



Use-By-Permit Supplemental Report

Case #AU25-0004

General Information

Board of Adjustment Date: May 12, 2026

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	Heather Vidlock/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.

Updated information

This is a supplemental staff report intended to provide an update on the additional information submitted by the applicant since the case was continued from the April 14, 2026 Board of Adjustments (BOA) meeting to allow the applicant time to address staff's concerns with consistency of the project with the Comprehensive Plan and pedestrian connectivity. The applicant provided an updated project narrative explaining how the project is consistent with the 2045 Comprehensive Plan and the approval criteria for Use-by-Permits. The applicant has also provided a pedestrian connectivity map showing how this property fits in with the broader Settler's Crossing planned development. Finally, the applicant has also submitted an updated site plan showing pedestrian access and an outdoor seating area.

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. Four written comments were received including two letters in support and two in opposition of the application. Concerns with the proposed land use include noise from the use, environmental impact, how the community serves the community, and increased traffic. The letter in support argue that there is not a carwash in close proximity to nearby residents, a car wash is more efficient that washing a car at home, and the proposal is well designed.

Updated Application Materials

Since the April 14, 2026 BOA continuance of this case, the applicant met with City staff to receive input and direction about how to address the shortcomings in the original application materials as related to compliance with the 2045 Comprehensive Plan goals. The applicant team developed the Conceptual Pedestrian Connectivity and Amenities report included in this packet. The Report includes text describing goals of the development, site amenities and map exhibits depicting how gathering areas and pedestrian connections are provided throughout the broader Settler's Crossing retail area. The Report highlights the Core Design Principles to provide: a continuous pedestrian network, active street frontages, gathering spaces throughout, and safe comfortable year-round use. This Report is a helpful guide to show how the broader Settler's Crossing is intentionally designed to enhance walkability and provide spaces for customers and residents to congregate.

The applicant has also updated their car wash site plan to provide pedestrian connectivity and a gathering space. The updated site plan reflects a new sidewalk connection between Tower Road and Argonne St. The updated site plan also reflects an outdoor seating area with a bench adjacent to Argonne Street. These revisions are intended to address the Economic Development Framework goal to provide "pedestrian-scale development, and integrated outdoor seating and gathering spaces."

The applicant has updated their project narrative to show how the nature of their retail center provides a variety of neighborhood focused retail and service uses. Also, the applicant's Conceptual Pedestrian Connectivity and Amenities report and site plan changes address the walkability, gathering spaces and amenities provided in this development. The narrative outlines how the application supports the goals of the Comprehensive Plan goals and complies with the review criteria for Use-By-Permits in the 2009 Land Development Code.

Comprehensive Plan Consistency

Approval of the Use-by-Permit will allow the site to develop as a tax generating commercial use which complies with the Planned Unit Development and City's Land Development Code architectural and landscaping standards. In addition, the car wash will utilize water recycling, where 30% of water from each car wash will be reclaimed for future washes.

- Character Areas (Land Use) Goal 8: Improve the overall image and appearance of the City.
- Health and Environmental Sustainability Goal 2: Advocate and strengthen public health protections to ensure the City's water quality is monitored and optimized with appropriate technologies and there are strategies in place to reduce exposure to public health.
- 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 applicant has provided a clearer picture of how this use functions within the broader Settler's Crossing retail area. The Report and map exhibits provided by the applicant since the April BOA meeting outline the broader plan to provide pedestrian connectivity and gathering spaces within Settler's Crossing. This is a key component of the [2045 Comprehensive Plan](#) in terms of providing walkable neighborhood supporting retail. Considering this proposed car wash use in context with the vision for Settler's Crossing and the diversity of retail planned and coordinated, staff finds that this use taken in context with the other supporting retail can be found to be compatible with the Economic

Development Framework and Tower Road Connected Corridor framework maps. These are the specific goals the proposed use is consistent with:

- 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 which designates commercial as a secondary land use meant to support the primary land use, residential. The Economic Development Framework map 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 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.

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 car wash at this location is designed to mitigate the impacts of noise or lighting related to the use on adjacent properties by providing adequate setback, landscaping and upgraded building design. The character of the neighborhood is preserved through intentional planning of pedestrian connections and gathering spaces for residents and customers. The applicant has provided substantiation of their compatibility with the Comprehensive Plan goals through their narrative and design features. *Therefore, it can be found that this application meets 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 applicant has provided materials that demonstrate that their proposal for the broader Settler's Crossing retail area meets the objectives in the Comprehensive Plan in terms of providing neighborhood level retail and services. In addition, the applicant has demonstrated a complete plan for pedestrian connectivity and gathering places on the car wash site and in the broader Settler's Crossing development area. Providing neighborhood retail and service uses is consistent with the goal of this character area. Ensuring the development is walkable and has spaces for gathering is consistent with the goals of the Economic Framework. *Therefore, it can be found that this application **meets criteria (i).***

- 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 finds that the updated application meets the 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 approve case AU25-0004.

Potential Motions

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]

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]*

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]*