



Use-By-Permit Report

Case #AU25-0004

Board of Adjustment Date: April 14, 2026

General Information

Project Name	Cobblestone Carwash Use-by-Permit
Location	9880 Tower Road (9751 Argonne Street)
Site Size	1.74 acres
Current Zoning	Planned Unit Development (Settlers Crossing)
Applicants	Spotless Brands & K2 Civil Consultants, Inc.
Property Owner	96 Tower Investors LLC
Case Planner	Nathan Chavez

Request

Spotless Brands is requesting a Use-by-Permit to allow for an *Automobile washing facility* within the Settlers Crossing Planned Unit Development.

Background and Case History

The subject site is vacant and is within a commercial – mixed-use planning area (planning area B) of the Settlers Crossing Planned Unit Development (PUD), which was approved and recorded in the Fall of 2010. Per the PUD a Use-by-Permit is required for an *Automobile Washing Facility* within the planning area the subject site is located. The Use-by-Permit is being reviewed under the 2009 Land Development Code and the review criteria for Use-by-Permits. There are three other applications under review for the site and greater planning area including a PUD Development Permit (PUDP25-0018) for an 11,269 square foot carwash (Figure 5), a Final Plat (S25-0013) to create five tracts and four lots, one of which the subject car wash is proposed on, within the planning area, and a PUD Development Permit (PUDP25-0003) for the initial infrastructure of the planning area including roads, curb, gutter, sidewalk, and sidewalk.

Project Analysis

Site Overview

The site is located along Tower Road to the east and is within the Settlers Crossing PUD, specifically, within a commercial-mixed used planning area and is surrounded by the Settlers Crossing PUD to the north and east, Legato PUD to the south across East 96th Avenue, and unincorporated Adams County Agricultural-3 (A-3) zoning to the west across Tower Road. The overall site is vacant with planned commercial uses. To the northeast is recently constructed and planned residential.

Public Comment

City Staff provided public notice per the Land Development Code standards, including publication in the Commerce City Sentinel, posting of signage on the site, and mailing of flyers to all property owners within 500 feet of the subject property. No letters, emails, or phone calls from the public were received regarding the proposed Use-by-Permit.

Application Review

The proposed Use-by-Permit was reviewed by all relevant Development Review Team agencies, including the City of Commerce City Planning Division, Geographic Information Systems Division, Parks, Recreation and Golf Department, Department of Economic and Community Vitality, Engineering Review Division, Traffic Division, & Energy, Equity, and the Environment 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 comments from any of the aforementioned referral agencies related to this Use-by-Permit request.

Comprehensive Plan Consistency

City staff found that the proposed application is on balance inconsistent with the [2045 Comprehensive Plan](#). There are components of the proposed use that partially comply with the following general goal:

- Health and Environmental Sustainability Goal 2.1: Work with South Adams County Water and Sanitation as a water district provider to ensure the availability of water and resiliency of the water supply.

The car wash will utilize water recycling, where 30% of water from each car wash will be recycled for future washes. Also, the applicant has indicated that the end user has the option to bring equivalent residential units (ERUs) as water rights dedication from outside SACWSD.

However, City staff found that the proposed application conflicts with the following goals and core principles of the 2045 Comprehensive Plan. Specifically, this type of car wash utilizes 20 gallons of water per car on average. While 6 gallons (30%) will be recycled, that leaves an average of 14 gallons of fresh water which will be used to clean each automobile. In addition, the proposed land use is not the desired commercial the Economic Development Framework and Tower Road Connected Corridor framework maps envision, which includes businesses that create a sense of community with neighborhood services. These are the specific goals the proposed use is inconsistent with:

- Environmentally Responsible City. Open space is an integral part of Commerce City's identity, nestled between the expansive Rocky Mountain Arsenal National Wildlife Refuge and the South Platte River in the Rocky Mountain Front Range. Commerce City will take social equity and environmental responsibility to heart with sustainable and prudent efforts to preserve air quality, water resources, and natural areas for future generations.
- Character Areas (Land Use): Goal 1.1: Provide neighborhood-level services within residential areas, as appropriate.
- Character Areas (Land Use): Goal 2.4: Design an economy that creates a sense of community.

- Health and Environmental Sustainability: Goal 7: Practice sustainable growth and environmental stewardship
- Housing and Neighborhoods: Goal 6.3: Allow neighborhood-serving retail, office, and local neighborhood amenities.

Per the [2045 Comprehensive Plan](#), the site is within the Northern Neighborhoods Character Area (Figure 2) which designates commercial as a secondary land use meant to support the primary land use, residential. The Economic Development Framework map (Figure 3) designates the site as a Northern Range Commercial, which calls for the “promotion of commercial centers that contain a variety of attractive retail and entertainment options for all ages, with high multimodal access, 360 architecture, pedestrian-scale development, and integrated outdoor seating and gathering spaces.” Lastly, the Tower Road Connected Corridor map (Figure 4) designates the site as Northern Range Commercial which calls for “smaller-scale, local serving commercial, office, and vertically mixed commercial/residential development should be encouraged at key intersections. Examples include food and drink establishments, salons, clinics, fresh food stores, and entertainment options. They should aim to create community destinations, incorporating attractive pedestrian-oriented environments like public gathering spaces and outdoor seating areas. Development should positively contribute to the Corridor’s visual appeal and feature sufficient internal and perimeter pedestrian and bicycle connections, in addition to quality building and site design.”

The foundation of the 2045 Comprehensive Plan are the character areas which provide a broad, community-wide view of how land use should be dispersed across the City. Overlaid on the Character Areas Land Use Map are the framework maps, which provide more parcel specific recommendations for residential, commercial, and annexations. While the underlying Character Area calls for commercial as secondary land uses at this location, more detailed parcel specific framework maps call for local serving commercial, attractive retail, and entertainment options. The Tower Road Connected Corridor Map then lists food and drink establishments, salons, clinics, and fresh food stores as examples. While the proposed Use-by-Permit allows for a commercial land use, the subject proposed *Automobile washing facility* is not the desired commercial the 2045 Comprehensive Plan calls for at this location.

Use-by-Permit Approval Criteria

A decision for this case must be based on the following criteria from [Sec. 21-3221\(3\)](#) of the Land Development Code. An application for a Use-by-Permit may be approved if:

(a) All of the following criteria are met:

- i. **The use at the proposed location 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. Such compatibility may be expressed in appearance, architectural scale and features, site design, and the control of any adverse impacts, including noise, dust, odor, lighting, traffic, safety, and impact on property values of the surrounding area;**

Analysis: The proposed use is inconsistent with the proposed uses in the 2045 Comprehensive Plan. As described in the Comprehensive Plan section of this staff report, the future uses in this vicinity are incompatible with the proposed car wash use. *Therefore, it can be found that this application **does not meet criteria (i).***

- ii. **The characteristics of the site are suitable for the use considering size, shape, location, topography, existence of improvements and natural features; and;**

Analysis: Reviews for three corresponding applications are ongoing including a PUD Development Permit (PUDP25-0018) for the 11,269 square foot carwash, a Final Plat (S25-0013) to create the lot the car wash would occupy, and a PUD Development Permit (PUDP25-0003) for roadway and drainage infrastructure. These accompanying applications will ensure adequate improvements will serve this site. Likewise, review agencies and City staff found that there are no significant issues precluding the proposed use from developing on the site. *Therefore, it can be found that this application **meets criteria (ii).***

- iii. **The use at the proposed location will be adequately served by and will not impose an undue burden on any of the improvements, facilities, and services of the city, special districts, or its residents. Where any such improvements, facilities, utilities or services are not available or adequate to service the use in the proposed location, the applicant shall, as a part of the application and as a condition of approval of the use-by-permit, 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; and**

Analysis: Through the review process of the subject Use-by-Permit and corresponding PUD Development Permit (PUDP25-0018), City staff and external review agencies including the City of Commerce City Planning Division, Parks, Recreation and Golf Department, Engineering Review Division, Traffic Division, & Energy, Equity, and the Environment Division, the South Adams County Water and Sanitation District (SACWSD), South Adams County Fire Department, United Power, and Xcel Energy found that the use at the proposed location can be adequately served by the respective providers. In addition, the South Adams County Water and Sanitation District calculated that the land use will require roughly 14.38 equivalent residential uses (ERUs) water allocation for the use. These ERUs will either be provided by the current property owner 96 Tower Investors LLC or purchased from SACWSD. *Therefore, it can be found that this application **meets criteria (iii).***

(b) One of the following criteria is met:

- i. The use is in harmony with the general purposes, goals, objectives, and standards of the comprehensive plan or any other plan or program adopted by the city; or**

Analysis: The more parcel specific framework maps including the Economic Development Framework Map and Tower Road Connected Corridor Map call for local serving commercial, attractive retail, and entertainment options for all ages. The Tower Road Connected Corridor Map then lists food and drink establishments, salons, clinics, and fresh food stores as examples. When reviewing the designation descriptions and provided examples, the proposed land use does not fall within the intent of these framework map descriptions, which is smaller pedestrian-scale development to create community destinations. The subject proposed *Automobile washing facility* is not the desired commercial the 2045 Comprehensive Plan calls for at this location. In addition, there are several goals and core principles from the 2045 Comprehensive Plan the proposed Use-by-Permit conflicts with including creating a sense of community through development and practicing sustainable stewardship (see below for a full list). *Therefore, it can be found that this application does not meet criteria (i).*

- Environmentally Responsible City. Open space is an integral part of Commerce City's identity, nestled between the expansive Rocky Mountain Arsenal National Wildlife Refuge and the South Platte River in the Rocky Mountain Front Range. Commerce City will take social equity and environmental responsibility to heart with sustainable and prudent efforts to preserve air quality, water resources, and natural areas for future generations.
- Character Areas (Land Use): Goal 1.1: Provide neighborhood-level services within residential areas, as appropriate.
- Character Areas (Land Use): Goal 2.4: Design an economy that creates a sense of community.
- Health and Environmental Sustainability: Goal 7: Practice sustainable growth and environmental stewardship
- Housing and Neighborhoods: Goal 6.3: Allow neighborhood-serving retail, office, and local neighborhood amenities.

- ii. There is a proven 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 or maintain a proper mix of uses both within the city and the immediate area of the proposed use.**

Analysis: There are other current and planned car wash businesses at the intersections of East 104th Avenue and Chambers, East 120th Avenue and Chambers Road, and East 104th Avenue and Tower Road which serve the

northern range. *Therefore, it can be found that this application **does not meet criteria (ii).***

Staff Recommendation

Planning staff found that the application does not meet Use-by-Permit approval criteria Sec. 21-3221(3)(a)(i), (b)(i) & (b)(ii) found within [Sec. 21-3221\(3\). – Uses-by-Permit](#) of the Land Development Code, and therefore Planning staff recommends the Board of Adjustment deny case AU25-0004.

Considerations for Discussion

1. The Use-by-Permit is for an *Automobile washing facility* within the Settlers Crossing Planned Unit Development.
2. Neighboring residents were notified about the use-by-permit and provided an opportunity to comment and attend the Board of Adjustment.
3. .
4. The application conflicts with the 2045 Comprehensive Plan
5. The application does not meet all the Use-by-Permit approval criteria.

Potential Motions

Denial

*I move that the Board of Adjustment enter a finding that the requested Use-by-Permit, for the property located at **9880 Tower Road** contained in case **AU25-0004**, fails to meet the criteria of the Land Development Code and based upon such finding, deny the **Use-by-Permit** base upon.*

[Insert criteria not met]

Approval

*I move that the Board of Adjustment enter a finding that the requested Use-by-Permit, for the property located at **9880 Tower Road** contained in case **AU25-0004**, meets the criteria of the Land Development Code and based upon such finding, approve the **Use-by-Permit**.*

Approval with Conditions

*I move that the Board of Adjustment enter a finding that the requested Use-by-Permit, for the property located at **9880 Tower Road** contained in case **AU25-0004**, meets the criteria of the Land Development Code and based upon such finding, approve the **Use-by-Permit** subject to the following conditions:*

[Insert Conditions]

Continuance

*I move that the Board of Adjustment continue the requested Use-by-Permit, for the property located at **9880 Tower Road** contained in case **AU25-0004**, to a date certain.*

[Insert date certain]

Figure 1. Aerial Map



Aerial from September 25, 2025. The red square is the approximate site location.

Figure 2. Character Areas Land Use Map

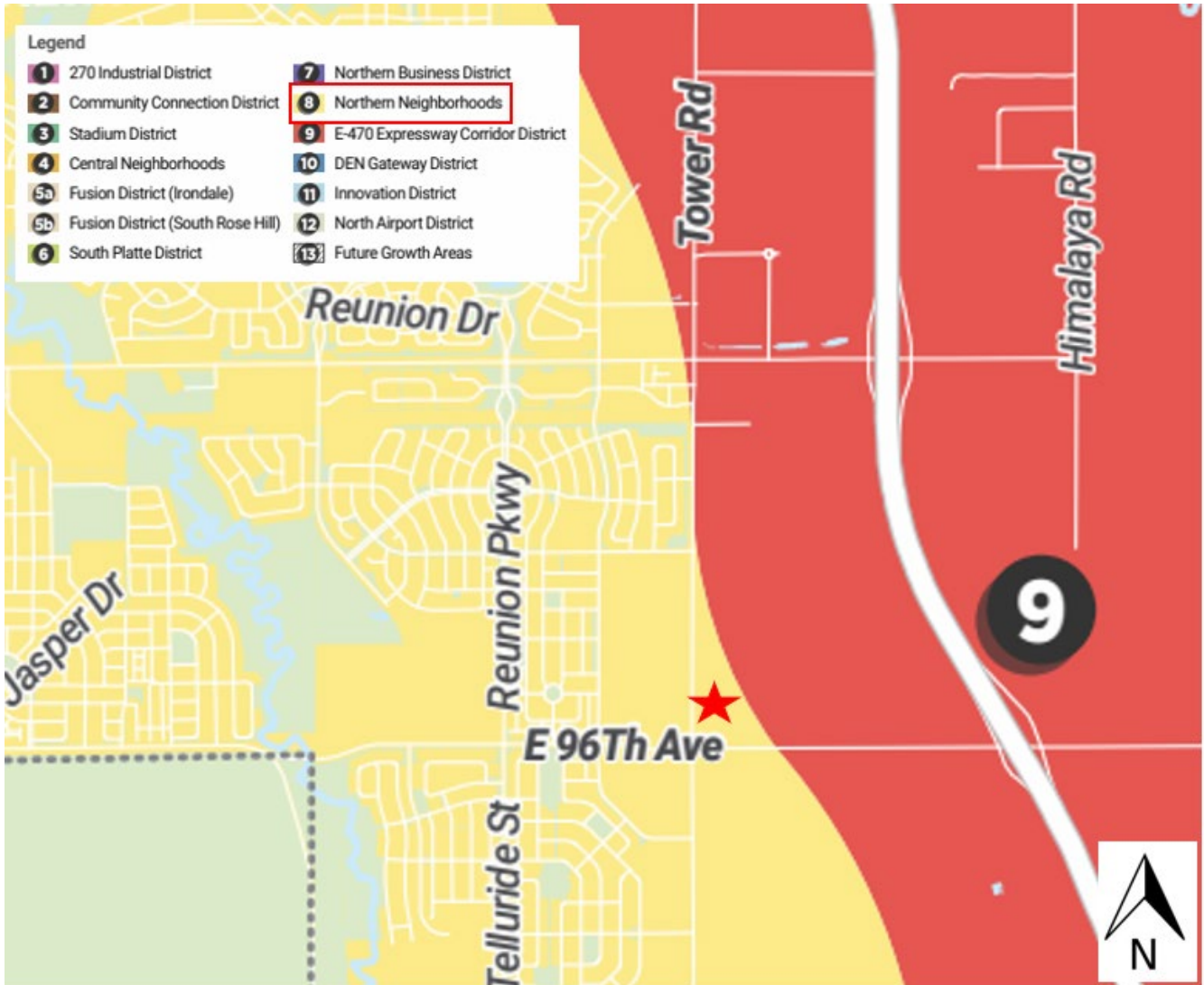


Figure 3. Economic Development Framework Map

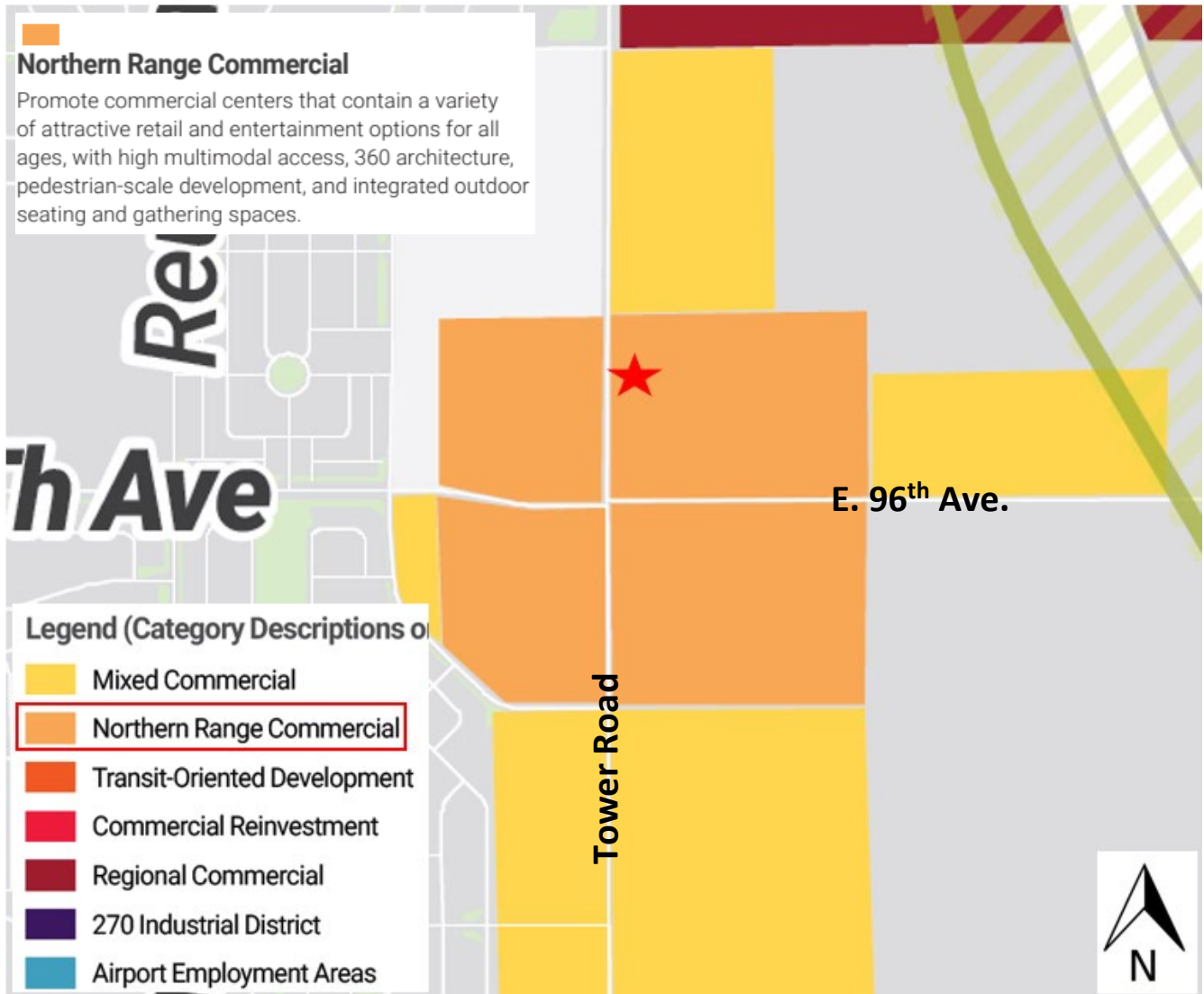


Figure 4. Tower Road Connected Corridor

Northern Range Community Commercial Nodes.

Smaller-scale, local serving commercial, office, and vertically mixed commercial/residential development should be encouraged at key intersections. Examples include food and drink establishments, salons, clinics, fresh food stores, and entertainment options. They should aim to create community destinations, incorporating attractive pedestrian-oriented environments like public gathering spaces and outdoor seating areas. Development should positively contribute to the Corridor's visual appeal and feature sufficient internal and perimeter pedestrian and bicycle connections, in addition to quality building and site design.

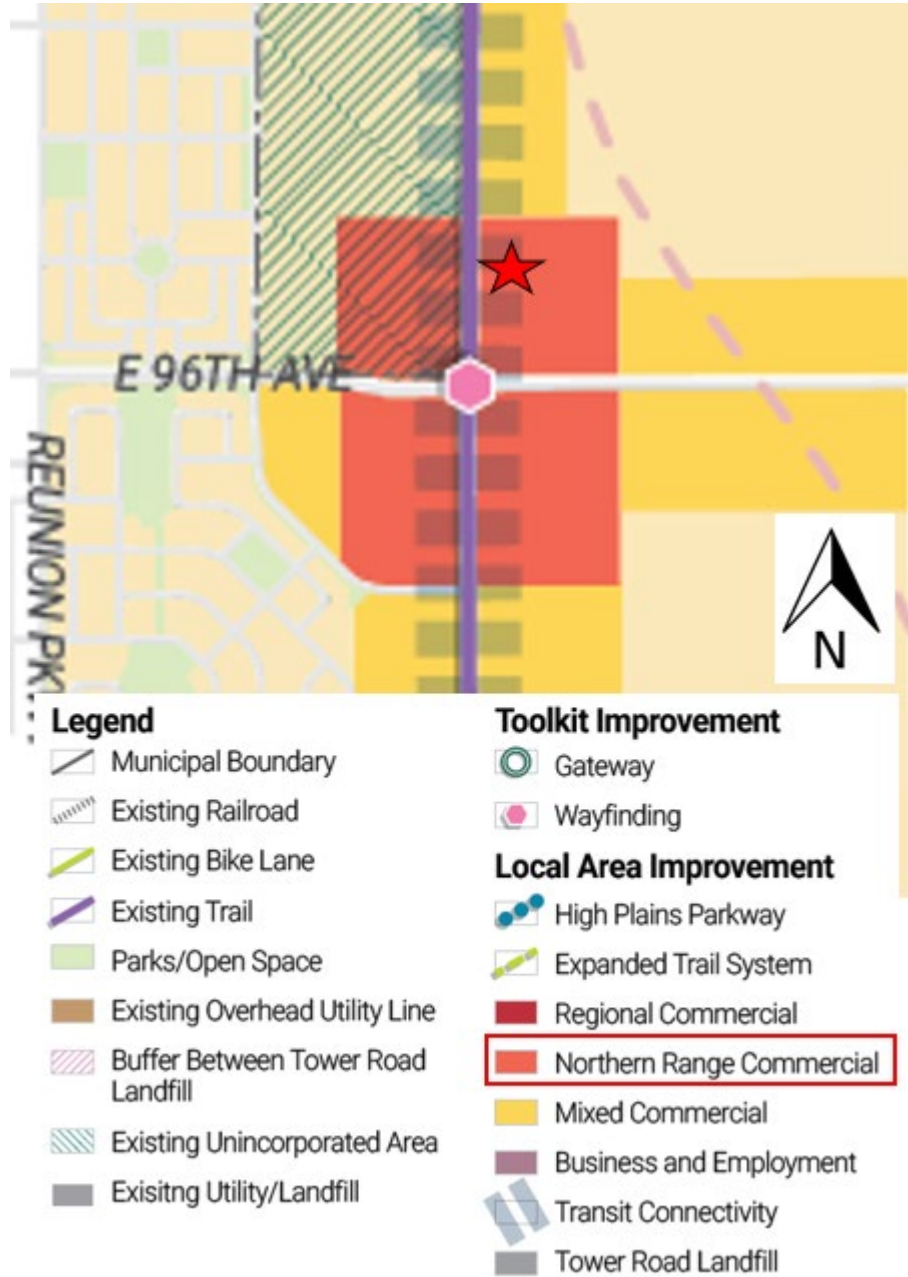


Figure 5. PUDP25-0018 Site Plan

