



# Variance Report

## Case #AV26-0002

*Board of Adjustment Date: March 10, 2026*

### General Information

<b>Project Name</b>	Applegreen Northbound Sign Height Variance
<b>Location</b>	9022 E-470
<b>Site Size</b>	4.40 acres
<b>Current Zoning</b>	Regional Commercial (C-3)
<b>Applicant</b>	Freeman Signs
<b>Property Owner</b>	E-470 Public Highway Authority
<b>Case Planner</b>	Nathan Chavez

### Request

Freeman Signs, on behalf of E-470 Public Highway Authority, is requesting a variance to increase the Freestanding Sign height maximum from 8-feet to 30-feet, a 22-foot increase, for a proposed freestanding sign along E-470.

### Background and Case History

9022 E-470 is the future home of an Applegreen fuel station and 8,200 square foot convenience store currently under construction. The E-470 Public Highway Authority entered into an agreement with Applegreen as the sole convenience store brand within the E-470 right-of-way. There are other Applegreen planned convenience stores and fuel stations in Parker, CO and Aurora, CO. From late 2024 to mid-2025 the zone change, final plat, and development plan were approved for the site. The proposed subject sign is 30 feet tall, 242 square feet large, and located at the southern tip of the site. There is another variance for increased height from 60 square feet to 242 square feet, a 182-square foot increase (AV25-0017) under review for the subject sign.

### Project Analysis

#### **Site Overview & Overall Analysis**

The site, which is located along the eastern side of E-470 between East 88<sup>th</sup> Avenue and East 96<sup>th</sup> Avenue. To the east is the Prime Sites Preliminary Planned Unit Development (PUD) which has no entitled zoning or land uses. To the west across E-470 is another Applegreen convenience store also under construction and then the Legato PUD, with office/flex land uses planned directly adjacent to E-470. On either side of this section of E-470 is a berm that is around 13-ft. above the sign location to the east and 33-ft. taller to the west. Per Table VIII-6 b. Freestanding Signs - Commercial/Industrial Use Standards within [Sec. 21-8425. – Freestanding Signs](#) of the

Land Development Code, a total of one freestanding sign with a maximum of 60 square feet in size and 8-feet in height is allowed for a 2-10-acre commercial site. The applicants are seeking a variance to allow for an increase in the maximum height allowed from 8-feet to 30-feet , a 22 foot increase. The sign is proposed at the primary entrance of the site with the purpose of advertising future tenants and site identification for E-470 motorists. There are no other freestanding signs proposed for the site, however, there may be blue highway identification signs as additional signage proposed along E-470 (Figure 2). There is no access to the site from E-470.

### **Comprehensive Plan Consistency**

Per the [2045 Comprehensive Plan](#), the site is within the E-470 Expressway Corridor District Character Area (Figure 5) which designates commercial as a primary land use meant to play a pivotal role in characterizing the placetype of the area. Approved for the site is a new convenience store with fuel sales, both allowed by right within the C-3 (Regional Commercial) zoning district. The proposed variance will allow for the appropriate advertising of a commercial use currently under construction. The Economic Development Framework map (Figure 5) designates the site within the E-470 Influence Area encourages development, a strong level of enhanced architecture, and an opportunity for future development to set a strong design precedent in the area. The proposed sign (Figure 2) emulates the design of the approved building (Figure 6) with the utilization of the faux longboard material and color.

The proposed variance allows for the appropriate advertising of the development and for a service which was missing from Commerce City, a commercial land use and business along E-470. Lastly, the sign is attractive and emulates the design of the building which meets the City's architectural design standards.

### **Public Comment**

City Staff provided public notice in accordance with the Land Development Code, including publication in the Commerce City Sentinel, posting of a sign on the site, and mailing of fliers 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 variance.

### **Application Review**

The proposed variance was reviewed by all relevant Development Review Team agencies, including the Commerce City Planning Division, Geographic Information Systems Division, Parks, Recreation and Golf Department, Department of Economic and Community Vitality, Engineering Review Division, & Energy, Equity, and the Environment Division, the South Adams County Water and Sanitation District (SACWSD), Denver International Airport, and E-470 Public Highway Authority 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 site is located adjacent to E-470, a highway with a 75 mile per hour speed limit and with only one access point, the southern portion of the site. Because a sign may only be placed on a platted lot where the primary business takes place, the proposed sign is restricted from being placed anywhere else along E-470. This creates a situation where proper advertising necessitates a larger sign, as the sign cannot be placed further south along E-470 where motorists will have proper notice and time to know an exit for fuel, food, and restrooms is ahead. While Applegreen is exploring the option to install the blue highway signs along E-470 there is guarantee this will transpire or E-470 will approve such signage. Missing the exit would then necessitate a motorist either exit onto East 96<sup>th</sup> Avenue and double back or skip a Commerce City business altogether. Because the lot and adjacency to E-470 a larger sign is needed to allow for adequate notification and the safe exiting of motorists to a new Commerce business. *Therefore, it can be found that this application **meets criteria (i)**.*

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

**Analysis:** The subject site is directly adjacent to E-470 with direct access to the highway. The site and subdivision plat are designed in a manner to maximize use of the space with the least amount of disturbance of E-470 right-of-way. Because of this layout the sign is located in the optimal spot to allow for advertisement for E-470 motorists while meeting setback requirements. Per the provided sign renderings, the proposed sign is not very visible until around 300 feet away, which is 200 feet from the start of the exit. A sign which adheres to the Land Development Code standards is allowed 8 feet in height and 60 square feet in size and would be difficult for E-470 motorist to see given the speed and traffic of the highway. In addition, the Land Development Code does not contemplate properties that front and have access to highways, which in this instance creates a circumstance where the proposed sign is roughly over 580 feet from the start of the exit. The proposed increase in sign height is needed for motorists to safely maneuver E-470 and exit onto the site. *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:** At this location along the corridor, E-470 and the proposed Applegreen is recessed with two land berms of either side. The subject sign sits around 13-ft. below the eastern berm and 33-ft. below the western berm. In addition, the subject sign location is roughly 470-feet from the

eastern boundary of the E-470 right-of-way and over 620 feet from the western boundary. Both the grade difference and distance to neighboring property indicate that there will be no substantial detriment to adjacent properties. *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 proposed variance for increased sign height is needed to ensure motorist safety. There must be timely and adequate advertising of the coming business to ensure safe exiting from E-470. As previously mentioned, signage outside of state regulated highway signage is only allowed on the site where the business is located. The proposed location is optimal location possible on the site for visibility. *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 2045 Comprehensive Plan designates the general area as commercial, general employment, office, and warehouse and distribution/logistic primary land uses with limited residential as secondary land uses. The development associated with the sign variance is the first commercial development within the district and is setting a precedent for the character of the district. While larger and taller than the Land Development Code and most PUDs would allow for, it is important to note the practical difficulties. Lastly, the character of the area is planned for similar uses. *Therefore, it can be found that this application **meets criteria (ii)**.*

### **Staff Recommendation**

Planning staff found 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 AV26-0002.

### **Considerations for Discussion**

1. The variance is for additional height for a proposed freestanding sign, from 8-feet to 30-feet, a 22-foot increase.
2. The additional sign height is needed to allow for proper exiting of motorists along a highway.
3. Only one freestanding sign is allowed and proposed for the subject site.
4. Neighboring residents were notified about the variance and provided an opportunity to comment and attend the Board of Adjustment.
5. Review of the requested variance revealed limited impacts to surrounding properties.

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 **9022 E-470** contained in case **AV26-0002**, 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 **9022 E-470** contained in case **AV26-0002**, 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 **9022 E-470** contained in case **AV26-0002**, 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 from September 25, 2025

Figure 2. Proposed Freestanding Sign

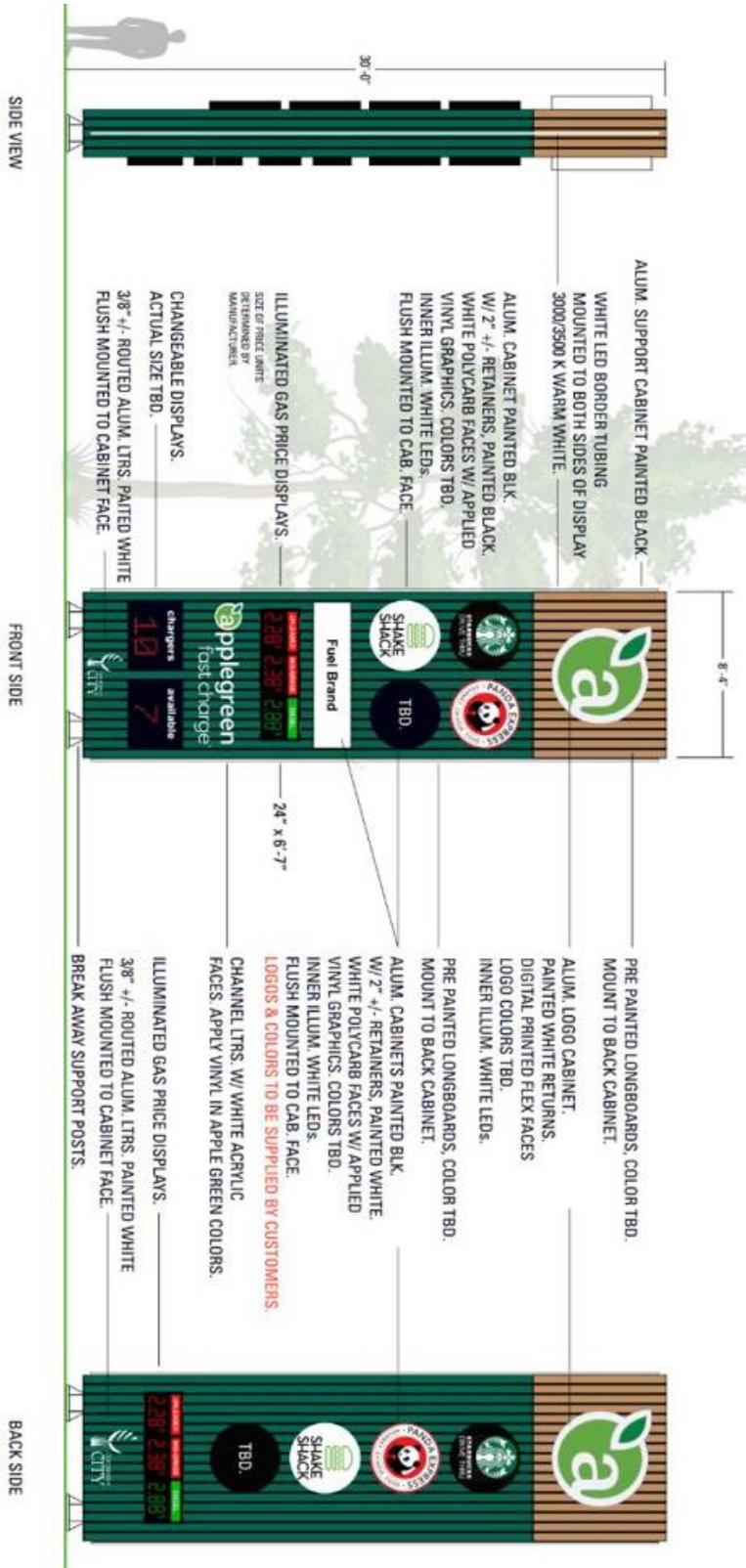


Figure 3. Site Plan

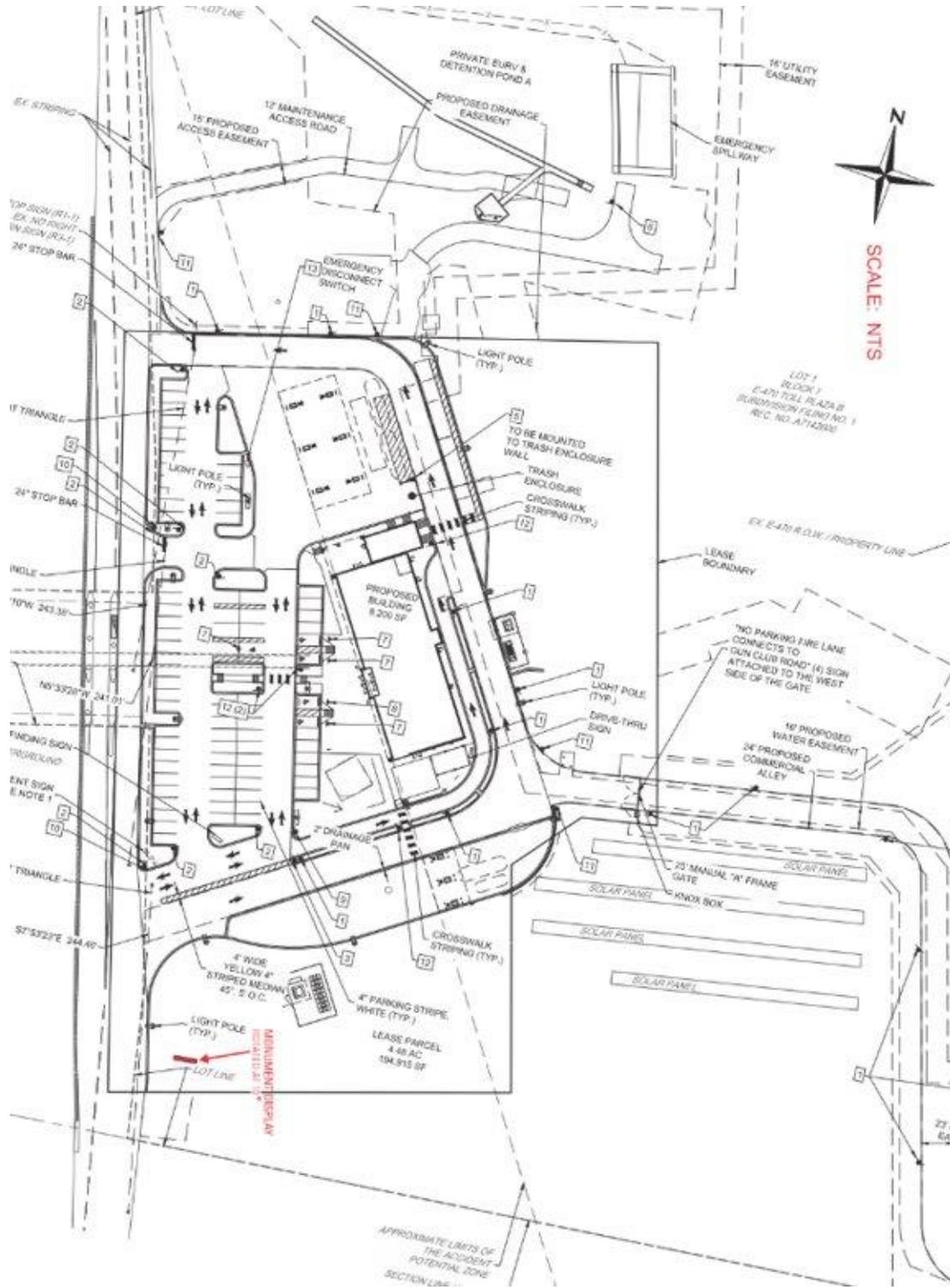


Figure 4. Character Areas

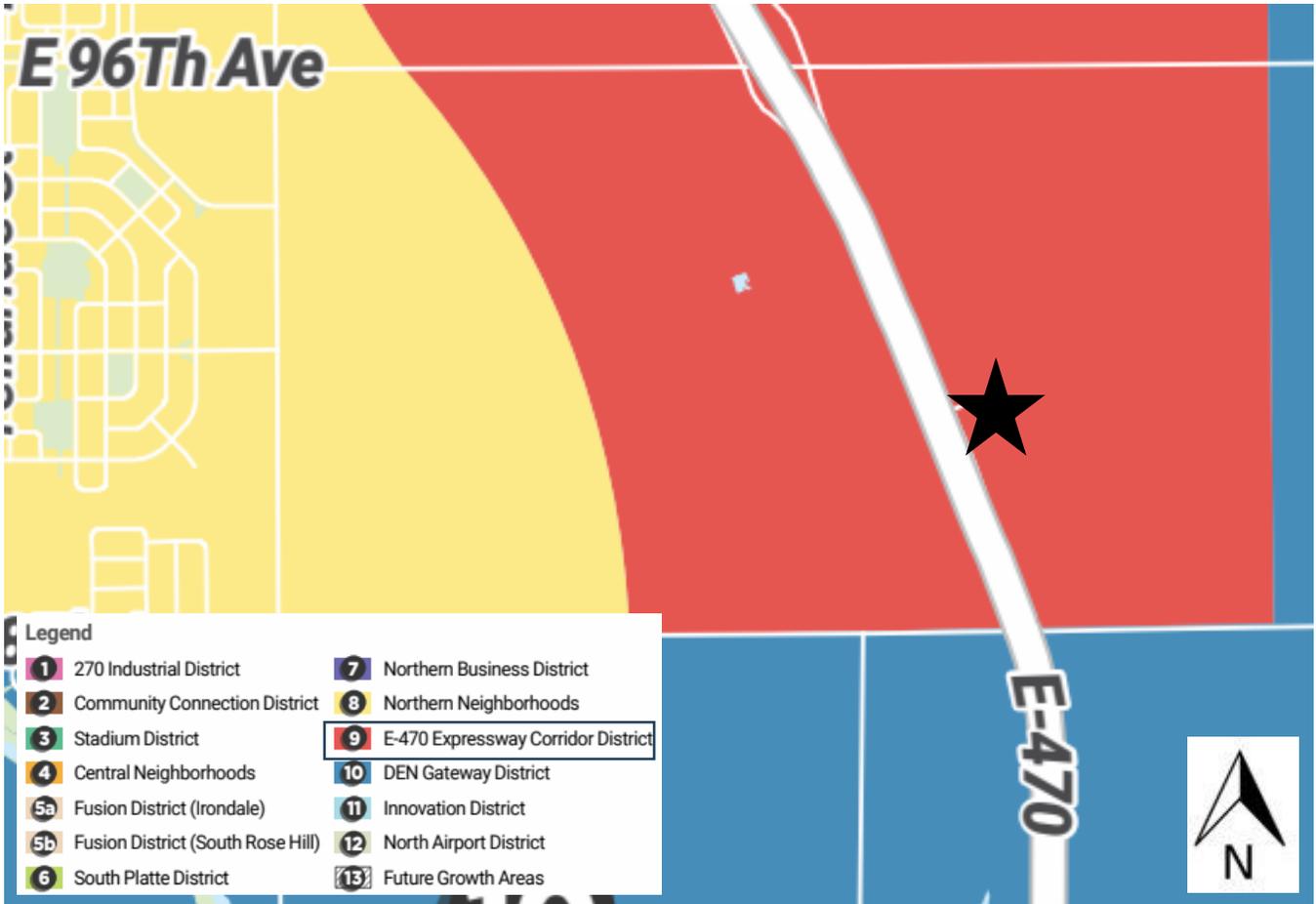
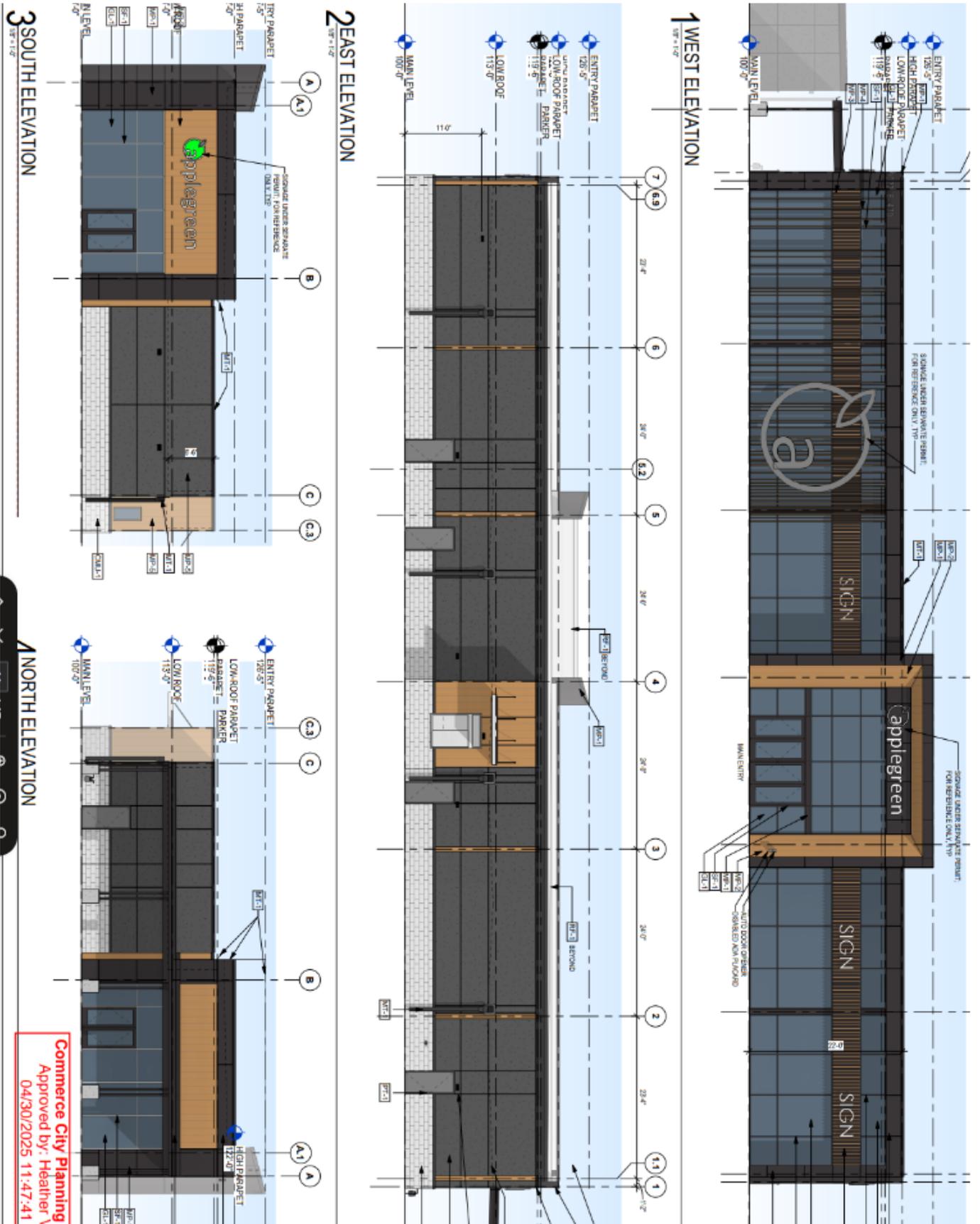


Figure 5. Economic Development Framework Map



Figure 6. Approved Elevations



Commerce City Planning  
 Approved by: Heather V  
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