

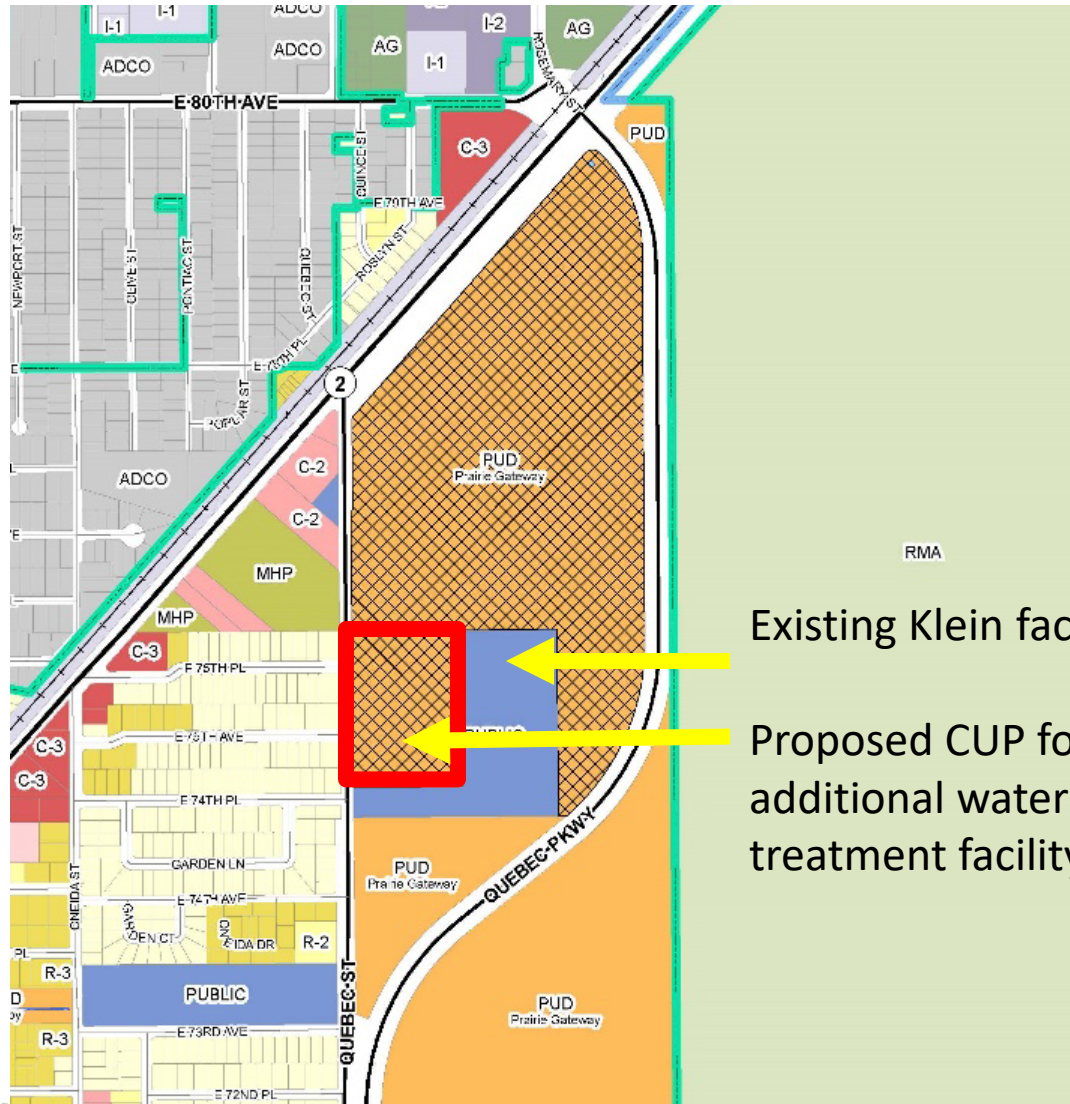


Case # CUP23-0003

SACWSD Water Treatment Facility

Location:	West of 7400 Quebec St.
Applicant:	South Adams County Water and Sanitation District
Request:	Conditional Use Permit

Vicinity Map



Existing Klein facility

Proposed CUP for
additional water
treatment facility

Case Summary

- Parcel adjacent west of 7400 Quebec St. (existing facility)
- Request: Conditional Use Permit (CUP) for a water treatment facility
- Current zoning: Public (zone change passed on second reading 2/5/24)
- Future land use: Commercial/Utility
- ~ 9.736 acres
- Development Plan in concurrent administrative review



Site Aerial



Background and Applicant's Request

- Currently vacant, recently rezoned to Public
 - Allows a water treatment facility by CUP
- Proposed use of water treatment facility
 - ~17,000 sq. ft. building
 - PFAS treatment to serve current and future need
 - All treatment equipment/activity in building
 - Install landscaping, additional parking, and associated site improvements
 - Potential expansion area east of proposed building



[illegible]

Case Analysis

- Proposed use consistent with Public zoning
- Noise and vibration study conducted – no known mitigation needed
- DRT agencies reviewed project; no outstanding comments or objections
- Four (4) conditions suggested
- There is sufficient evidence in the record to demonstrate that the CUP meets the approval criteria in LDC Sec. 21-3230(3), with four conditions.



Commerce
CITY

Suggested 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. *(Approval Criteria (a)(i))*
- 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. *(Approval Criteria (a)(ii))*
- C. Commercial vehicles greater than two (2) axles shall not enter or exit through the access from Quebec Street, on the west side of the property. *(Approval Criteria (a)(iv))*
- D. A drainage easement over the proposed storm water retention area shall be dedicated at the time of final plat of the property. *(Approval Criteria (a)(iii))*

Public Comment

- Staff received three emails and three phone calls for the associated zone change; none specifically on CUP application
- Public comment at PC meeting for zone change
- Applicant held neighborhood meeting November 29, 2023
 - Concerns expressed regarding noise and lights
 - Applicant proposes coordinating landscaping design with neighbors

Case Considerations

- The is CUP consistent with the Comprehensive Plan goals and objectives.
- The facility would provide capacity for existing services and future growth.
- The Energy, Equity, and Environmental (E3) Division supports the project to reduce PFAS contamination.
- Noise and vibration concerns have been expressed by the neighbors regarding the existing facility located directly to the east of this site.
- SACWSD anticipates federal mandates requiring this type of water treatment in the near future.

Planning Commission

- On February 6, 2024, the Planning Commission held a public hearing, took testimony, and voted (5 to 0) to forward CUP23-0003 to City Council with a recommendation for approval, with four conditions.



Sec. 21-3230(3)- Conditional Use Permit 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;
- (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 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.



Site Photos



View from Quebec St. NE



View from Quebec St. SE

CUP Approval Criteria

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

(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;

- This application is consistent with the existing water treatment facility and the expected non-residential development to the north. There is no evidence in provided application materials or other information that undue adverse impact will be created from the new facility. A condition to require a parcel be created for the site and appropriate connections to the existing site will ensure all LDC and Engineering Standards are met. *Therefore, it can be found that this application meets Criteria (i).*

CUP Approval Criteria

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

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;

- There is no evidence to show adverse impact from the new facility. Any impacts to infrastructure will be mitigated with the development of the site. With a condition to concentrate landscaping to create a visual and audial barrier for the existing neighborhood to the west, potential impacts can be further mitigated. *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;

- This CUP application was reviewed by the applicable public service providers, including Public Works and South Adams County Water and Sanitation District, and there are no outstanding concerns. The recommended condition for a drainage easement at time of parcel creation will ensure all Engineering Standards are met. *Therefore, it can be found that this application **meets Criteria (iii)**.*

CUP Approval Criteria

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

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;

- Future development at this location would have access to public uses. As a non-residential zone district, future development would not create excessive demand for facilities and services. Additionally, a condition that limits commercial traffic to the Quebec Parkway access point will ensure no adverse impacts to Quebec Street. *Therefore, it can be found that this application meets Criteria (iv).*

CUP Approval Criteria

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

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

- The applicant has provided operations and maintenance information sufficient to satisfy this requirement. *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

- There is no evidence to suggest that the proposed use violates any federal, state, or local requirements. The stated purpose of the facility is to meet federal health guidance standards. *Therefore, it can be found that this application meets Criteria (vi).*

CUP Approval Criteria

(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

- The proposed water treatment facility is intended to meet federal health guidance and provide for current and future needs in the service area. The proposed location creates efficiency with the existing water treatment facility, and utilizes existing utility lines for raw water. *Therefore, it can be found that this application **meets Criteria (i).***

CUP Approval Criteria

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

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.

- The water treatment facility is consistent with the purpose, goals, and policies of the comprehensive plan. Specifically, it supported by Public Facilities and Infrastructure Goal 1 in the Comprehensive Plan, which strives to coordinate utilities and infrastructure with other districts to serve residents. It is also in line with Environmental Conservation and Stewardship Goal 4, which aims to conserve and protect water resources and quality. *Therefore, it can be found that this application **meets Criteria (ii)**.*