



Z-979-24 & Z-980-24

Applegreen Northbound & Southbound Zone Change

10/7/2024

Request Summary

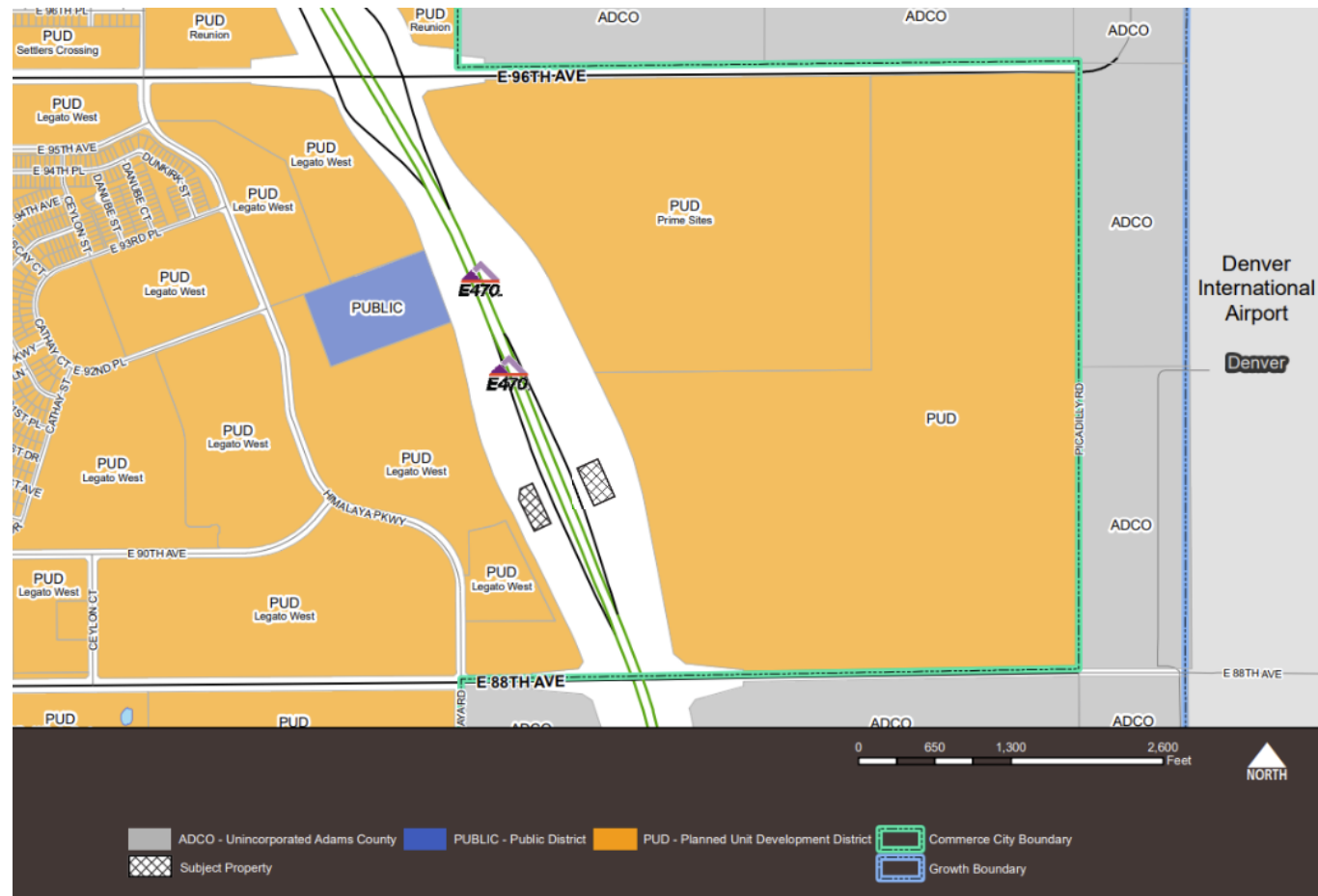
What is a Zone Change?

- 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.

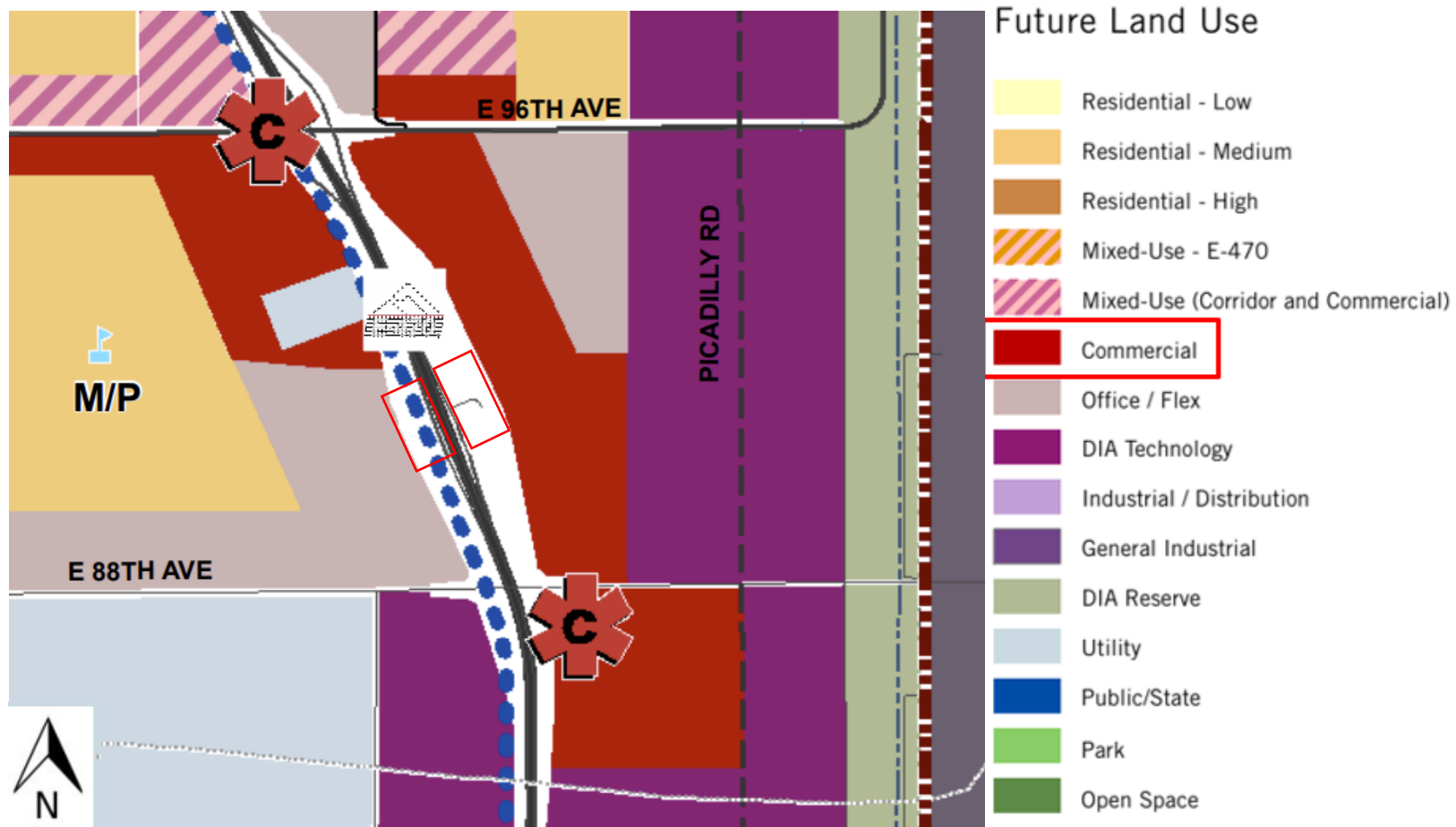
Vicinity/Zoning Map



Case Summary

- Location:
 - Northbound: 9022 E-470 (eastern side of E-470 between E. 88th Ave. and E. 96th Ave.)
 - Southbound: 9021 E-470 (western side of E-470 between E. 88th Ave. and E. 96th Ave.)
- Request: Zone Change from AG (Agricultural District) to C-3 (Regional Commercial District)
- Site size:
 - Northbound: Approximately 4.40 acres
 - Southbound: Approximately 4.47 acres
- Future land use: Commercial
- Concurrent Cases:
 - Northbound: D-537-24 (Development Plan)
 - Southbound: D-538-24 (Development Plan)

Future Land Use Plan



Aerial



Current Conditions - Southbound



Current Conditions Cont. - Southbound



Current Conditions - Northbound



Current Conditions Cont. - Northbound



Planning Commission

- Heard by Planning Commission on August 6th
- Planning Commission voted 5-0 to recommend approval to City Council.

Project Analysis

- Proposed Zone Change was reviewed by all relevant Development Review Team (DRT) agencies
- The Development Review Team has determined that all approval criteria has been met for Sec. 21-3232(5)
- Staff is proposing one condition to accommodate a potential on-site wastewater treatment facility for the future development.
 - Once South Adams County Water and Sanitation District (“SACWSD”) has utilities constructed within 400-ft of the Project location, the owner will be required to connect to SACWSD utilities at that time.

Considerations for Discussion

- The Zone Changes are consistent with the Comprehensive Plan.
- The Zone Changes allows the sites to develop as a vehicular travel plazas including EV charging stations, convenience stores, fuel stations, and dining options.
- It is unlikely that any other form of development fits within this area.
- E-470 is a major gateway into Commerce City
- Staff received no public comment for this application.



Discussion

Zone Change Approval Criteria

A decision for a Zone Change is based on the following criteria from Sec. 21-3232(5) of the LDC.

a) The zone change corrects a technical mistake on the part of the city in classifying a parcel within a specific zoning district; or
Not applicable

b) The zone change meets all of the following:

i. The proposed zone district and allowed uses are consistent with the policies and goals of the comprehensive plan, any applicable adopted area plan, or community plan of the city;

Analysis: The proposed C-3 (Regional Commercial District) zoning district is listed as a related zoning to the Commercial Future Land Use Plan designation. *Therefore, it can be found that this application **meets Criteria (i)**.*

ii. The proposed zone district and allowed uses are compatible with proposed development, surrounding land uses and the natural environment;

Analysis: The purpose of the C-3 (Regional Commercial District) is to provide for general retail, commercial, and personal services for both the general and traveling public in an interstate and regional context. The proposed fuel station, convenience store, and restaurant land uses provide these services along E-470 where no services or retail currently exist. The site is contained within the E-470 right-of-way and is not viewable from surrounding properties. No other land use is appropriate in this location. *Therefore, it can be found that this application **meets Criteria (ii)**.*

Zone Change Approval Criteria cont.

- iii. The proposed zone district will have, or future development can provide, efficient and adequate provision of public services, including but not limited to, water, sewerage, streets, and drainage;

Analysis: This zone change application was reviewed by the applicable public service providers, including Public Works, South Adams County Water and Sanitation District (SACWSD), Adams County Health Department (ACHD), and Colorado Department of Public Health & Environment (CDPHE). All agencies have no outstanding concerns regarding the currently proposed on-site wastewater treatment facility and reserve infiltration area which is necessary to serve the property. The applicant has recently indicated to Staff that they are further exploring a gravity sewer connection to SACWSD. While the sewer connection is the preferred option for the applicants and review agencies, the on-site wastewater facility is the backup plan. Regardless of which option is taken, both are viable to develop the property and appropriate agency approvals will be required as a condition of obtaining building permits. Lastly, Staff has included a condition of approval, requiring the development to connect to SACWSD utilities once services are within 400-ft. of the subject property. *Therefore, it can be found that this application **meets Criteria (iii).***

- iv. The proposed zone district will have, or future development can provide, efficient and adequate provision of public uses including but not limited to, parks, schools, and open space;

Analysis: Future development at this site is meant for vehicular users to access a commercial rest stop. Users of E-470 are able to access public uses by exiting E-470 into Commerce City. *Therefore, it can be found that this application **meets Criteria (iv).***

Zone Change Approval Criteria cont.-2

v. There is a community need for the zoning district in the proposed location, given need to provide or maintain a proper mix of uses both within the city and the immediate area of the proposed use; and

Analysis: Commercial is a highly desired land use type within the City. While only accessible via E-470, an additional opportunity to access charging stations, fuel stations, conveniences store, and dining options is made available through this zone change. In addition, the facility will directly serve vehicular users of E-470 which is a service that does not currently exist within Commerce City. *Therefore, it can be found that this application meets Criteria (v).*

vi. The area for which zone change is requested has changed or is changing to such a degree that it is in the public interest to allow a new use or density.

Analysis: The purpose is to develop the site as a commercial rest stop with fuel stations and dining options for E-470. There is currently no service provided along E-470. *Therefore, it can be found that this application meets Criteria (vi).*