



Zone Change Report

Case #Z23-0002

Planning Commission Date: November 8, 2023

City Council Date: December 18, 2023

GENERAL INFORMATION

PROJECT NAME	South Adams County Water and Sanitation District (SACWSD) Klein Facility Expansion Zone Change
LOCATION	Northeast corner of E. 74th Place and Quebec Street (west of 7400 Quebec Street)
SITE SIZE	9.738 acres
CURRENT ZONING	Planned Unit Development (PUD) (Prairie Gateway)
APPLICANT	South Adams County Water and Sanitation District (SACWSD)
OWNER(S)	Kroenke CC Properties, LLC
CASE PLANNER	Stacy Wasinger

REQUEST

The request is to rezone the property from Prairie Gateway Planned Unit Development (PUD) zone district to Public zone district.

BACKGROUND AND CASE HISTORY

In 2008, this property was annexed into the City and zoned into the existing Prairie Gateway PUD. Prairie Gateway Amendment 1 PUD Zone Document, to include this property, was approved by City Council in April 2008. The current zoning allows for a variety of commercial uses, but does not permit most residential or industrial uses. Additionally, a water treatment facility is not a permitted use. The applicant, SACWSD, requests to rezone the property to Public, which will allow an expansion of the adjacent Klein Water Treatment Facility on this site by Conditional Use Permit (CUP). Please refer to the zoning map at the end of this report for a visual representation of the existing zoning and proposed Public zone site.

ADDITIONAL INFORMATION

There is a proposed Conditional Use Permit (CUP23-0003) and Development Plan (D23-0009) currently under review for this site. The plans consist of one water treatment facility building, approximately 17,000 sf. in size, and associated site improvements. This building expansion is to continue SACWSD efforts to treat per- and polyfluoroalkyl substances (PFAS). Per the applicant's narrative, "SACWSD currently utilizes a GAC [granular activated carbon] treatment

process at their Klein WTF. To consistently meet current satisfactory levels, SACWSD blends finished water with a limited amount of contracted supply. While this method of operations has resulted in current monitored PFAS levels that are satisfactory to SACWSD, the operations are costly and inefficient. Additionally, this method is an interim option as SACWSD grows into the full use of their long-term supplies. Because of this, the design and construction of IX [ion exchange] treatment system is the most efficient, cost effective, and sustainable way for SACWSD to treat for PFAS in their source water.” This application is to rezone the property to public, allowing a water treatment facility to be pursued through a CUP application. The CUP application will be scheduled for subsequent public hearings and the development plan application reviewed concurrently.

COMPREHENSIVE PLAN (CP) CONSISTENCY

The subject property, including the existing SACWSD facility, is designated on the Future Land Use Map as Commercial and Utility. The proposed zoning designation of Public is consistent with the Comprehensive Plan future land use designation; public and utility uses are a noted use in both land use categories. Furthermore, this case is 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. The proposed development plan is for a water treatment facility to serve the City and larger community. Therefore, the request appears to be consistent with the Comprehensive Plan.

PROJECT ANALYSIS

Site Overview

The requested rezoning is for a 9.736 acre portion of property, located at the northeast corner of E. 74th Place and Quebec Street, west of the existing Klein water treatment facility at 7400 Quebec Street. The existing site is currently undeveloped. Per an executed possession and use agreement between SACWSD and Kroenke CC Properties, LLC, SACWSD will acquire the property with fee simple title within approximately twelve months. The agreement gives SACWSD full use of the property, but does not transfer title at this time. Ultimately, this parcel is intended to be combined with the existing SACWSD property, which was annexed into the City as an existing facility in 2008. The subject property is not platting at this time, but platting will be needed in the future. As the subject site and the existing site will both utilize the existing access and circulation, they can be consolidated into a single lot. A condition of approval is recommended in order to ensure the subject property is consolidated with the existing facility site following the transfer of ownership. This conditional of approval is consistent with the agreement between SACWSD and Kroenke CC Properties and allows adequate time to complete the process.

Road Network Impacts

As an addition to an existing facility, this proposed project is not expected to have major impacts to any adjacent road networks. Minimal additional trips are expected to be generated by the new facility. The zone change will also limit the type of uses permitted from the existing zoning, which would currently allow a number of high-traffic commercial uses.

Overall Analysis

Staff have determined that the property in question currently meets, or will be able to meet once developed, all the relevant City standards and Land Development Code (LDC) requirements for the proposed Public zoning. These requirements include, but are not limited to: access, floor area ratio (FAR), minimum lot area, minimum lot frontage, and setbacks.

The proposed zone change has been reviewed by the Development Review Team, including Planning, Public Works, and South Adams County Water and Sanitation District. Code Enforcement, Parks, Building Safety, Economic Development, District 14 Schools, Xcel Energy, and the Police Department had no comments.

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. An application may be approved if:

(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.

(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;

This application is consistent with the Comprehensive Plan and promotes several goals, including Public Facilities and Infrastructure Goal 1 and Environmental Conservation and Stewardship Goal 4. *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 Public zone district is compatible with the proposed water treatment facility expansion. In addition, the site is bordered by an existing water treatment facility and future non-residential uses to the north. Minimal impacts are expected to the existing residential uses to the west with the zone change, which limits the number of uses from the current zoning. The CUP application that would specifically permit the use will also

be required to address all impacts and CUP approval criteria. *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 and South Adams County Water and Sanitation District, and there are no outstanding concerns. *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 location would have access to public uses. As a non-residential zone district, future development would not impact school/parks availability. *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

The need for this facility is determined by water supply and future growth. The expansion of the existing facility for specific treatment of PFAS is needed to maintain efficient water quality and service as the area SACWSD serves, including Commerce City, grows. *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.

This area, as depicted in the Prairie Gateway PUD and the Comprehensive Plan is intended for non-residential uses. Allowing a public utility facility to expand in order to continue serving the community is in the public interest. *Therefore, it can be found that this application meets Criteria (vi).*

CONSIDERATIONS FOR DISCUSSION

1. The rezoning request is consistent with the Comprehensive Plan.
2. Rezoning the property allows additional applications for the water treatment facility expansion to move forward, providing a public utility service.
3. The rezoning would limit the number and type of uses on this property, which may have fewer impacts than some of the currently permitted uses.

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 generally located at the **northeast corner of E. 74th Place and Quebec Street** contained in case **Z23-0002**, meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Zone Change, subject to the following condition:
 1. The subject property shall be consolidated with the adjacent existing water treatment facility property within six (6) months of South Adams County Water and Sanitation District (SACWSD) taking fee title ownership of the property, per the timelines in the agreement between SACWSD and Kroenke CC Properties, LLC.
 - b. City Council
 - i. I move that the City Council enter a finding that the requested **Zone Change**, for the property generally located at the **northeast corner of E. 74th Place and Quebec Street** contained in case **Z23-0002**, meets the criteria of the Land Development Code and, based upon such finding, approve the Zone Change subject to the following condition:
 1. The subject property shall be consolidated with the adjacent existing water treatment facility property within six (6) months of South Adams County Water and Sanitation District (SACWSD) taking fee title ownership of the property, per the timelines in the agreement between SACWSD and Kroenke CC Properties, LLC.
2. Approval
 - a. Planning Commission
 - i. I move that the Planning Commission enter a finding that the requested **Zone Change**, for the property generally located at the **northeast corner of E. 74th Place and Quebec Street** contained in case **Z23-0002**, 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 generally located at the **northeast corner of E. 74th Place and Quebec Street** contained in case **Z23-0002**, 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 generally located at the **northeast corner of E. 74th Place and Quebec Street** contained in case **Z23-0002**, 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 generally located at the **northeast corner of E. 74th Place and Quebec Street** contained in case **Z23-0002**, fails to meet the criteria of the Land Development Code and, based upon such finding, deny the Zone Change.

4. Continuance

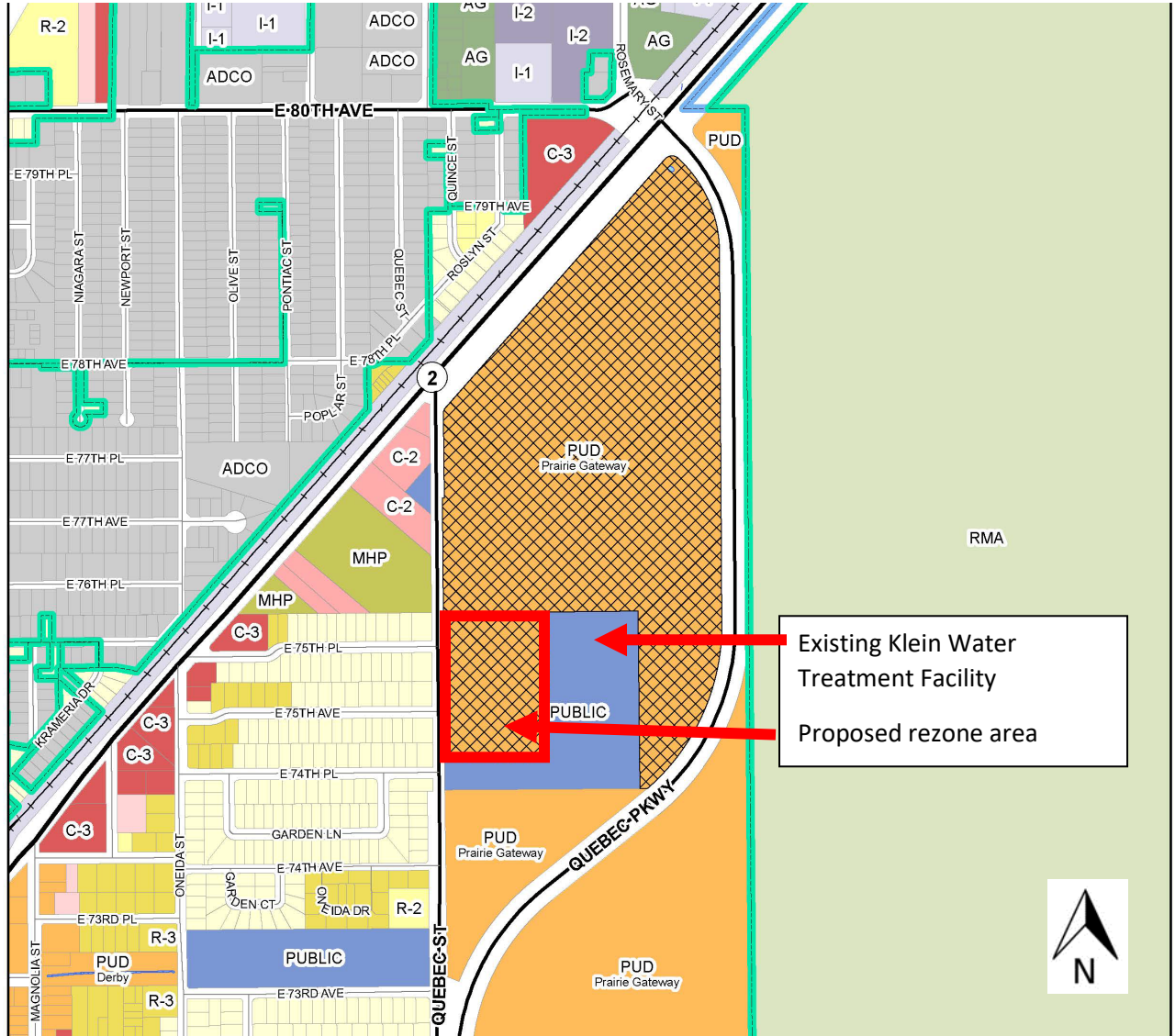
a. Planning Commission

- i. I move that the Planning Commission continue the public hearing of the requested **Zone Change**, for the property generally located at the **northeast corner of E. 74th Place and Quebec Street**, contained in case **Z23-0002** to:
 1. The next regularly scheduled Planning Commission hearing; or
 2. A date certain.

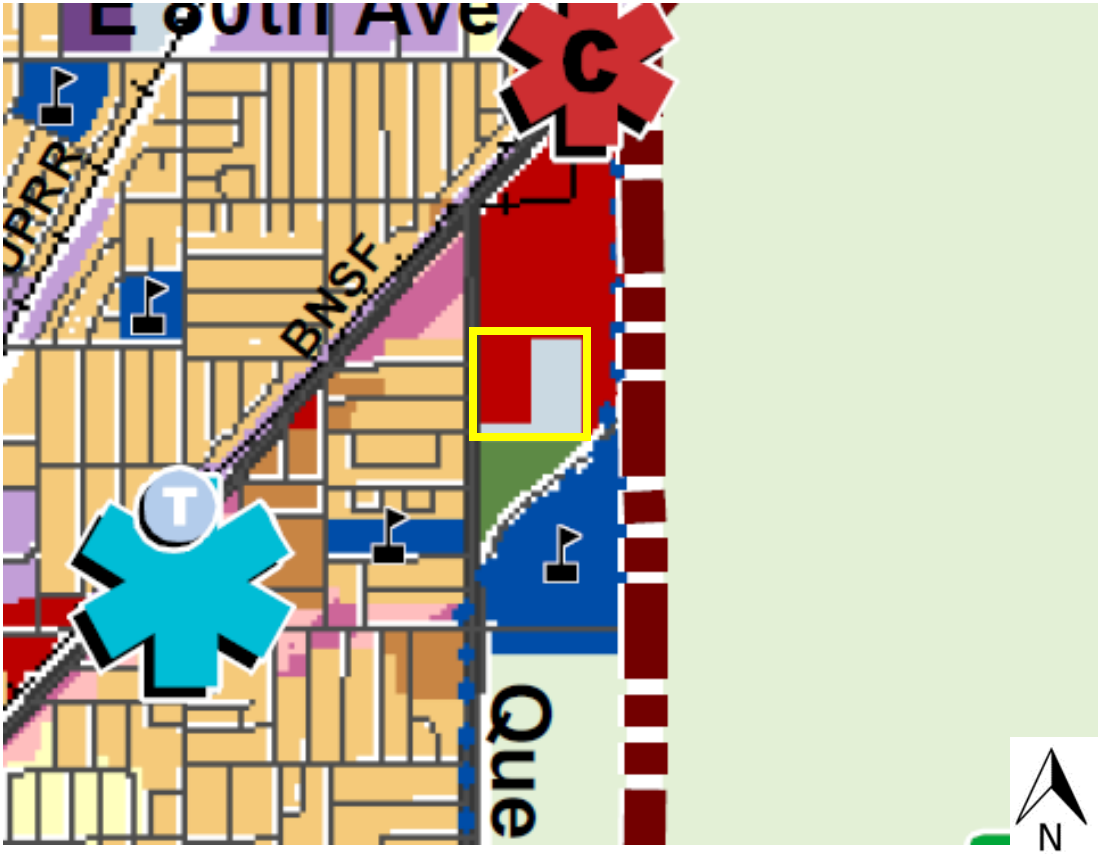
b. City Council

- i. I move that the City Council continue the public hearing of the requested **Zone Change**, for the property generally located at the **northeast corner of E. 74th Place and Quebec Street**, contained in case **Z23-0002** to:
 1. The next regularly scheduled City Council hearing; or
 2. A date certain.

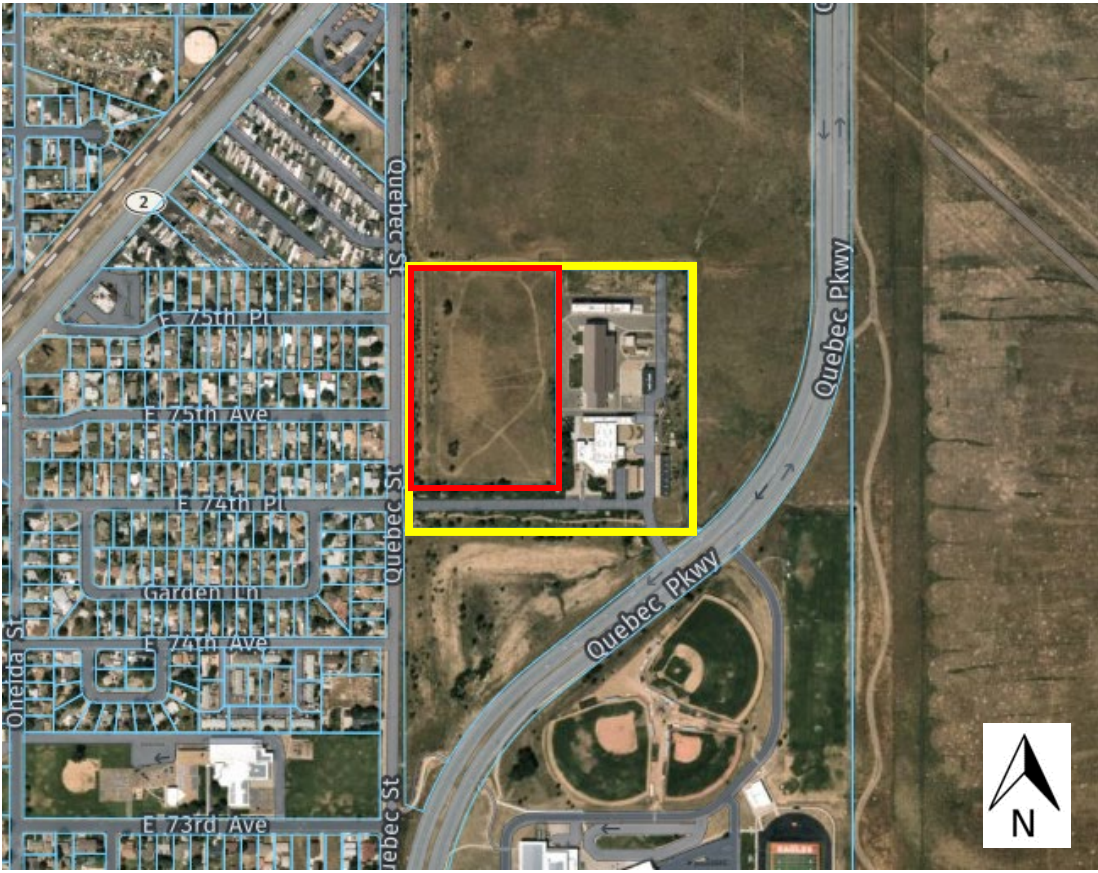
Zoning Map



Future Land Use Plan



Aerial Map



Site Photos



View from Quebec St. facing northwest (Taken November 1, 2023)



View from Quebec St. existing facility entrance (Taken November 1, 2023)

Site Photos (continued)



View from Quebec St., north side of property (Taken November 1, 2023)



View from Quebec St., west side existing facility (Taken November 1, 2023)