



Legislation Details (With Text)

File #: Z23-0002 **Version:** 1 **Name:** SACWSD, on behalf of Kroenke is requesting a zone change from PUD to PUBLIC

Type: Zoning Ordinances **Status:** Passed

File created: 11/7/2023 **In control:** City Council

On agenda: 2/5/2024 **Final action:** 2/5/2024

Title: AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO BY REZONING THE PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF E. 74TH PLACE AND QUEBEC STREET, WEST OF 7400 QUEBEC STREET FROM PLANNED UNIT DEVELOPMENT (PUD)TO PUBLIC

Sponsors:

Indexes:

Code sections:

Attachments: 1. Council Communication, 2. Ordinance Z23-0002, 3. Zone Change Report, 4. Vicinity Map, 5. Applicant Narrative, 6. Parcel Map, 7. Prairie Gateway PUD Amendment 1, 8. Commerce City E3 Division Memo, 9. Public Hearing Notice Affidavit, 10. Sign Posting, 11. Planning Commission Minutes - DRAFT, 12. Staff Presentation, 13. Applicant Presentation

Date	Ver.	Action By	Action	Result
2/5/2024	1	City Council	approved on second & final reading	
1/8/2024	1	City Council	introduced by council as seated and approved on first reading	Pass
12/18/2023	1	City Council	continued	Pass

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO BY REZONING THE PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF E. 74TH PLACE AND QUEBEC STREET, WEST OF 7400 QUEBEC STREET FROM PLANNED UNIT DEVELOPMENT (PUD)TO PUBLIC

Summary and Background Information:

South Adams County Water and Sanitation District (SACWSD) is requesting to rezone approximately 9.738-acres from the Prairie Gateway (Victory Crossing) PUD (Planned Unit Development District) to PUBLIC. The proposed use of the site is an expansion of the Klein water treatment facility. 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 current 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 and the existing PUD zone allows a number of non-residential uses but not a water treatment facility. With the Public zone district, a Conditional Use Permit (CUP) will be

required for the water treatment facility. The concurrent CUP application (CUP23-0003) will be scheduled for public hearings after the zone change application. A concurrent development plan (D23-0009) is under administrative review. Per the submitted development plan, an approximately 17,000 square foot building is proposed toward the east side of the property, utilizing the existing facility accesses. Any improvements and site upgrades will be implemented with the CUP and development plan.

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. The zone change itself does not impact overall traffic analysis and roadway conditions. All required public improvements and mitigation will be part of the review and approval for the CUP and development plan.

The site 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.

Relevant approval criteria are as follows (LDC Sec. 21-3232(5)):

Rezoning or Zone Changes

(5) Approval Criteria. 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

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

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

Staff Responsible (Department Head): Tricia McKinnon, Interim Community Development Director

Staff Member Presenting: Stacy Wasinger, Principal Planner

Financial Impact: N/A

Funding Source: N/A

Planning Commission Recommendation: On November 8, 2023, 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 Zone Change request to City Council with a recommendation for approval, with one 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.

Action Alternatives:

Approve the application, with conditions, in accordance with the PC recommendation;

Approve the application; or

Deny the application