



Zone Change Report

Case #Z-979-24

Planning Commission Date: August 6, 2024

City Council Date: September 16, 2024

GENERAL INFORMATION

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|------------------------|--|
| PROJECT NAME | Applegreen Northbound Zone Change |
| LOCATION | 9022 E-470 (eastern side of E-470 between East 88 th Avenue and East 96 th Avenue) |
| SITE SIZE | 4.40 Acres |
| CURRENT ZONING | AG (Agricultural District) |
| PROPOSED ZONING | C-3 (Regional Commercial District) |
| APPLICANT | Applegreen |
| OWNER(S) | E-470 Authority |
| CASE PLANNER | Nathan Chavez |

REQUEST

The request is to rezone the lot from AG (Agricultural District) to C-3 (Regional Commercial District).

BACKGROUND AND CASE HISTORY

The E-470 Authority was established in 1985 for the purpose of constructing and maintaining the E-470 public highway. In the mid-1990s the Commerce City stretch of E-470 was constructed. In 2022, the next phase of E-470 road widening from I-70 to East 104th Avenue expansion began. The project is anticipated to be complete in 2025. The E-470 Authority selected Applegreen, a convenience food and gasoline travel plaza service company to serve commuters within the E-470 right-of-way. A Final Plat (S-815-24) was recently approved and recorded for the site in August 2024.

ADDITIONAL INFORMATION

There is a proposed Development Plan (D-537-24) currently under review. Review for a Development Plan includes drainage, lighting, traffic, signage, architecture, site layout, and landscaping. The proposed site plan and elevations are included in the packet.

COMPREHENSIVE PLAN (CP) CONSISTENCY

The Comprehensive Plan [Future Land Use Plan](#) designates the surrounding areas as Commercial and Office/Flex. The Future Land Use Plan, provides flexibility to unforeseen opportunities if the Comprehensive Plan's objectives are met and Commercial designations are adjacent to the right-of-way. A Commercial designation has related zoning of C-1, C-2, C-3 and PUD. The

proposed C-3 (Regional Commercial District) zoning district is consistent with the Future Land Use Plan designation.

This application meets numerous [Land Use and Growth policies](#) within the Comprehensive Plan including LU 1.1—Growth and Future Land Use Plan Consistency and ED 4.1—Support Retail Development. The proposed development allows for the construction of the travel plaza and services in an area that would otherwise not occur because the land is E-470 right-of-way. The proposed travel plaza is one of the few developments that the E-470 Authority will allow within their right-of-way. While the site can only be accessed via E-470, additional jobs and tax revenue are created through this proposal. Therefore, the request is consistent with the comprehensive plan.

PROJECT ANALYSIS

Site Overview

The requested zone change is for an approximately 4.40-acre lot located along the eastern side of E-470 between East 88th Avenue and East 96th Avenue. The site is proposed as a travel plaza which will include fueling stations, EV charging stations, restaurants, and a convenience store. The site is surrounded by E-470 right-of-way with access via a deceleration and acceleration lane along E-470. There is no other means to access this site besides E-470.

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. Recently the applicant's preliminary findings suggest that a gravity sewer connection to SACWSD might be the best option moving forward, with the on-site wastewater treatment facility and reserve infiltration area as option B. To appropriately plan for either situation, Staff is recommending a condition to the Zone Change which requires any development connect to SACWSD once utilities are within 400-ft. of the subject site.

Road Network Impacts

There are no significant impacts or additional trips to the Commerce City road network as the proposed site captures existing naturally occurring traffic generation along Southbound E-470 and does not act as trip generators on its own. As such, no additional traffic is expected at the interchanges at East 96th Avenue or future East 88th Avenue. Lastly, during review of the Development Plan (D-538-24) additional safety appurtenances were added and redundant accesses removed to ensure the ingress and egress for the sites directly on and off of E-470 conveyed traffic safely and efficiently.

Overall Analysis

The proposed zone change has been reviewed by the Development Review Team (DRT) including Planning; Public Works; Development Review Engineering; Parks; 27J School District; Economic Development; South Adams County Fire Department; Xcel Energy; and South Adams County Water and Sanitation District. There were no comments from referral agencies in opposition to the proposed zone change. A preliminary traffic and drainage report have been

reviewed and approved by the DRT. The DRT has found that there are no adverse impacts to traffic and drainage is adequately accommodated.

ZONE CHANGE APPROVAL CRITERIA

A decision for this case must be based on the following criteria from Sec. 21-3232(5) of the Land Development Code.

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

Not Applicable

Criteria (b): The zone change meets all of the following:

Criteria (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;

The proposed C-3 (Regional Commercial District) zoning district is listed as a related zoning to the Commercial Future Land Use Plan designation. *Therefore, it can be found that this application meets Criteria (i).*

Criteria (ii): The proposed zone district and allowed uses are compatible with proposed development, surrounding land uses and the natural environment;

The purpose of the C-3 (Regional Commercial District) is to provide for general retail, commercial, and personal services for both the general and traveling public in an interstate and regional context. The proposed fuel station, convenience store, and restaurant land uses provide these services along E-470 where no services or retail currently exist. The site is contained within the E-470 right-of-way and is not viewable from surrounding properties. No other land use is appropriate in this location. *Therefore, it can be found that this application meets Criteria (ii).*

Criteria (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;

This zone change application was reviewed by the applicable public service providers, including Public Works, South Adams County Water and Sanitation District (SACWSD), Adams County Health Department (ACHD), and Colorado Department of Public Health & Environment (CDPHE). All agencies have no outstanding concerns regarding the currently proposed on-site wastewater treatment facility and reserve infiltration area which is necessary to serve the property. The applicant has recently indicated to Staff that they are further exploring a gravity sewer connection to SACWSD. While the sewer connection is the preferred option for the applicants and review agencies, the on-site wastewater facility is the backup plan. Regardless of which option is taken, both

are viable to develop the property and appropriate agency approvals will be required as a condition of obtaining building permits. Lastly, Staff has included a condition of approval, requiring the development to connect to SACWSD utilities once services are within 400-ft. of the subject property. *Therefore, it can be found that this application meets Criteria (iii).*

Criteria (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;

Future development at this site is meant for vehicular users to access a commercial rest stop. Users of E-470 are able to access public uses by exiting E-470 into Commerce City. *Therefore, it can be found that this application meets Criteria (iv).*

Criteria (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

Commercial is a highly desired land use type within the City. While only accessible via E-470, an additional opportunity to access charging stations, fuel stations, conveniences store, and dining options is made available through this zone change. In addition, the facility will directly serve vehicular users of E-470 which is a service that does not currently exist within Commerce City. *Therefore, it can be found that this application meets Criteria (v).*

Criteria (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.

The purpose is to develop the site as a commercial rest stop with fuel stations and dining options for E-470. There is currently no service provided along E-470. *Therefore, it can be found that this application meets Criteria (vi).*

CONSIDERATIONS FOR DISCUSSION

1. The Zone Change is consistent with the Comprehensive Plan.
2. The Zone Change allows the site to develop as a vehicular travel plaza including EV charging stations, convenience store, fuel stations, and dining options.
3. It is unlikely that any other form of development fits within this area.
4. E-470 is a major gateway into Commerce City

POTENTIAL MOTIONS

1. Approval with Conditions
 - a. Planning Commission
 - i. I move that the Planning Commission enter a finding that the requested **Zone Change** for the property located at **9022 E-470** contained in case **Z-979-24** meets the criteria of the Land Development Code and based upon such finding,

recommend that the City Council approve the Zone Change with the following conditions.

1. 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.

b. City Council

- i. I move that the City Council enter a finding that the requested **Zone Change** for the property located **at 9022 E-470** contained in case **Z-979-24** meets the criteria of the Land Development Code and based upon such finding, approve the Zone Change with the following conditions.

1. 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.

2. Approval

a. Planning Commission

- i. I move that the Planning Commission enter a finding that the requested **Zone Change** for the property located **at 9022 E-470** contained in case **Z-979-24** meets the criteria of the Land Development Code and based upon such finding, recommend that the City Council approve the Zone Change.

b. City Council

- i. I move that the City Council enter a finding that the requested **Zone Change** for the property located **at 9022 E-470** contained in case **Z-979-24** meets the criteria of the Land Development Code and based upon such finding, approve the Zone Change.

3. Denial

a. Planning Commission

- i. I move that the Planning Commission enter a finding that the requested **Zone Change** for the property located **at 9022 E-470** contained in case **Z-979-24** fails to meet the criteria of the Land Development Code and based upon such finding, recommend that the City Council deny the Zone Change.

b. City Council

- i. I move that the City Council enter a finding that the requested **Zone Change** for the property located **at 9022 E-470** contained in case **Z-979-24** fails to meet the criteria of the Land Development Code and based upon such finding, deny the Zone Change.

4. Continuance

a. Planning Commission

- i. I move that the Planning Commission continue the public hearing of the requested **Zone Change** for the property located **at 9022 E-470** contained in case **Z-979-24** to:

1. The next regularly scheduled Planning Commission hearing; or
2. A date certain.

b. City Council

- i. I move that the City Council continue the public hearing of the requested **Zone Change** for the property located at **9022 E-470** contained in case **Z-979-24** to:
 1. The next regularly scheduled City Council hearing; or
 2. A date certain.

Zoning Map



Future Land Use Plan

Future Land Use

-  Residential - Low
-  Residential - Medium
-  Residential - High
-  Mixed-Use - E-470
-  Mixed-Use (Corridor and Commercial)
-  Commercial
-  Office / Flex
-  DIA Technology
-  Industrial / Distribution
-  General Industrial
-  DIA Reserve
-  Utility
-  Public/State
-  Park
-  Open Space



Aerial Map



Aerial taken February 24, 2024

Site Photos



View of the existing site and E-470 facing south (Taken July 11, 2024)



View of the existing site and E-470 facing west (Taken July 11, 2024)