels shall not enter or exit through the access from Quebec Street, on the west side of the property.
- D. A drainage easement over the proposed storm water retention area shall be dedicated at the time of final plat of the property.

Action Alternatives:

- 1. Approve the application, with conditions, in accordance with the PC recommendation;
- 2. Approve the application; or
- 3. Deny the application