



Conditional Use Permit Report

Case #CUP24-0001

Planning Commission Date: June 4, 2024

City Council Date: July 1, 2024

GENERAL INFORMATION

PROJECT NAME	Stout Street Foundation
LOCATION	7251 East 49 th Avenue and 7201 East 49 th Avenue
SITE SIZE	4.00 acres
CURRENT ZONING	I-1S (Industrial Park Storage District)
APPLICANT	Brad Lucero
OWNER(S)	Stout Street Foundation
CASE PLANNER	Nathan Chavez, AICP

REQUEST

The applicant requests approval of a Conditional Use Permit (CUP) for a Substance Abuse Treatment Facility, Inpatient Residential in the I-1S zone.

BACKGROUND AND CASE HISTORY

Stout Street Foundation (Stout Street), an inpatient adult substance abuse treatment facility, acquired and moved into the old Economy Inn in 2003 upon approval of a Use-by-Permit (A-1562-03) by the Board of Adjustment. The Use-by-Permit was renewed in 2006 (A-1562-03-06) with the condition that the permit would expire and require an additional renewal in 2011. With approval of the City's new Land Development Code on January 2009, this use changed from requiring a Use-by-Permit from the Board of Adjustment to requiring a Conditional Use Permit issued by City Council. A Conditional Use Permit (CU-94-11) was approved in 2011. The 2011 Conditional Use Permit is now expired and the applicant is seeking approval of a Conditional Use Permit to continue operations, in which there are no changes proposed at this time.

The facility currently serves as Stout Street Foundation's headquarters. Stout Street is a 501(c)(3) nonprofit organization incorporated in 1976 with the motto of "Helping People Help Themselves". The facility operates 24 hours a day and seven days a week with a staff presence on site. Stout Street currently has 20 full-time staff members, 5 part-time staff members, and can house approximately 120 individuals for treatment. The property has 174 total off-street parking spaces available. Typically, in any given week Stout Street averages two to three deliveries to the facility, mainly food items. There are two categories of residents at Stout Street. The first consists of those individuals who voluntarily seek therapy at the facility; the second consists of those who gain access through the judicial system. Prior to admission, Stout Street

conducts interviews and runs background checks on all prospective residents that are applying to be part of their Recovery Community to filter out any individuals with a history of violence, sexual crimes and arson from entering our program.

COMPREHENSIVE PLAN CONSISTENCY

The subject property is zoned I-1S (Industrial Park Storage District) and designated on the [Future Land Use Map](#) as Industrial/Distribution. The proposed use of an inpatient residential substance abuse treatment facility is permitted within the existing zoning through the approval of a CUP. The proposed land use meets many of the guiding principles found within the Comprehensive Plan including Housing/Neighborhoods and Safety and Wellness. It is one of the City's guiding principles to provide multiple types of housing, serving a range of current and future residents. While the subject housing is temporary in nature, typically 18 months, it is still a form of housing nonetheless and serves a population in need. Another core principal, Safety and Wellness, seeks to increase the health and well-being of residents through healthy living.

The CUP proposal meets the [Land Use and Growth Goal LU 3.3](#) to promote compatible uses in all neighborhoods. The surrounding area is light industrial, which provides job and vocational training opportunities to the residents and provides a buffer to any residential neighborhoods in the City. In addition, [Safety and Wellness Goal SW 3.3 – Health and Human Services](#) is met. Stout Street provides critical services to those suffering from substance abuse disorders. Lastly, due to the rehabilitation of the property and continued maintenance, the application also meets goal [HN 1.3 – Property Maintenance](#).

PROJECT ANALYSIS

Site Overview

This requested CUP is for an approximately 4.00-acre site, located at 7251 East 49th Avenue and 7201 East 49th Avenue. The property is bordered by E. 49th Avenue to the south and Pontiac St. to the west with the Sand Creek and Sand Creek Trail along the northeastern boundary. The property consists primarily of the residential portion of the facility (7201 E. 49th Ave.) and the administrative building (7251 E. 49th Ave.) where the clinical and operational facilities are located. In the northern corner is a garden for use by residents, telecommunications tower, and fenced storage area. To the west and south are a number of light industrial uses including auto repair, a truck stop, recycling center, and wholesale bakery.

Agency Comments

During their time at the subject property, Stout Street has partnered with multiple agencies and businesses in the City, including the Sand Creek Regional Greenway, Community Well-Being Division, and various nearby businesses. Residents at Stout Street are actively involved in the cleanup and maintenance of the Sand Creek Trail. This partnership has been a benefit to the Parks, Recreation and Golf Department, as well as a rewarding experience for the residents. Surrounding neighbors have also been supportive of the facility, with a nearby businesses providing vocational training opportunities. The 24-hour presence that Stout Street provides is

helpful for the security of nearby businesses, and helps to deter illegal activity in the area. Overall, the facility has proven to be a compatible fit and a responsible neighbor.

In the twenty-one years that Stout Street has been in operation at this site, they have made a substantial investment in property improvements. Their efforts have contributed to the overall appearance and safety of the area.

The Commerce City Police Department provided the annual calls for service (CFS) data below each year. The top three incident types were medical calls, unwanted parties, and well-being checks. A brief analysis shows that calls for service have decreased since 2021. Per the Commerce City Police Department, "Given the type of service Stout Street provides, this is not an inordinate drain on City services. The CCPD has no current concerns with Stout Street and we have no future concerns, if the services continue to operate as it does now."

Table 1: Commerce City Police Department Calls for Service per Year

Year	CFS Per Year
2024	21
2023	56
2022	43
2021	87
2020	67
2019	89
Grand Total	380

Overall Analysis

There is adequate evidence in the record to show that the property in question currently meets, or will be able to meet, all the relevant City standards and LDC requirements for the proposed CUP. Lastly, Stout Street is classified as a Type B Group Home and have shown they meet the standards outlined in [Sec. 21-5238\(1\)](#) of the Land Development Code. A Type B Group Home is a licensed entity which provides supportive services for individuals needing rehabilitation who are not handicapped or protected under federal or state fair housing legislation.

The proposed CUP has been reviewed by the Development Review Team, including Planning; Public Works; Development Review Engineering; Parks; Building Safety; Economic Development; Energy, Equity, and Environmental (E3) Division; South Adams County Water and Sanitation District; South Adams County Fire Department; Commerce City Police Department, and Xcel Energy. There are no outstanding comments or objections from review agencies regarding the proposed CUP.

CONDITIONAL USE PERMIT APPROVAL CRITERIA

A decision for this case must be 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 buildings were originally constructed in 1972 as a hotel and offices around the time the adjacent area was also developed. Stout Street, which has occupied the buildings since 2003, has integrated itself in the neighborhood through continued maintenance of their property and upgrades in landscaping. There is no evidence in the application materials or other information that suggests any undue adverse impacts will be created by the continuation of Stout Street's operations. The applicants have worked diligently with various agencies to ensure they are in compliance with state, local, and federal standards. *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;

Previous applications and conditions have brought increased landscaping and maintenance to the property. The applicants have demonstrated that they keep the property clean and well maintained during their ownership of the site. *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;

Stout Street has repurposed an abandoned hotel property for purposes of assisting the community. By taking advantage of existing features Stout Street has not only rehabilitated a potential blighted property, but also has paired with surrounding businesses and the Sand Creek Regional Greenway for opportunities to provide vocational training options to their residents and volunteer work respectively. Furthermore, the closest residential homes are over a quarter mile from Stout Street across the Sand Creek Trail and I-270. The site is large enough for the facility with ample parking and enough room that Stout Street incorporated a garden in the northern corner of the property during the COVID-19 pandemic. *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 has been in operation since 2003 and is adequately served by the necessary utilities. Therefore, it will not pose a burden to any existing facilities or utilities. In addition, no agencies have provided reason to believe that there is an undue burden created through Stout Street's existence. *Therefore, it can be found that this application meets Criteria (iv).*

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

The applicant has occupied this location for 21 years and has demonstrated their commitment to the area through continual maintenance. Any issues that have arisen through Code Enforcement were quickly addressed. *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

City 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

Stout Street is the only inpatient substance abuse facility within Commerce City and is a needed land use not only for Commerce City but also the greater metro area. The use is nestled within an industrial district which provides a buffer to any nearby residential, as well as, allows for job and vocational training opportunities. *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.

Stout Streets' use is consistent with the purpose, goals, and policies of the comprehensive plan. Specifically, it supported by Land Use and Growth Goal LU 3.3 by promoting compatible uses in all neighborhoods. The surrounding area is light industrial, which provides job and vocational training opportunities to the residents and provides a buffer to any residential neighborhoods in the City. In addition, Safety and Wellness Goal SW 3.3 – Health and Human Services is met. Stout Street provides critical services to those suffering from substance abuse disorders. Lastly, due to the rehabilitation of the property and continued maintenance, the application also meets goal HN 1.3 – Property Maintenance. *Therefore, it can be found that this application meets Criteria (ii).*

CONSIDERATIONS FOR DISCUSSION

1. Stout Street Foundation has occupied the property since 2003 and rehabilitated an old hotel.
2. Stout Street keeps the property well maintained and takes corrective action for maintenance when necessary.
3. The Commerce City Police Department has provided calls for service data which illustrate a decrease in the amount of calls for service for the facility.
4. Stout Street Foundation meets the standards for a Type B Group Home.
5. 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 **7251 and 7201 East 49th Avenue**, contained in case **CUP24-0001**, 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 **7251 and 7201 East 49th Avenue**, contained in case **CUP24-0001**, 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 **7251 and 7201 East 49th Avenue**, contained in case **CUP24-0001**, 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 **7251 and 7201 East 49th Avenue**, contained in case **CUP24-0001**, 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 **7251 and 7201 East 49th Avenue**, 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 **7251 and 7201 East 49th Avenue**, contained in case **CUP24-0001**, 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 **7251 and 7201 East 49th Avenue**, contained in case **CUP24-0001**, to:

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

b. City Council

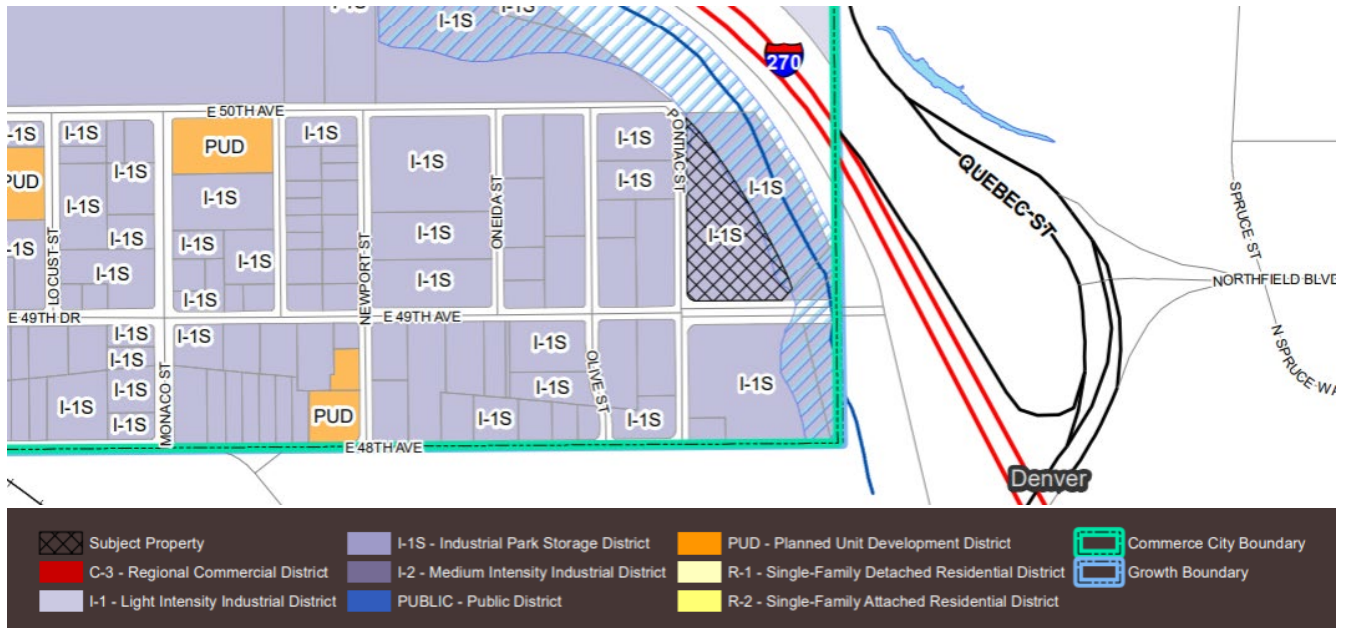
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1. The next regularly scheduled Planning Commission hearing; or
2. A date certain.

Vicinity Map



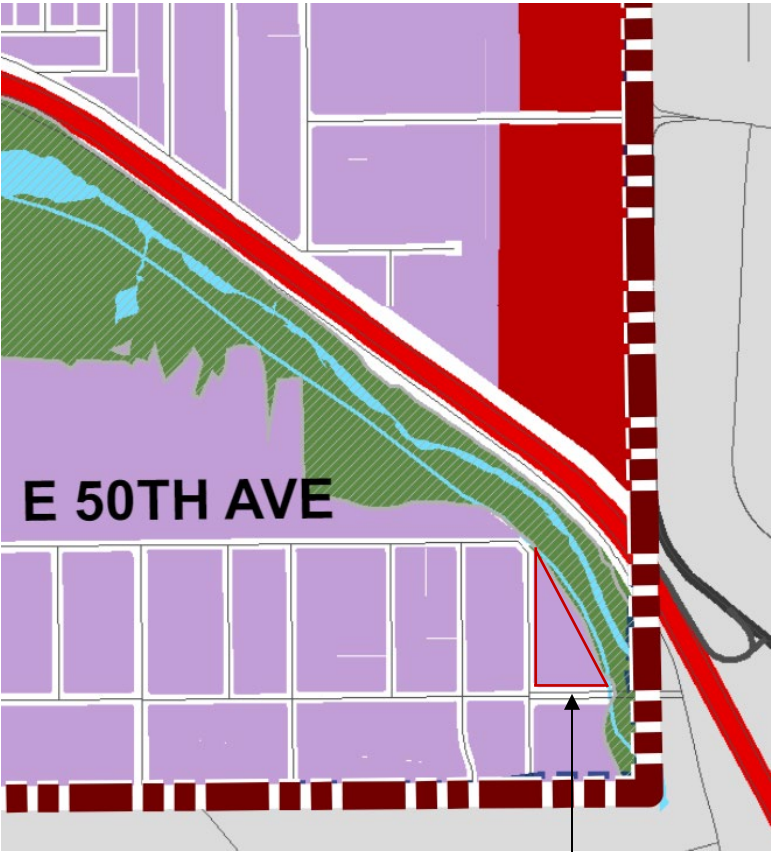
Zoning Map



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



Subject Property

Existing Site Photos



Stout Street's adminstration Building from the South along East 49th Avenue



Stout Street's adminstration Building from the east along the Sand Creek Trail