



# PUD Amendment Report

## Case #PUDA23-0004

*Planning Commission Date: February 4, 2025*

*City Council Date: March 4, 2025*

### **GENERAL INFORMATION**

<b>PROJECT NAME</b>	Burlington Northern/ Catellus Amendment 6- Turnberry Carwash
<b>LOCATION</b>	12411 East 104 <sup>th</sup> Avenue
<b>SITE SIZE</b>	1.06 Acres
<b>CURRENT ZONING</b>	PUD- Burlington Northern/ Catellus
<b>APPLICANT</b>	Car Wash Pro Designers
<b>OWNER(S)</b>	Nolly Enterprises LLC
<b>CASE PLANNER</b>	Nic Berry

### **REQUEST**

The request is to amend the Burlington Northern/Catellus PUD Zone Document to expand the allowable commercial uses for one parcel. Specifically, the applicant is requesting to develop a car wash.

### **BACKGROUND AND CASE HISTORY**

The original Burlington Northern/ Catellus Zone Document was approved by City Council in 1999. There has been five previous amendments that have been approved. The most recent amendment was approved in 2016.

The proposed amendment will 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. Additionally, the PUD is eliminating 3 previous allowed uses. For more information about the uses please see Allowed Uses section below (starting on page 5).

There are no additional applications currently under review with the City. A development plan will be needed to determine the final design for the site.

### **PLANNING COMMISSION**

This case was heard by the Planning Commission on December 3, 2024. Neighbors expressed concerns about the car wash use. The Commission continued the case to allow the applicant to address some concerns from the neighbors (see Neighborhood Input below). At the February 4, 2025 Commission meeting, the applicant addressed the noise and visual concerns of the neighbors. The Planning Commission found that the proposal did not meet approval

criteria (c), criteria (e), and criteria (f) and recommended denial of the PUD Amendment to City Council (see Planning Commission Denial Rationale).

## **Neighborhood Input**

### **Neighborhood Meeting**

A neighborhood meeting was held October 24, 2024 at the Bison Ridge Recreation Center. Two residents were in attendance with ties to the Home Owners Association and the Metro District. They had questions about noise and site circulation. As a result of the neighborhood meeting, staff proposes a few conditions to address the concerns of the neighborhood.

1. Noise level at the property line shall be at 50 decibels or less.

50 decibels was selected to be equal to the sound level of the ambient traffic on a quiet residential street.

2. The number of stacking spaces required shall be increased to 5.

Where a PUD Zone Document is silent on a specific development standard. The standards default to the standards provided in the Land Development Code. The Land Development Code requires a minimum number of three waiting spaces (Stacking, Sec 21-7236) to enter the tunnel. By increasing this number, the car wash will be required to accommodate more cars on their site, decreasing congestion in their access drive.

3. The stacking shall be screened with a minimum 5 foot high screening from all public rights of way.

This will help to improve the aesthetics of the site along East 104th Ave. The proposed language will leave flexibility for the screening to be accomplished with either landscaping or hardscape to promote the design of the screening to be integrated into the overall site design

The concerns of the neighbors heard at the December 3<sup>rd</sup> Planning Commission can be described within the following categories:

1. Financial viability of a car wash
2. Traffic
3. Trash
4. Noise
5. Air Quality

Staff has conducted an analysis of existing and proposed standards to help address the neighborhood concerns.

1. Financial viability of a car wash
  - a. There is no city standard for financial viability of businesses as an approval criteria.
  - b. We do have standards for location, separation, and buffering to residential (Sec 21-5218)
2. Traffic

- i. 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 the their driveways.

### 3. Trash

- i. 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.

### 4. Noise

- i. 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.
- ii. 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 liners with construction of 8-foot tall walls on the east and west sides of the property. The construction of the walls would need to be allowed by the PUD Zone Document since the Land Development Code would only allow a 6-foot tall wall or fence. Additionally, if the Council desires specific blowers, acoustic liners and construction of any walls or fences on the site, the Council will need to specifically require it as condition of approval. There are no City standards which would require these elements. City staff has significant reservations about the negative aesthetic impact of 8-foot tall noise walls.

### 5. Air Quality

- i. 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.

## **COMPREHENSIVE PLAN (CP) CONSISTENCY**

### **Character Area**

The subject property is within the Northern Neighborhood Character Area. The subject parcel is further designated for Northern Range Commercial. The land uses within the PUD are consistent with the mix of uses discussed for Northern Range Commercial designation. This case is supported by the following goals as outlined in the Commerce City Comprehensive Plan:

### **Commerce and Employment**

- Goal 4.3 – Enhance existing commercial developments
- Goal 6 - Attract and support quality retailers to become a more balanced City
- Goal 7 - Reduce economic leakage by having more retail and service options for residents

- Goal 9.2 – Address the unique needs of the City’s diverse business community

The proposed PUD Zone Document would add to the mix of uses existing within the partially developed Turnberry Marketplace. The additional allowed uses will create more options for businesses to be located within Commerce City and the Turnberry neighborhood. These additional options will help to reduce economic leakage and address some of the unique needs of Commerce City residents and businesses.

### **Public Facilities and Infrastructure**

- Goal 6.2 – Retain and increase revenue producing land uses

The PUD Zone Document will allow for a greater mix of uses within the Turnberry Marketplace. Should a automobile washing facility be developed. The applicant is projecting a million dollars taxable revenue yearly and increased property taxes from the development of the site (see the attachments Express Car Wash Analysis and Proforma).

### **Connected Corridors**

- East 104<sup>th</sup> Avenue- Commercial Development Opportunities
- Highway 2 (North)- Community Commercial

The proposed Architecture Standards will promote a high-quality design along one of the northern ranges most traveled roadways. Additionally, as described in the Highway 2 corridor plan, community commercial should provide day to day retail services. The proposed PUD Zone Document will help to achieve both of these goals.

## **PROJECT ANALYSIS**

### **Site Overview**

The subject property is approximately 1.06 acres. The surrounding properties to the west and north have been developed while the property to the east is currently vacant. To the south is East 104<sup>th</sup> Avenue. Across East 104<sup>th</sup> Avenue is also zoned within the Burlington Northern/Catellus PUD and is currently being used for a temporary RTD Park and Ride.

### **Road Network/ Impacts**

The subject property will take access from a local commercial roadway on the north side of the property. The local commercial roadway feeds to collector roadways before eventually connections to East 104<sup>th</sup> Avenue. A preliminary traffic study has been reviewed by Public Works. Expected traffic impacts are 0.5 percent or less from the build out of a car wash. Levels of service are not expected to see any changes based on this development. The other uses proposed included in this zone document were not analyzed as a part of this traffic study.

### **Drainage**

The site, once developed, will have storm run-off which goes to a regional detention facility.

### **Overall Analysis**

The proposed PUD Amendment has been reviewed by the Development Review Team (DRT) including Planning, Public Works, Engineering, South Adams County Fire District, and South

Adams County Water and Sanitation District. The DRT has reviewed the proposal against all relevant City standards and Land Development Code (LDC) requirements. There were no comments from referral agencies in opposition to the proposed PUD Amendment.

**ALLOWED USES**

The requested PUD Amendment is to amend the allowable list of land uses table for the subject property located at 12411 East 104<sup>th</sup> Avenue. This PUD Amendment will not apply to any other parcel within the Turnberry Marketplace.

The following table outlines the current and proposed additional uses in the PUD. The far right column provides a comparison to the comparable straight zoning district (C-2).

Current Allowed Uses	Proposed Additional Allowed Uses	Straight Zoning Allowance
Civic Uses	-	Allowable in C-2
Park-N-Ride	-	
Pharmacies	-	
Restaurants Including Drive Through	Eating and Drinking	
-	Catering Services	
-	Financial Institutions	
Grocery Store	Food and Beverage Sales	
	Convenience Store/Grocery Store	
	Retail Food Market	
Medical and Dental Office	Medical and Dental Office	
General Office	Business or Professional Office	
-	Courier Services	
-	Handcrafted Manufacturing	
Retail Sales and Service	Instructional Services	
	Thrift Store	
	Retail Store	
-	Bingo/Social Gaming Outlet	
-	Performance Center	

-	Bowling, Billiards, Movie Theaters	Allowable in C-2
-	Drive-In Theater	CUP needed in C-2
-	Health Club	Allowable in C-2
-	Outdoor Recreation	
-	Race Track	CUP needed in C-2
-	Repair Services	Allowable in C-3
-	Furniture or Appliance Repair	
-	Machinery Sales (Excluding Heavy Industrial)	
-	Automobile Rentals	
-	Automobile Washing	Allowable in C-2
-	Self-Rental Facility	Use-By-Permit in C-3
-	Motor Vehicle Dealership	Allowable in C-3
-	Tire Shop	
-	Vehicle Storage (Operable Only)	Allowable in I-2
Gasoline Service Stations	Gasoline Service Station	Use-By-Permit in C-2
-	Bed and Breakfast	Allowable in C-2
-	Lodging	Use-By-Permit in C-3
General Office	Office Flex	Allowable in C-2

**PUD ZONE DOCUMENT APPROVAL CRITERIA**

A decision for this case must be based on the following criteria from Sec. 21-3251(3) of the Land Development Code. Staff has conducted an analysis of how this proposal could meet the applicable approval criteria.

**Criteria (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;

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.

**Criteria (b):** The PUD zone document is consistent with any previously reviewed PUD concept schematic;

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.

**Criteria (c):** The PUD 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;

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.

**Criteria (d):** The PUD complies with all applicable City standards not otherwise modified or waived by the City;

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

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

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

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

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.

**Criteria (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;

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.

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

Not applicable as there is no phasing plan.

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

A PUD Amendment is the only application type that would allow for maintaining what has already been established while allowing additional uses, to include the car wash use.

### **CONSIDERATIONS FOR REQUESTED PUD AMENDMENT**

1. Allowing this amendment will promote commercial development of a vacant site.
2. This amendment only applies to one parcel.
3. The proposed conditions will help mitigate impacts usually associated with car washes.
4. 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 104<sup>th</sup> Avenue.
5. The PUD Amendment will introduce 22 uses that were not previously allowed.
6. Next steps to develop a Car Wash or any other listed use would include submission and approval of a site specific development plan. Staff will review their proposal to confirm that all standards in the Land Development Code are met.

### **POTENTIAL MOTIONS**

1. Approval with conditions
  - a. I move that the City Council enter a finding that the requested **PUD Zone Document Amendment** for the property located **12411 East 104<sup>th</sup> Avenue** contained in case **PUDA23-0004**, meets the criteria of the Land Development Code with conditions, and based upon such finding, approve the PUD Amendment with the following conditions:
    1. In addition to the standards of the Land Development Code, Automotive Wash Facilities shall have specific uses standards to include:
      - a. Noise level at the property line shall not exceed 50 decibels
      - b. Minimum 5 stacking spaces
      - c. Stacking shall be screened from all public Rights of Way with at least 5 feet tall screening material
      - d. The design of the building should incorporate blowers and acoustic liners as outlined in the Noise Study.
    2. The allowable uses table shall be modified to remove the following uses
      - a. Drive-In Theater
      - b. Race-Track
      - c. Self-Rental Facility
      - d. Vehicle Storage
2. Approval



- a. I move that the City Council enter a finding that the requested **PUD Zone Document Amendment** for the property located **12411 East 104<sup>th</sup> Avenue** contained in case **PUDA23-0004**, meets the criteria of the Land Development Code, and based upon such finding, approve the PUD Amendment.
3. Denial
  - a. I move that the City Council enter a finding that the requested **PUD Zone Document Amendment** for the property located **12411 East 104<sup>th</sup> Avenue** contained in case **PUDA23-0004** fails to meet the criteria of the Land Development Code and based upon such finding, deny the PUD Amendment.
    1. \*Insert criteria not met\*(See Planning Commission Denial Rationale below)
4. Continuance
  - a. I move that the City Council continue the public hearing of the requested **PUD Zone Document Amendment** for the property located **12411 East 104<sup>th</sup> Avenue** contained in case **PUDA23-0004**to:
    1. The next regularly scheduled City Council meeting; or
    2. A date certain.

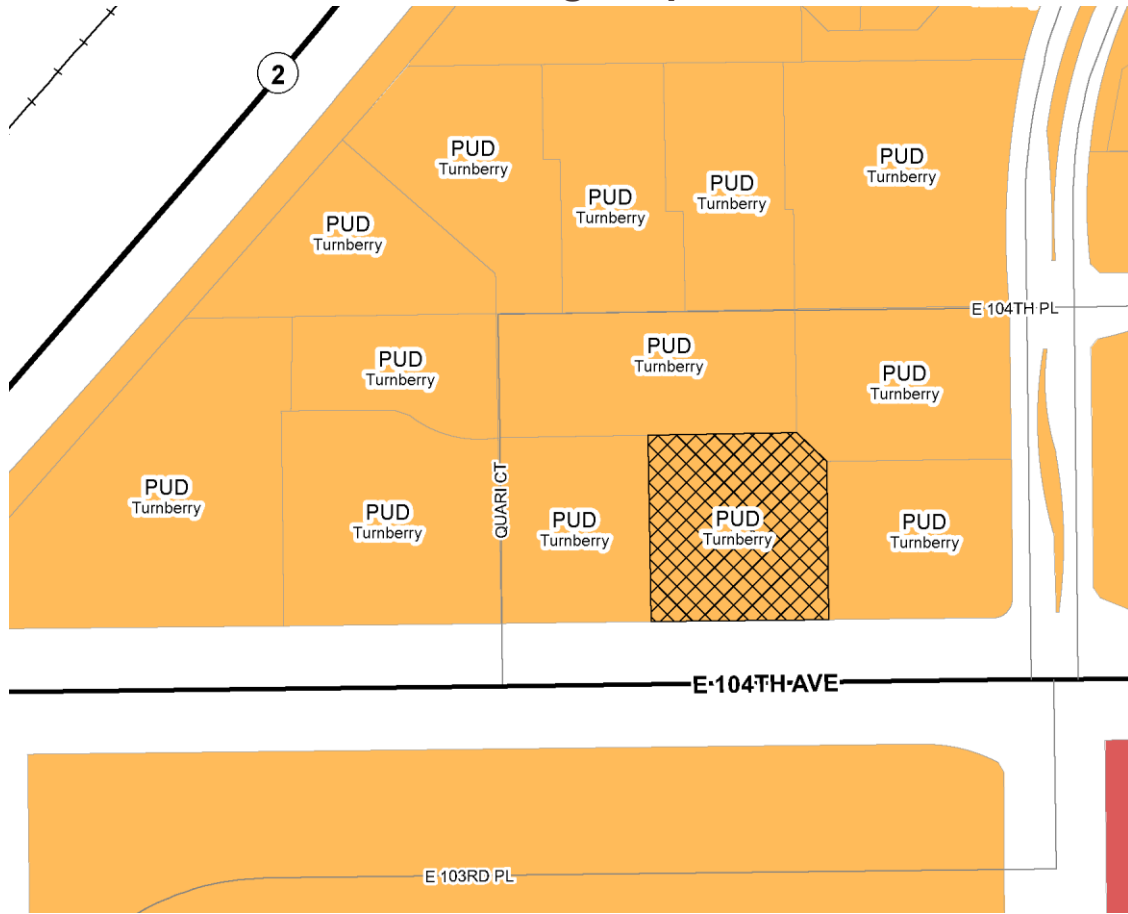
### **PLANNING COMMISSION DENIAL RATIONALE**

A decision for denial for this case was made by Planning Commission based on the following criteria of the Land Development Code with a failure to meet criteria (c), criteria (e) and criteria (f).

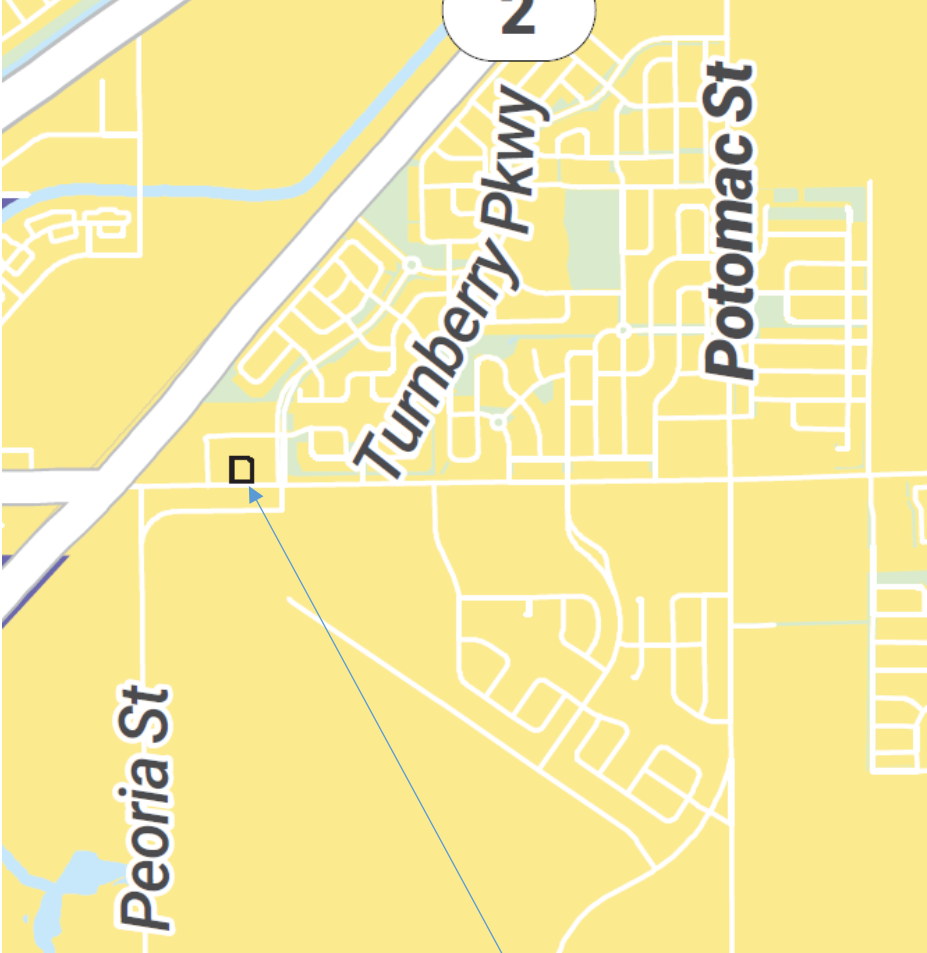
1. **Criteria (c):** The PUD addresses a unique situation, confers a substantial benefit to the city, or incorporates creative site design such that it achieves the purposes set out in section 21-4370 (PUD Zone District) and represents an improvement in quality over what could have been accomplished 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;
  - a. **Rationale:** The proposed PUD Amendment fails to satisfy a unique situation and the car wash use is not a benefit to the City.
2. **Criteria (e):** The PUD is integrated and connected with adjacent development through street connections, sidewalks, trails, and similar features;
  - a. **Rationale:** In order to fully address criteria “f”, the construction on an 8-foot tall noise wall would bifurcate this develop from adjacent uses.
3. **Criteria (f):** To the maximum extent feasible, the proposal mitigates any potential significant adverse impacts on adjacent properties or on the general community;
  - a. **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.



# Zoning Map

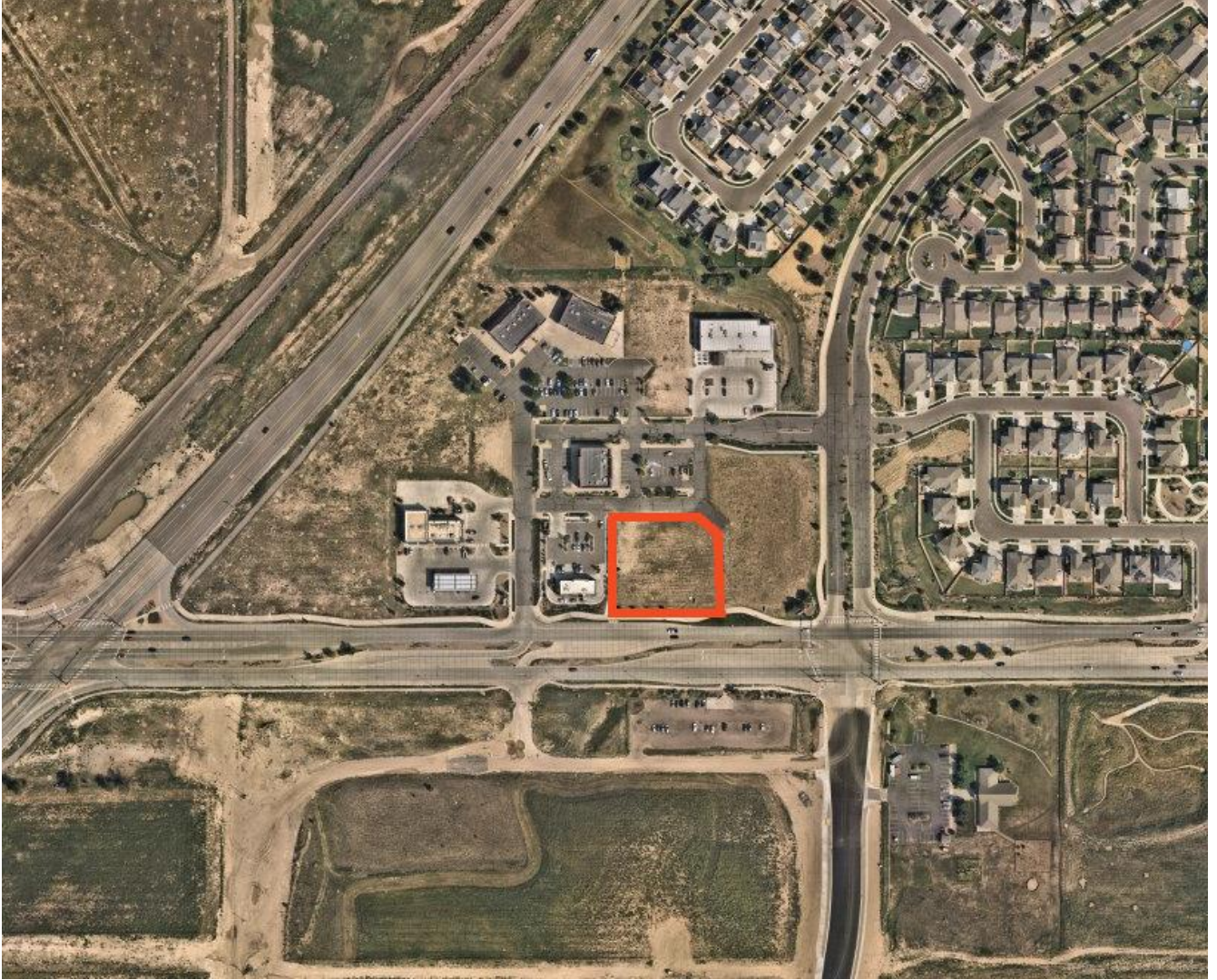


Character Area



Subject Property

# Aerial Map





## Site Photos



View from internal private drive facing southeast (taken November 14, 2024)



View from East 104<sup>th</sup> Avenue facing northeast (taken November 14, 2024)