

# Turnberry Carwash Case # PUDA23-0004

---

March 3, 2025



# Request Summary

## What is a PUD Amendment?

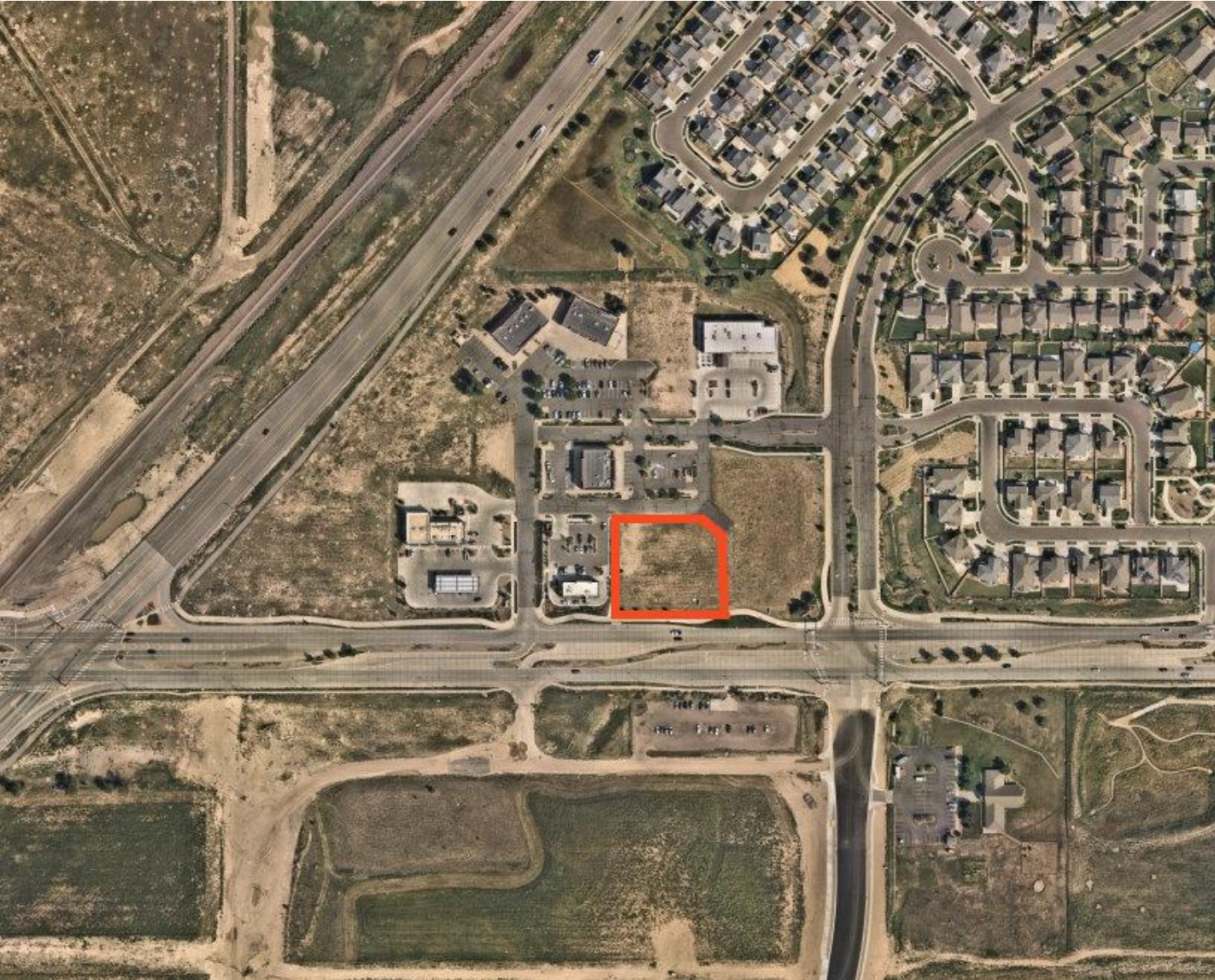
- Officially changing the zone district on the property.
- The zoning of a property determines what uses are allowed/not allowed and sets bulk development standards such as setbacks, lot size requirements, and maximum building heights.
- Actual development details will be reviewed with a development plan.

## What is City Council deciding?

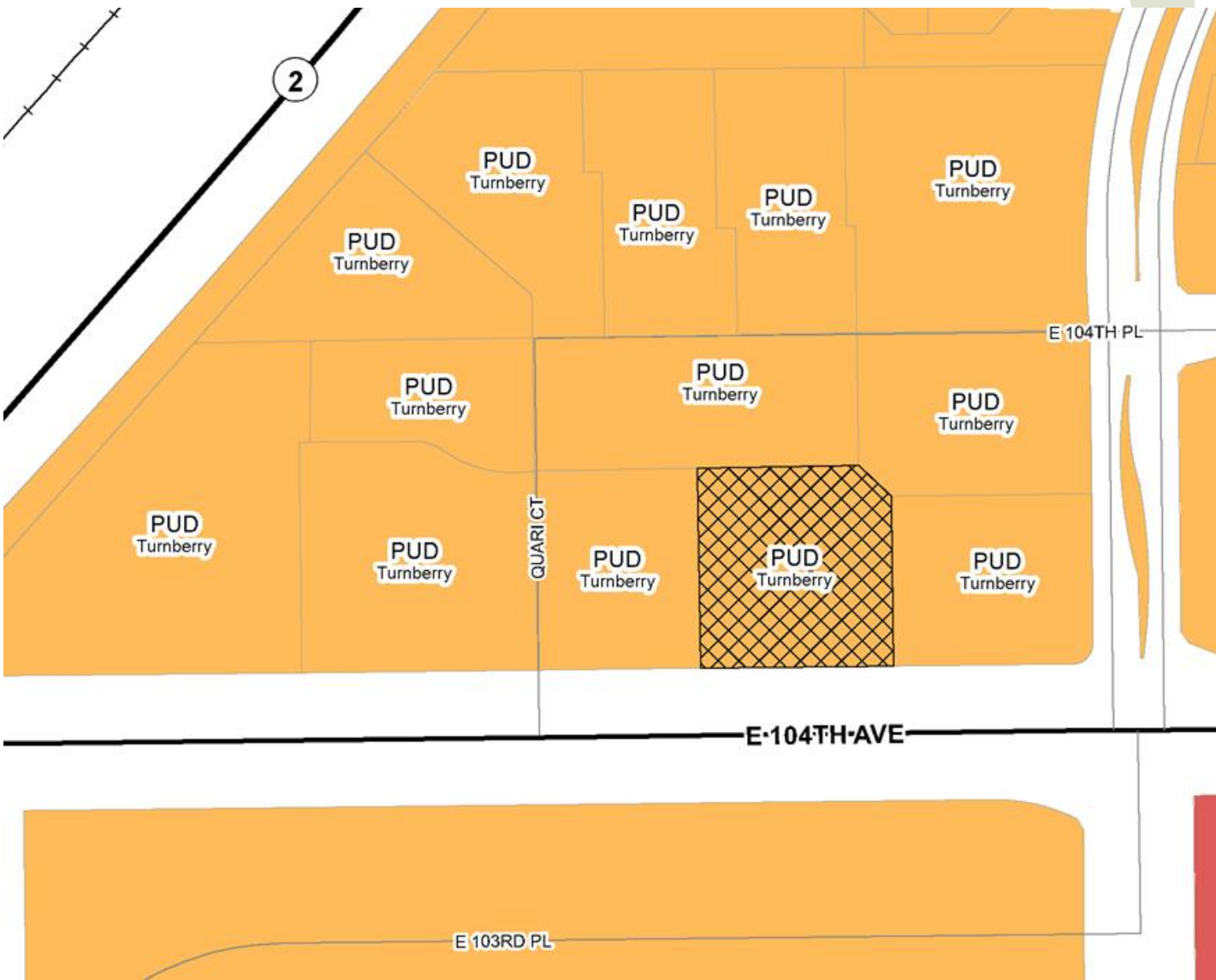
- Whether the zoning and associated rules for how the property can be developed and uses should be changed.



# Aerial



# Vicinity/Zoning Map



# Case Summary

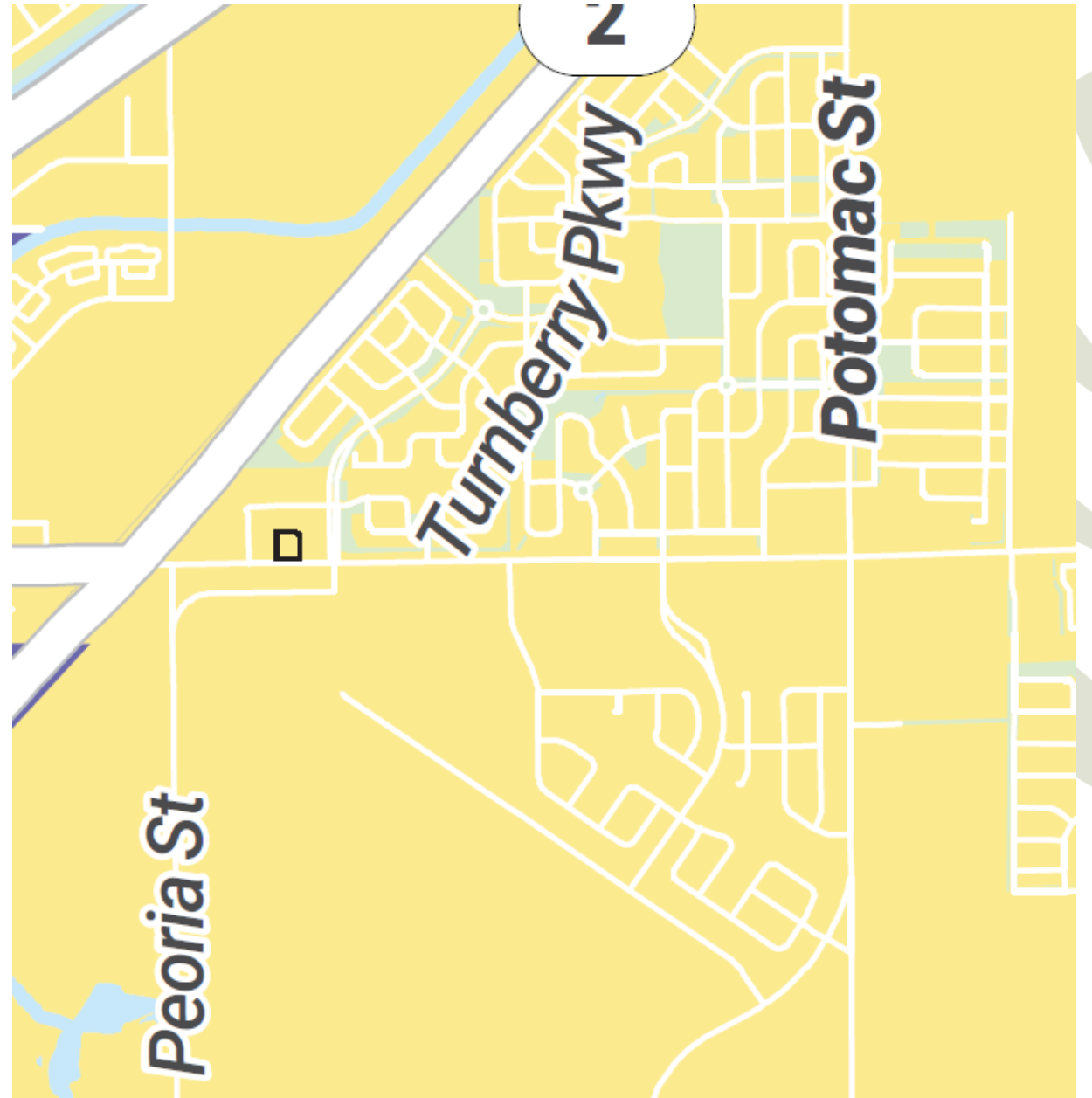
- Location: 12411 East 104th Avenue
- Request: To amend the Burlington Northern/Catellus PUD Zone Document to expand the allowable commercial uses for one parcel. The current PUD allows for 10 use categories. The proposed PUD will allow for 32 uses, with 22 uses being not previously allowed. One of the new uses include an automobile washing facility, which the applicant intends on developing.
- Site size: Approximately 1.06 acres
- Character Area: Northern Neighborhoods, Northern Range Commercial
- Concurrent Case: None



# Character Area

## Northern Neighborhoods

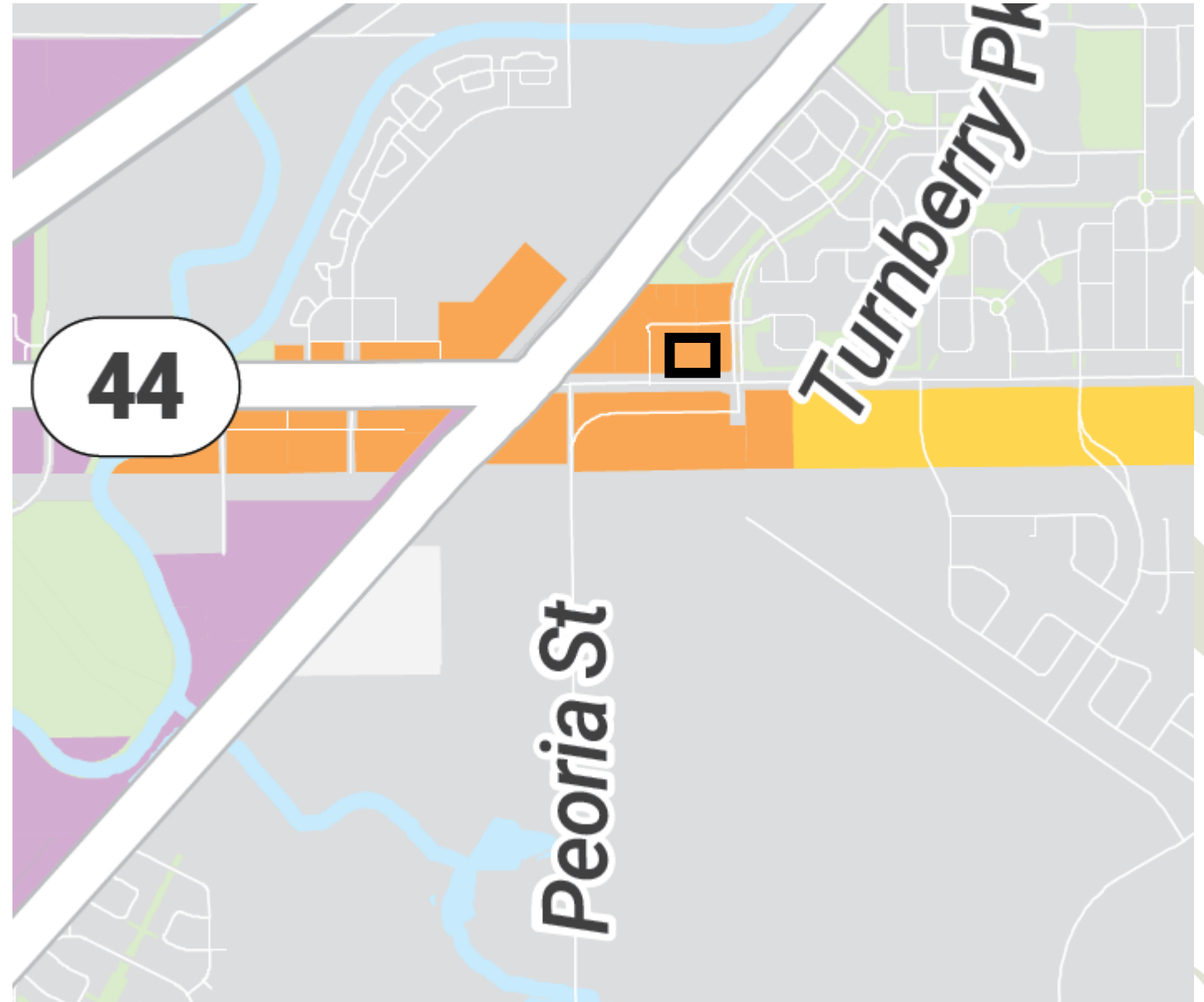
- Commercial Uses Allowed as a Secondary to Residential
- Commercial Uses should be Residential-Scaled



# Economic Framework

## North Range Commercial

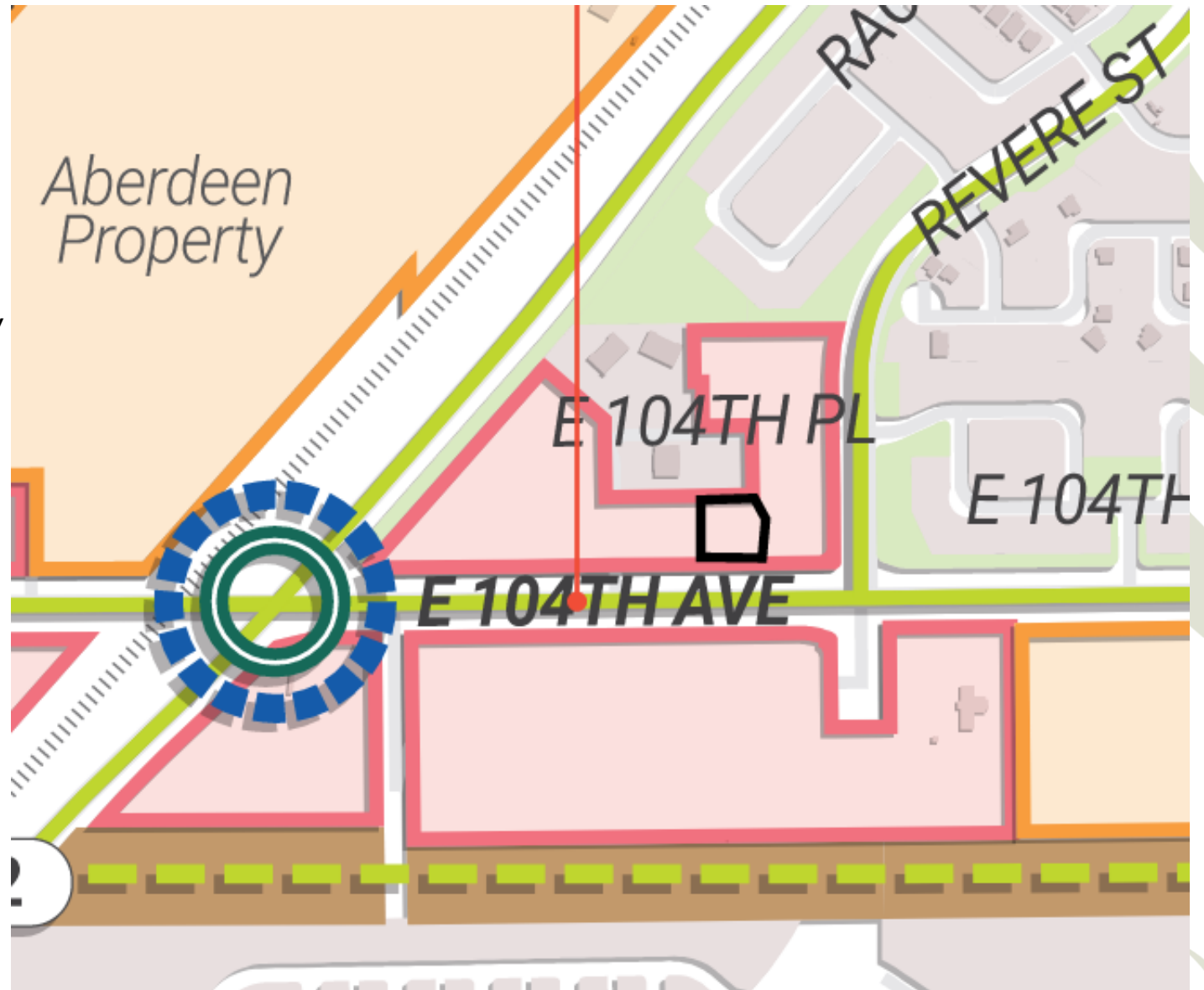
- Mix of Uses
- Pedestrian Scale
- 360-degree architecture



# Connected Corridors

## Commercial Development Opportunity

- Mix of Uses
- Pedestrian-Orientated
- Quality Site Design
- Day to Day Retail





# Current Conditions

- View from private drive facing southeast



# Current Conditions<sub>(2)</sub>

- View from East 104th Avenue facing northeast





# Neighborhood Meeting

- Neighborhood meeting held October 24, 2024 from 6:00 pm – 7:00 pm at Bison Ridge Recreation Center
- Applicants mailed letters to a 500-foot radius to notify surrounding property owners of the meeting
- Two residents attended
- Questions and concerns from the public included:
  - Noise levels of the dryers
  - Site circulation, specifically ingress and egress



# Public Comment

- Prior to December 3, 2024 Planning Commission Meeting, Staff received no public comment.
- At the December and February Planning Commission meetings public commenters came forward with comments. The concerns of the neighbors can be described within the following categories:
  - Financial viability of a car wash
  - Traffic
  - Trash
  - Noise
  - Air Quality
- Additionally written comments were received prior to February Planning Commission Meeting.

# Public Comment Response

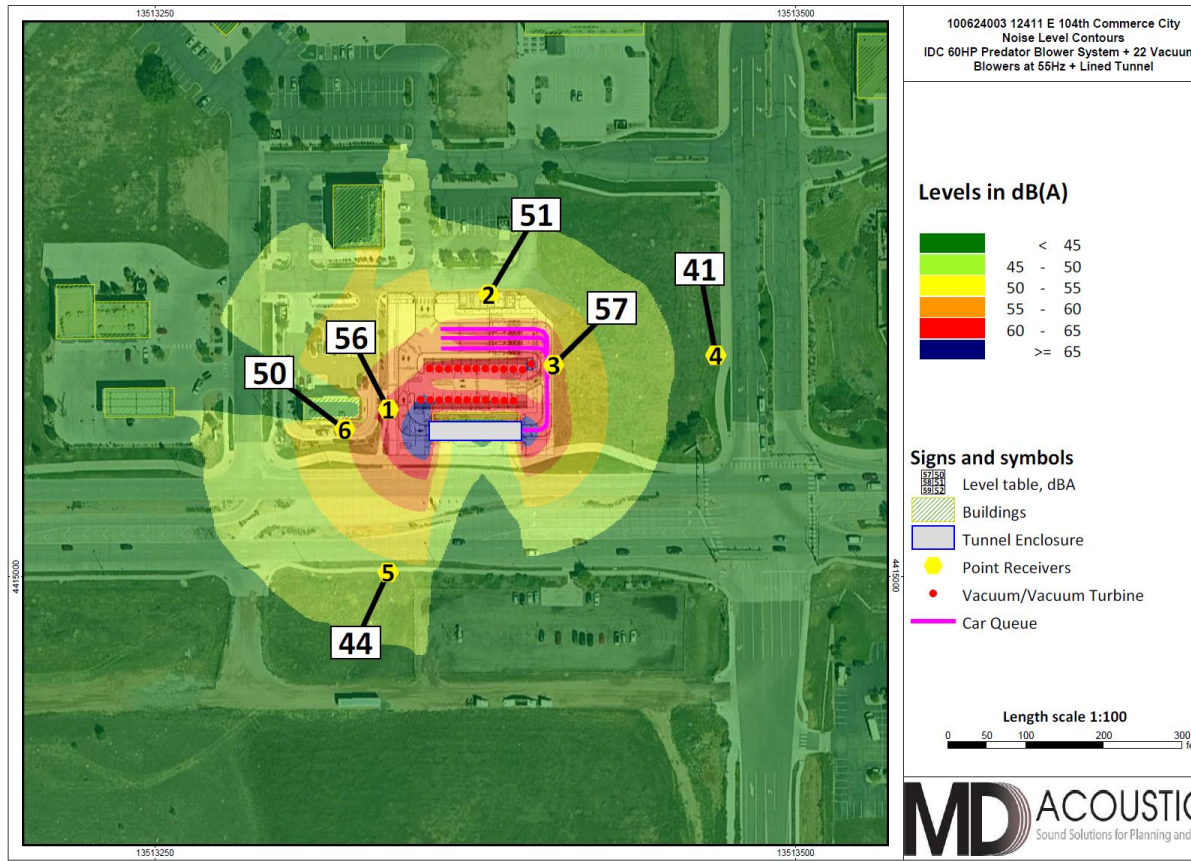
- Financial viability of a car wash/ Spacing requirements of car washes
  - There is no city standard for Financial viability of businesses as an approval criteria.
  - We do have standards for location, separation, and buffering to residential (Sec 21-5218)
- Traffic
  - A traffic study has been reviewed and approved by the City. The level of service at the adjacent intersections is not expected to change. There is a net impact of .05 percent expected on the traffic network. The effects on traffic are expected to be very minimal. Additionally, City Staff are proposing a condition on the PUD Zone Document to account for additional queuing on site to limit stacking into their driveways.
- Trash
  - Per Section 6-2003, of the Municipal Code, an occupant of any property located within the City shall provide for the removal of all trash, garbage or waste of any kind from the property at regular intervals. Such intervals shall be as often as necessary to prevent the creation of a public health nuisance. Any nuisance are subject to a fine which increases for each subsequent violation.

# Public Comment Response<sub>(2)</sub>

- Noise
  - The proposed conditions on the PUD Zone Document require that the noise levels at the property line are less than 50 decibels. The applicant will be responsible for meeting this condition at the time of development plan and throughout the life span of the zoning and car wash. Each documented violation of this standard is subject to an increasing fine.
  - The Noise Study indicates that there will be minimal impact on surrounding properties as a result of the Car Wash. However, the assumptions of the study included installation of specific blowers and acoustic liner with construction of 8 foot tall walls on the east and west sides of the property.
- Air Quality
  - Sec 21-5120, Performance Standards, speaks to Air Pollution (item 3) and Odors (item 4) but would not usually be associated with an automotive wash or other uses proposed in this amendment.



# Noise Study



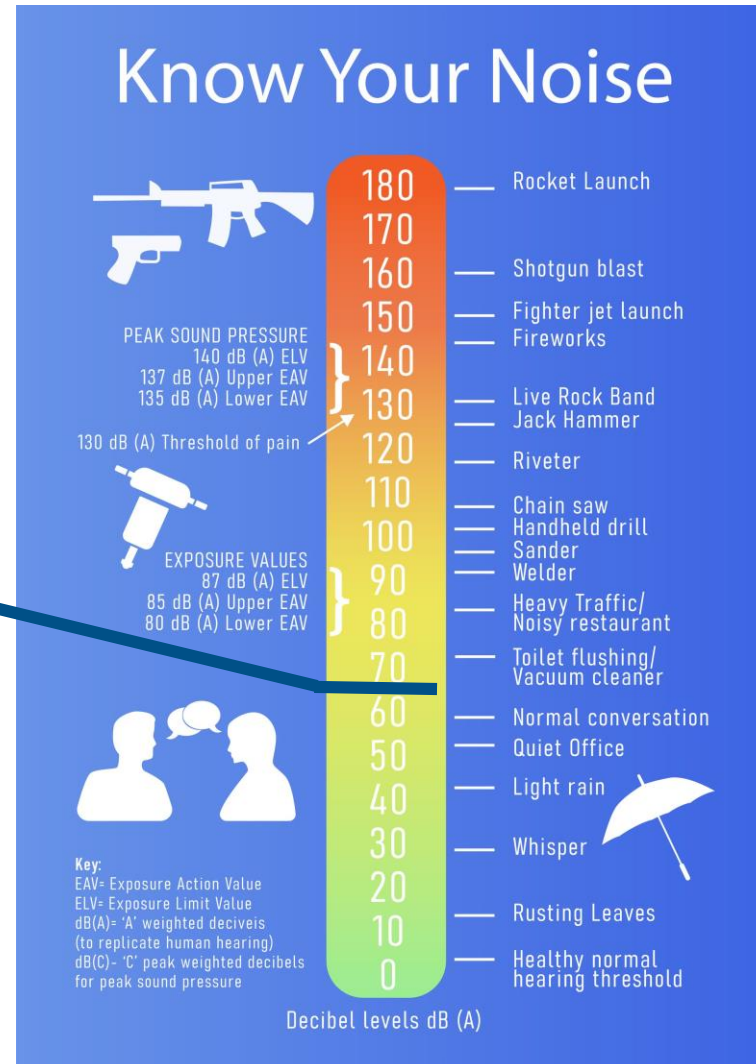
Without Noise Walls



With Noise Walls

# Noise Study (2)

The Noise Study indicated that the Car wash would not exceed 65 decibels at the property line.



# Project Analysis

- Site Overview
  - Surrounded by commercial zoning
  - Some developed land and some vacant
- Road Network Impacts/ Traffic
  - Property will take access from private drive on the north side of the property
  - Levels of service are not expected to see any changes once car wash is developed
- Noise Study
  - The Noise Study revealed there would be minimal impacts to the surrounding area
  - The Noise Study assumed installation of specific blowers and acoustic liners with construction of 8-foot-tall walls on the east and west property line



# Allowed Uses

- Current PUD Zone Document
  - Allows for 10 use categories
- Proposed PUD Zone Document
  - Allows for 32 use categories
    - 22 uses were not previously allowed
  - Removes three currently allowed uses
    - Pharmacies, Civic Uses, and Park-N-Ride

# Allowed Uses

## Existing Zoning

**C - COMMERCIAL USES INCLUDE GENERAL OFFICES, MEDICAL AND DENTAL OFFICES, RETAIL SALES AND SERVICE ESTABLISHMENTS, GROCERY STORES, DEPARTMENT STORES, PHARMACIES, RESTAURANTS INCLUDING DRIVE-THROUGH, LIQUOR STORES, GASOLINE SERVICE STATIONS, CIVIC USES AND PARK-N-RIDE USES. EXCLUDING AUTO SALES AND REPAIR.**

## Proposed Zoning

ALLOWED USES
EATING AND DRINKING ESTABLISHMENTS
CATERING SERVICES
RESTAURANT WITH OR WITHOUT DRIVE THRU
FINANCIAL INSTITUTIONS BANK OR FINANCIAL INSTITUTION
FOOD AND BEVERAGE SALES
CONVENIENCE STORE/ GROCERY STORE (5,000 SF)
ALL OTHER SIMILAR USES (E.G DELI/CATSESSEN, RETAIL, BAKERY, SPECIALTY FOOD MARKET, COFFEE SHOP)
OFFICE
BUSINESS OR PROFESSIONAL
COURIER SERVICES
MANUFACTURING ARTISAN/HANDCRAFTED MANUFACTURING
PERSONNEL SERVICES, INSTRUCTIONAL SERVICES, STUDIOS
BINGO ESTABLISHMENTS/ SOCIAL GAMING OUTLET
PERFORMANCE CENTERS
BOWLING, BILLIARDS, MOVIE THEATERS AND SIMILAR USES
DRIVE-IN THEATER
HEALTH CLUBS
OUTDOOR RECREATION
RACE TRACK (ANIMAL OR VEHICLE)
REPAIR SERVICES (NOT INCLUDING VEHICLES)
FURNITURE OR MAJOR HOUSEHOLD APPLIANCE REPAIR
ALL OTHER SIMILAR USES
RETAIL ESTABLISHMENT
MACHINERY SALES, EXCLUDING TRUCK TRAILERS, HEAVY EQUIPMENT, AND FARM MACHINERY
RETAIL BUSINESS STORE
THRIFTY/ CONSIGNMENT STORE
VEHICLE/ EQUIPMENT SALES SERVICES
AUTOMOBILE RENTALS
AUTOMOBILE WASHING FACILITY EXPRESS WASH FACILITY
LIMITED MOVING TRUCK (30 FEET)/ EQUIPMENT SELF-RENTAL FACILITIES
MOTOR VEHICLE DEALER/ SALES, NEW AND USED AUTOMOBILES (3 ACRES)
MOTOR VEHICLE DEALER/ SALES, NEW AND USED RV'S, TRAILERS, AND CAMPERS
TIRE SHOP
VEHICLE REPAIR, MINOR
VEHICLE STORAGE (OPERABLE VEHICLES ONLY)
GASOLINE SERVICE STATION
VISITOR ACCOMMODATIONS BED AND BREAKFAST ESTABLISHMENTS
LODGING ESTABLISHMENTS
OFFICE FLEX

# Planning Commission Recommendation

- At the February Planning Commission, this requested PUD Amendment received a recommendation for denial.
  - 5-0 vote.
  - Planning Commission found that PUD Amendment could not meet criterion C, E and F
    - **Criterion (c) Rationale:** The proposed PUD Amendment fails to satisfy a unique situation and the car wash use is not a benefit to the City.
    - **Criterion (e) Rationale:** In order to fully address criteria “f”, the construction on an 8-foot tall noise wall would bifurcate this develop from adjacent uses.
    - **Criterion (f) Rationale:** Not all impacts can be mitigated by this PUD Amendment. For the proposed car wash use there will be noise impacts. In order to mitigate noise impacts the 8-foot wall will create visual and connectivity impacts.
- Per Sec 10.11(b) (5) of the City Charter (Zoning Procedure) a vote of not less than a majority of the members of the council in office at the time the vote is taken shall be required to overrule the recommendations of the planning commission. Meaning that this request will need a minimum of five votes of approval to be approved.



# Staff Recommendations for approval

- If Council is inclined to approve the request. Staff is recommending adding conditions.
  - Additional standards for the Automobile Washing Facilities.
    - Noise levels at the property line shall not exceed 50 decibels
    - Minimum 5 stacking spaces
    - Stacking shall be screened from all public Rights of Way with at least 5 feet tall screening material
    - The design of the building should incorporate blowers and acoustic liners as outlined in the Noise Study
  - Removal of some of the listed uses.
    - Drive-In Theater, Race Track, Self-Rental Facility, Vehicle Storage

# Considerations for Discussion

- Allowing this amendment will promote commercial development of a vacant site.
- This amendment only applies to one parcel.
- The added conditions will help mitigate impacts usually associated with car washes.
- The Noise Study has concluded that the noise of the Car Wash at the property line will be less than the ambient traffic noise of 104th Avenue.
- This PUD Amendment will introduce 22 uses that were not previously allowed.
- Next steps to develop a Car Wash or any other listed use would include submission and approval of a site specific development plan.

# Approval Criteria

*Approval Criteria.* An application may be approved if:

- a) The PUD zone document is consistent with the policies and goals of the comprehensive plan, any applicable adopted area plan, or community plan of the city, or reflects conditions that have changed since the adoption of the comprehensive plan;
- b) The PUD zone document is consistent with any previously reviewed PUD concept schematic;
- c) The PUD:
  - (i) Addresses a unique situation, confers a substantial benefit to the city, or incorporates creative site design such that it achieves the purposes set out in section 21-4370 (PUD Zone District) and represents an improvement in quality over what could have been accomplished through strict applications of the otherwise applicable district or development standards. This may include but is not limited to improvements in open space; environmental protection; tree/vegetation preservation; efficient provision of streets, roads, and other utilities and services; unique architecture or design, or increased choice of living and housing environments; or
  - (ii) The PUD is required to avoid completely prohibiting a legal, permitted business use within the city;
- d) The PUD complies with all applicable city standards not otherwise modified or waived by the city;

# Approval Criteria<sub>(2)</sub>

*Approval Criteria.* An application may be approved if:

(e) The PUD is integrated and connected with adjacent development through street connections, sidewalks, trails, and similar features;

(f) To the maximum extent feasible, the proposal mitigates any potential significant adverse impacts on adjacent properties or on the general community;

(g) Sufficient public safety, transportation, and utility facilities and services are available to serve the subject property, while maintaining sufficient levels of service to existing development;

(h) As applicable, the proposed phasing plan for development of the PUD is rational in terms of available infrastructure, capacity, and financing; and

(i) The same development could not be accomplished through the use of other techniques, such as height exceptions, variances, or minor modifications.



---

Staff is available to answer to questions.



Commerce  
**CITY**

# Approval Criteria

*Approval Criteria.* An application may be approved if:

- a) The PUD zone document is consistent with the policies and goals of the comprehensive plan, any applicable adopted area plan, or community plan of the city, or reflects conditions that have changed since the adoption of the comprehensive plan;
  - a) Analysis: The proposed amendment is consistent with the policies and goals of the comprehensive plan as stated in this staff report and will remain consistent with the land use designation of Northern Range Commercial.
  
- b) The PUD zone document is consistent with any previously reviewed PUD concept schematic;
  - a) Analysis: The proposed PUD Zone Document is consistent with the concept schematic approved in 1999. Additionally, the proposed amendment improves upon previous versions of the PUD by requiring Architecture Standards.

# Approval Criteria<sub>(2)</sub>

*Approval Criteria.* An application may be approved if:

c) The PUD:

(i) Addresses a unique situation, confers a substantial benefit to the city, or incorporates creative site design such that it achieves the purposes set out in section 21-4370 (PUD Zone District) and represents an improvement in quality over what could have been accomplished through strict applications of the otherwise applicable district or development standards. This may include but is not limited to improvements in open space; environmental protection; tree/vegetation preservation; efficient provision of streets, roads, and other utilities and services; unique architecture or design, or increased choice of living and housing environments; or

(ii) The PUD is required to avoid completely prohibiting a legal, permitted business use within the city;

Analysis: Amending the allowable uses will promote the site to develop along the commercial frontage of East 104<sup>th</sup> Avenue. The Architecture Standards established will promote unique architecture.

d)The PUD complies with all applicable city standards not otherwise modified or waived by the city;

Analysis: The proposed amendment has been reviewed by the Development Review Team and meets all applicable City standards.

# Approval Criteria<sup>(3)</sup>

*Approval Criteria.* An application may be approved if:

(e) The PUD is integrated and connected with adjacent development through street connections, sidewalks, trails, and similar features;

Analysis: The previously approved PUD Zone Documents have set a layout which provides connections and access through the site and to neighboring developments.

(f) To the maximum extent feasible, the proposal mitigates any potential significant adverse impacts on adjacent properties or on the general community;

Analysis: With the proposed conditions, the PUD Zone Document will mitigate the expected impacts to adjacent properties. The proposal conditions include a cap on noise levels, accommodating more traffic on the subject property and additional screening to limit visual impacts.

(g) Sufficient public safety, transportation, and utility facilities and services are available to serve the subject property, while maintaining sufficient levels of service to existing development;

Analysis: The property is within the South Adams County Water and Sanitation District and the South Adams County Fire District. Xcel Energy, United Power and Commerce City Public Works/Engineering reviewed the request and had no opposition.



# Approval Criteria<sub>(4)</sub>

*Approval Criteria.* An application may be approved if:

(h) As applicable, the proposed phasing plan for development of the PUD is rational in terms of available infrastructure, capacity, and financing; and

Analysis: Not applicable as there is no phasing plan.

(i) The same development could not be accomplished through the use of other techniques, such as height exceptions, variances, or minor modifications.

Analysis: A PUD Amendment is the only application type that would allow for maintaining what has already been established while allowing the car wash use.