



# Variance Report

## Case #AV25-0013

---

*Board of Adjustment Date: January 13, 2025*

### General Information

<b>Project Name</b>	7160 Eudora Drive QuikTrip Elm Street Front Yard Setback Variance
<b>Location</b>	7160 Eudora Street
<b>Site Size</b>	2.31 acres
<b>Current Zoning</b>	Light-Intensity Industrial (I-1)
<b>Applicant</b>	Todd Hager - Galloway
<b>Case Planner</b>	Nathan Chavez

### Request

Todd Hager from Galloway on behalf of the property owner of 7160 Eudora Street, is requesting a variance to increase the Elm Street Maximum Front Yard Setback from 75-feet to 160-feet, an 85-foot increase.

### Background and Case History

The subject site, 7160 Eudora Street, is home to the old Ditch Witch of the Rockies location. Ditch Witch of the Rockies moved to another site within the City of Commerce City (City) around 2023-2024 and the existing site has sat vacant since. The applicant is now seeking to redevelop the site as a 6,445 square foot QuikTrip convenience store and fuel station via a Development Plan (D25-0008). During review of the application, Staff discovered that the site has two front yards and due to the I-1 (Light-Intensity Industrial) zoning district bulk standards, there are two maximum front yard setbacks.

### Project Analysis

#### Site Overview

The requested Variance is to increase the Maximum Front Yard Setback from Elm Street. Per the [I-1 Light-Intensity Industrial District bulk standards](#), there is a 75-foot maximum front yard setback for new structures, meaning a new building can be no further from any Front Yard property line than 75-feet. Because the site abuts two streets, Eudora Drive and Elm Street, there are two frontages and per the Land Development Code definitions, a Double Frontage Lot, which shall mean a lot that runs through a block from street to street and which has two non-intersecting sides abutting on two or more streets, the required setbacks from each street shall comply with the zoning requirements of the respective district. Therefore, the site is required to adhere to both maximum front yard setbacks. Figure 2 illustrates the proposed site layout and required setbacks. Where the primary building is proposed, at the wider southern end, the

lot is 341-foot wide. At the northern end the site is 289 feet wide. Once the 150-feet are factored in for both setbacks that leaves 191 feet and 139-feet for the southern and northern portions of the site respectively, where a building must occupy to meet both maximum front yard setbacks. As proposed, the building is 111 feet wide. It is unpractical for the applicants to reconfigure the layout or expand the footprint, because the end user buildings are not custom layouts and there is no need for additional building space. Initially the Development Plan proposal included the building centered between the two streets, which would necessitate two variances. At City staff's request the applicant pushed the building closer to Eudora Drive. The reason for the maximum front yard setback standard is to prioritize buildings closer to streets as opposed to parking.

### **Comprehensive Plan Consistency**

Per the [2045 Comprehensive Plan](#), the site is designated as Northern Business District within the Character Areas Land Use Map (Figure 4). This character area plays a key role in the City's employment base and consists of a wide variety of commercial services, light industrial, and business park uses. Commercial is listed as a secondary land use which is meant to be less prevalent and serve to support the primary land use. Within the US-85 Connected Corridor map (Figure 5) the site is designated as Industrial and Local Commercial Uses. This designation encourages local-serving commercial uses with enhancements to pedestrian access and the built environment. In addition, the framework map calls for the paving of Elm Street. US-85 is a north-south corridor which runs along the western spine of the historic city. It contains aging industrial development, such as the existing abandoned Ditch Witch of the Rockies site. The US-85 Connected Corridor framework map aims to enhance the image and identity of the US-85 corridor and set a direction for future development and reinvestment.

Within the Economic Development Framework map (Figure 3) the site is designated as Commercial Reinvestment. This designation calls for the revitalization of aging commercial areas through façade improvements, parking lot landscaping, and enhanced pedestrian realm. Within the Community Character map (Figure 6), the site is adjacent to two Primary Key Corridors; East 72<sup>nd</sup> Avenue and US-85. Key corridors are major roadways in which the image and character should be taken into consideration when designing a site or right-of-way.

The applicant is meeting the intent of the Character Areas Land Use Map and framework maps through this proposal. Specifically, the overall project tied to the variance is a commercial land use and redevelopment of a site, required improvements to Elm Street include installation of curb, sidewalk, gutter, and roadway paving along the western half of Elm Street from the southern property line to the northern property line and redevelopment of the site will bring additional landscaping and a brand-new building fronting Eudora Drive and US-85.

### **Public Comment**

City staff received no letters, emails, or phone calls from the public regarding the proposed variance.

### **Overall Analysis & Review**

The proposed variances were reviewed by all relevant Development Review Team agencies, including Commerce City Planning Division, Geographic Information Systems Division, Parks, Recreation and Golf Department, Engineering Review Division, Department of Economic and Community Vitality,, & Energy, Equity, and the Environment (E3) Division, the South Adams

County Water and Sanitation District (SACWSD), and South Adams County Fire Department with no comments or all comments addressed. At this time, there are no outstanding concerns from any of the aforementioned referral agencies related to this variance request.

### **Variance Approval Criteria**

A decision for this case must be based on the following criteria from [Sec. 21-3222\(3\)](#) of the Land Development Code. An application for a variance may be approved if:

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

- i. **The physical character of the property, including dimensions, topography or other extraordinary situation or condition of the property, create a situation where the strict enforcement of the standards in this land development code will deprive the property of privileges generally enjoyed by property of the same classification in the same zoning district (hardship);**

**Analysis:** The lot is a double frontage lot, meaning it must adhere to the maximum front yard setback from Eudora Drive and Elm Street. Coupled with the lot size, there is situation where the strict enforcement of both maximum front yard setbacks would deprive the property privileges enjoyed by property owners of the same zoning district, which is the ability to front a new building closer to primary roadways, such as US-85. As proposed, the building could not meet the two standards at any point on the site and building a larger building or redesigning the building against the QuikTrip layout would be wasteful and is not needed. *Therefore, it can be found that this application meets criteria (i).*

**ii. The hardship is not self-imposed;**

**Analysis:** The hardship stems from the location and size of the lot. The site is sandwiched between two public roads, Elm Street and Eudora Drive, and must adhere to the Land Development Code standards which stipulate a 75-foot maximum front yard setback. At the lot's widest, the lot is 341 feet across at the southern end. At the northern end the site is 289 feet wide. Once the 150 feet are factored in for both setbacks that leaves 191-feet and 139-feet for the southern and northern portions of the site respectively, where a building must occupy to meet both maximum front yard setbacks. As proposed, the building is 111 feet wide. In addition, it is the City's preference to locate the building closer to Eudora Drive and US-85 to meet the intent of the 2045 Comprehensive Plan and its framework maps mentioned earlier in this variance report. *Therefore, it can be found that this application meets criteria (ii).*

**iii. The variance will not be of substantial detriment to adjacent property; and**

**Analysis:** Through the review process for the Variance by the Development Review Team agencies, including Commerce City Planning Division, Geographic Information Systems Division, Parks, Recreation and Golf

Department, Engineering Review Division, Department of Economic and Community Vitality,, & Energy, Equity, and the Environment (E3) Division, the South Adams County Water and Sanitation District (SACWSD), and South Adams County Fire Department no adverse impact to adjacent properties were uncovered. Approval of the Variance will allow the site to develop without the applicant having to make significant changes to their store model and in a location preferred by the City. *Therefore, it can be found that this application **meets criteria (iii)**.*

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

- i. The variance granted is the minimum needed for the reasonable use of the land, building, or structure; or**

**Analysis:** The applicant could build a bigger or longer store on the northern end of the site and meet both setbacks. *Therefore, it can be found that this application **does not meet criteria (i)**.*

- ii. The character of the district will not be changed by the granting of the variance.**

**Analysis:** The character of the district which consists of a wide variety of commercial services, light industrial, and business park uses will not be changed, but strengthened. The Variance will allow the site to develop as a convenience store which is allowed by right, just with the building closer to Eudora Drive and US-85, the City's preferred location. In addition, if the overall development is approved, the applicant shall install curb, gutter, sidewalk, and road pavement along Elm Street from the southern property line to the northern property line and potentially install 24-feet of road paving from the northern property line to East 72<sup>nd</sup> Avenue. *Therefore, it can be found that this application **meets criteria (ii)**.*

## **Staff Recommendation**

Staff finds that the application meets all the approval criteria found within [Sec. 21-3222\(3\)](#) of the Land Development Code, and therefore Planning staff recommends the Board of Adjustment approve case AV25-0013.

## **Considerations for Discussion**

1. The variance is for an 85-foot maximum front yard setback increase from Elm Street; from 75 feet to 160 feet.
2. The subject site has two Front Yards, Elms Street and Eudora Drive, meaning there are two maximum front yard setback requirements.
3. Review of the requested variance for the increased maximum front yard setback increase from Elm Street revealed limited impacts to surrounding properties.
4. Even if the building were shifted to the northern portion of the lot this variance would still be required.

5. Approval of the variance will allow for redevelopment of a currently abandoned site.
6. The application meets all the Variance approval criteria.
7. The application was reviewed by all relevant Development Review Team (DRT) agencies and there are no outstanding comments or concerns.

## **Potential Motions**

### **Approval**

*I move that the Board of Adjustment enter a finding that the requested **variance**, for the property located at **7160 Eudora Drive** contained in case **AV25-0013**, meets the criteria of the Land Development Code and based upon such finding, approve the **variance**.*

### **Approval with Conditions**

*I move that the Board of Adjustment enter a finding that the requested **variance**, for the property located at **7160 Eudora Drive** contained in case **AV25-0013**, meets the criteria of the Land Development Code and based upon such finding, approve the **variance** subject to the following conditions:*

*[Insert Conditions]*

### **Denial**

*I move that the Board of Adjustment enter a finding that the requested **variance**, for the property located at **7160 Eudora Drive** contained in case **AV25-0013**, fails to meet the criteria of the Land Development Code and based upon such finding, deny the **variance**.*

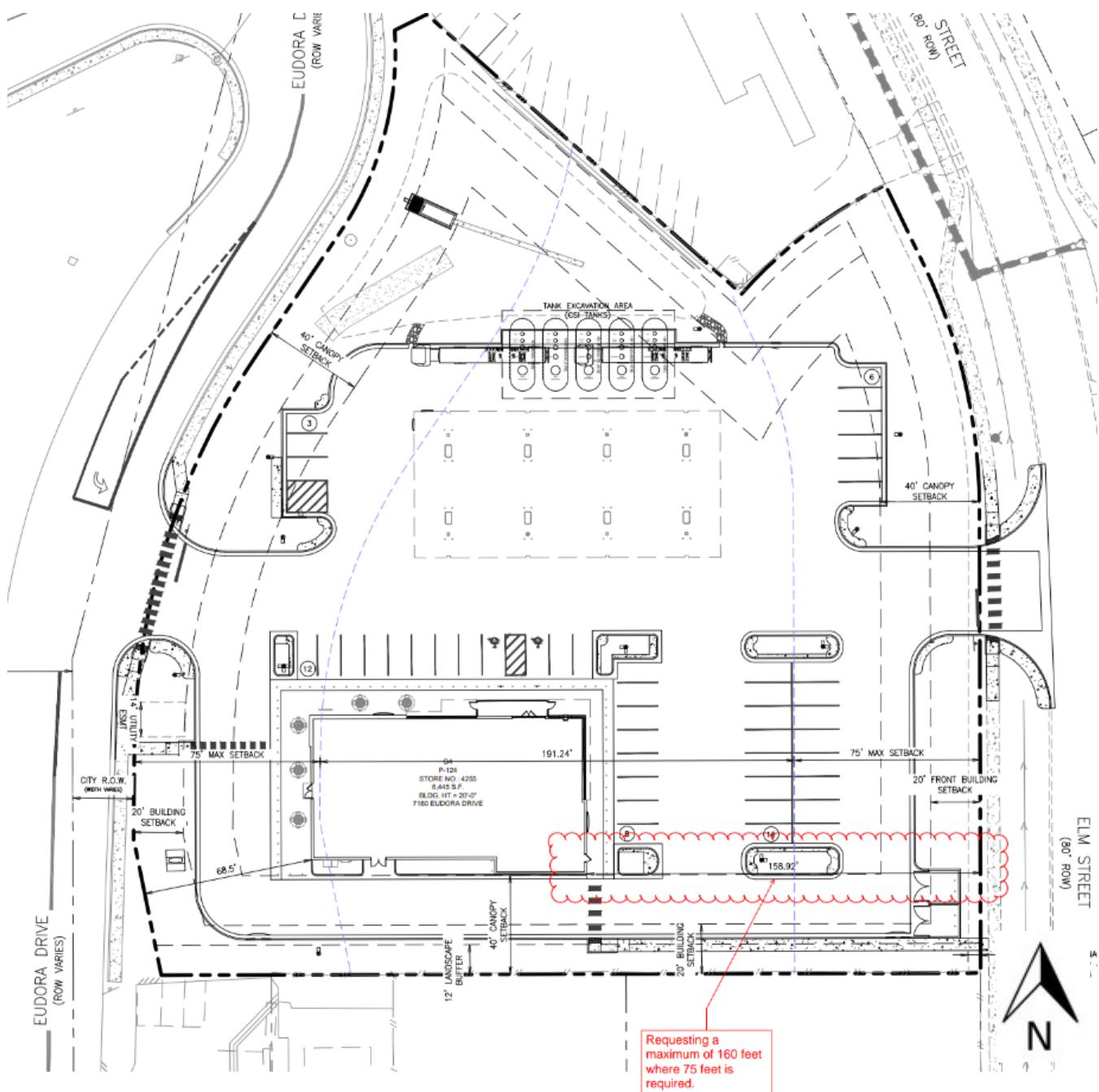
*[Insert criteria not met]*

**Figure 1. Aerial Map**



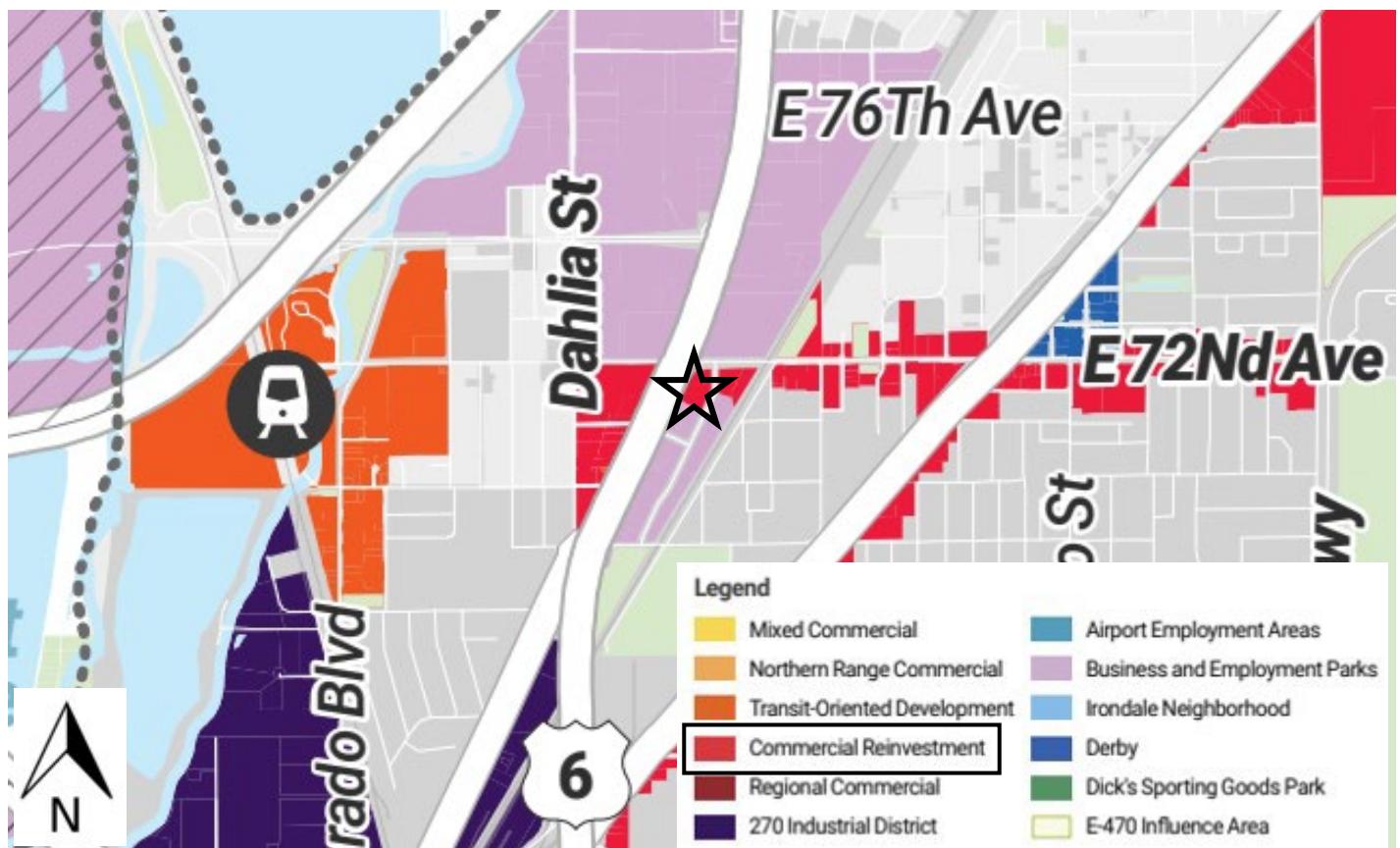
Aerial form September 25, 2025

Figure 2. Site Plan



The dashed blue lines indicate the 75-foot maximum front yard setback

**Figure 3. Economic Development Framework Map**



### **Commercial Reinvestment**

Revitalize aging commercial areas through façade improvements, parking lot landscaping, multimodal access, and an enhanced pedestrian realm with outdoor seating, public gathering spaces, and streetscaping elements. Work with the business community to address key issues and connect businesses with available resources.

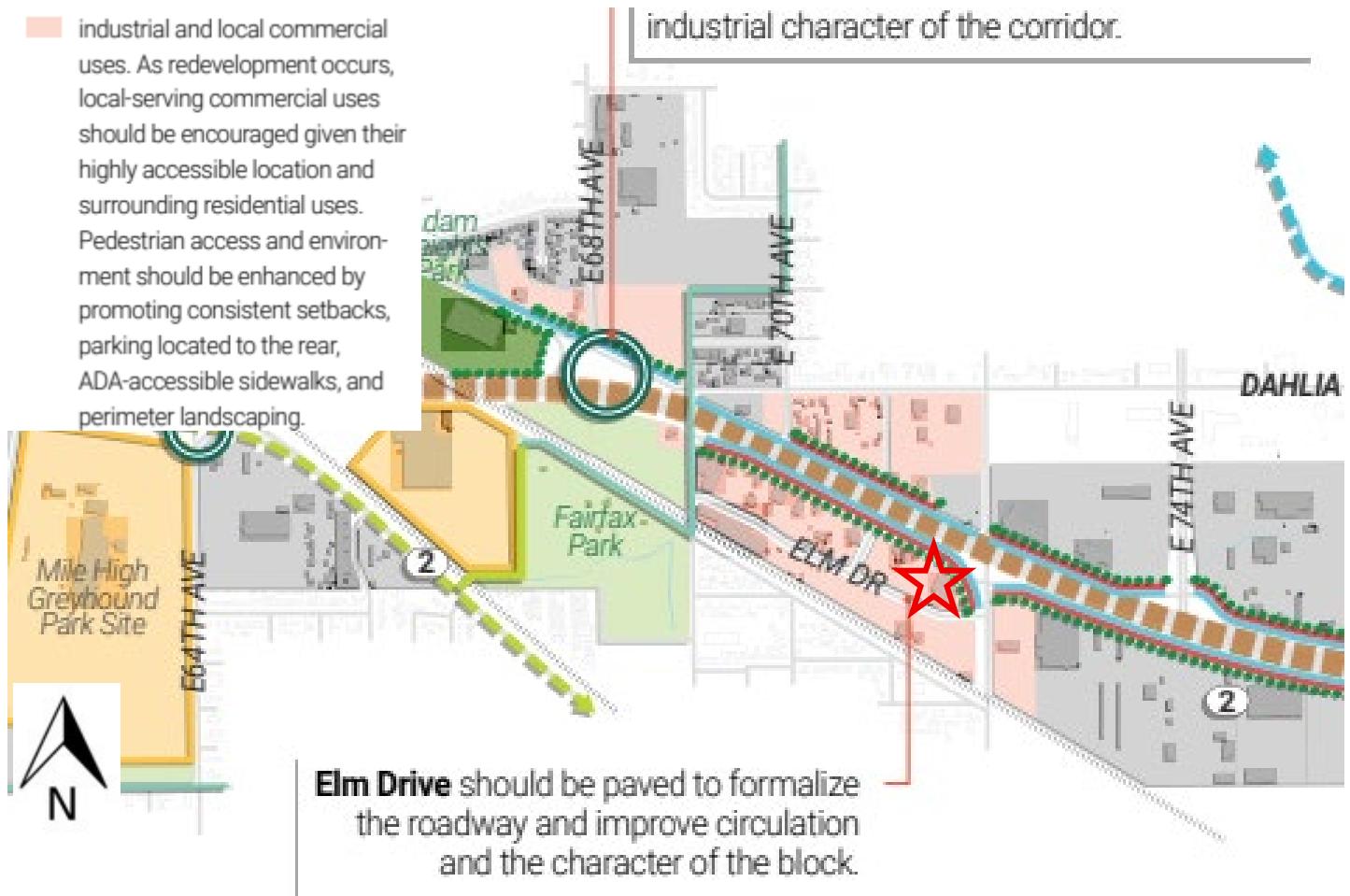
**Figure 4. Character Areas Land Use Map**



## Figure 5. US-85 Connected Corridor

industrial and local commercial uses. As redevelopment occurs, local-serving commercial uses should be encouraged given their highly accessible location and surrounding residential uses. Pedestrian access and environment should be enhanced by promoting consistent setbacks, parking located to the rear, ADA-accessible sidewalks, and perimeter landscaping.

industrial character of the corridor.



**Figure 6. Community Character**



### Key Corridors

The City's roadway network is composed of a series of major roadways along which area residents, local community members, business partners, and visitors travel. The image and character of these highly trafficked corridors is often the impression of the City that sticks with those passing through. It is therefore important that they are enhanced and maintained to present a positive impression of the community. Based on reconnaissance, the following Existing Community Character Map identifies Primary and Secondary Key Corridors that may be considered through the planning process for streetscape enhancements to improve the overall image and character of the City. Primary Key Corridors include arterial roads such as interstates and highways. Secondary Key Corridors include local roads which carry smaller traffic volumes.