

## COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT

CASE NO.: RCU2017-00004

**CASE NAME: TILEY ROOFING** 

#### TABLE OF CONTENTS

#### **EXHIBIT 1 – BOCC Staff Report**

- 1.1 BOCC Staff Report
- 1.2 BOCC Alternative Findings

#### **EXHIBIT 2- Maps**

- 2.1 Aerial Map
- 2.2 Zoning Map
- 2.3 Future Land Use Map
- 2.4 Simple Map

#### **EXHIBIT 3- Applicant Information**

- 3.1 Applicant Written Explanation
- 3.2 Applicant Site Plan
- 3.3 Approved Landscape Plan

#### **EXHIBIT 4- Referral Comments**

- 4.1 Referral Comments (CDOT)
- 4.2 Referral Comments (Regis University)
- 4.3 Referral Comments (Tri County)
- 4.4 Referral Comments (Xcel Energy)

#### **EXHIBIT 5- Citizen Comments**

- 5.1 Barry
- 5.2 Holloway
- 5.3 King

#### **EXHIBIT 6- Associated Case Materials**

- 6.1 Request for Comments
- 6.2 Public Hearing Notice / Revised Request for Comments
- 6.3 Newspaper Publication
- 6.4 Referral Agency Labels
- 6.5 Property Owner Labels
- 6.6 Certificate of Posting

### **Board of County Commission**

#### **December 12, 2017**

CASE No.: <b>RCU2017-00004</b>	CASE NAME: Tiley Roofing	
--------------------------------	--------------------------	--

Owner's Name:	Kirk Tiley	
Applicant's Name:	Michelle Cote	
Applicant's Address:	5399 Federal Boulevard	
Location of Request:	5399 & 5383 Federal Boulevard	
Nature of Request:	Conditional Use Permit to allow a light industrial use in the Commercial-5 (C-5) zone district	
Zone District:	Commercial-5 (C-5)	
Site Size:	Approximately 1.15 acres	
Proposed Uses:	Industrial (Roofing Company)	
Existing Use:	Industrial (Roofing Company)	
Hearing Date(s):	PC: October 26, 2017/ 6:00 pm	
	BOCC: December 12, 2017/ 9:30 am	
Report Date:	November 28, 2016	
Case Manager:	Libbie Adams	
Staff Recommendation:	APPROVAL with 8 Findings-of-Fact and 6 Conditions	

#### **BOCC UPDATE**

On November 14, 2017, at the request of the applicant, the Board of County Commissioners approved a continuance of the case to their December 12, 2017 meeting. The applicant had requested the continuance of the case for personal reasons.

#### **SUMMARY OF PREVIOUS APPLICATIONS**

In January 2006, the Board of County Commissioners granted the applicant a conditional use permit (CUP) for five years to allow a light industrial use on the property. As part of the CUP approval, the applicant was required to enter into a development agreement with the County to address requirements of sidewalks and right-of-way on the property.

In September 2010, the Board of County Commissioners approved a renewal of the conditional use permit for an additional five years. As part of the approval, a condition was added on the property to require installation of a solid screen fence to screen outdoor storage uses on the

property, and also for the applicant to apply for a plat to combine two parcels utilized for the use into one. These conditions were never completed. A letter stating the CUP had expired was sent to the applicant in October 2016 as a result of the yearly conditional use permit audit conducted by the Community and Economic Development Department. Additionally, the County's Code Compliance Division of the Community and Economic Development Department is currently working with the applicant to resolve the outstanding unfulfilled conditions of approval.

#### SUMMARY OF APPLICATION

#### **Background:**

Kirk Tiley, the property owner, currently operates a roofing company (Tiley Roofing) on the subject properties located at 5399 and 5383 Federal Boulevard. Tiley Roofing uses the site for office, interior tool and machine storage, and outdoor storage. The office and interior storage are located on the northern property at 5399 Federal. The southern property, 5383 Federal, is used for outdoor storage. Currently, the property is zoned Commercial-5 (C-5). The applicant is requesting a conditional use permit to allow a light industrial use (i.e. general building contractors use) on the property to continue operation of the roofing business. Per Chapter 3 of the County's Development Standards, a general building contractors business, which falls in the light industrial uses category, is only permitted in the C-5 zone district through a conditional use permit. The applicant has previously received two conditional use permits to allow the existing operation on the property.

#### **Development Standards and Regulations Requirements:**

Section 2-02-08-06 of the County's Development Standards and Regulations outlines the criteria for approving a conditional use permit request, which includes compliance with the zone district and performance standards, addressing off-site impacts, the presence of adequate facilities and infrastructure, compatible with the surrounding neighborhood, and the use not detrimental to the neighborhood or future development of the area.

Per section 3-23-04-03 of the County's Development Standers and Regulations, a conditional use permit is required for use of a property for general building contractors business in the C-5 zone district. Per the County's Development Standards, the purpose of the C-5 zone district is to serve as a general retail and service district designed to provide the broadest scope of services and products for both the general and traveling public in an interstate and regional context. Permitted principal uses in the C-5 district include commercial retail, offices, restaurants, automotive repair, and commercial recreation/entertainment. The C-5 zone district allows up to 25% of the building area to be used for outdoor storage. Aerial images show more than 25% of the building area of the subject property is used for outdoor storage. Staff confirmed this information during a site visit as well. Additionally, the southern section of the two lots has no structures and is used entirely for outdoor storage, which is inconsistent with the County's Development Standards.

Performance standards for light industrial uses are outlined in Section 4-10-01 of the Development Standards and Regulations. Per the standards, outdoor storage is required to be screened from public right-of-ways by an eight-foot privacy fence. Currently, there is a chain link fence on the site separating parking areas from outdoor storage areas on the property. The existing fence does not conform to the standards for fencing required in the Development Standards for outdoor storage. Additionally, the applicant received administrative relief from landscaping requirements in 2006. The approved plan (See Exhibit 3.3) shows required landscape bufferyards along the western and southern property lines, however, there is currently no landscaping on the western and southern property lines. Adams County code compliance has cited the applicant for the lack of landscape bufferyards on the property.

The subject request does not meet the outlined performance standards and staff is recommending a temporary approval of the CUP for one year with certain recommended conditions. This recommendation is to provide the applicant adequate time to find a long term location that is more compatible for the use and has adequate space to meet all performance standards that may be required, such as screening and landscaping. Staff recommended conditions of approval include installation of privacy fencing to screen outdoor storage from the public right-of-way and restrictions on limiting outdoor storage areas on the property to 25% of the building area.

#### **Future Land Use Designation/Comprehensive Plan:**

The subject property is designated as Urban Residential in the County's Comprehensive Plan future land use map. Per Chapter 5 of the County's Comprehensive Plan, Urban Residential areas are designated for a variety of housing types at urban densities with adequate urban services and transportation facilities. Compatible uses such as neighborhood schools, community facilities, and limited commercial development are also permitted in the Urban Residential future land use designation. Restaurants and retail services are examples of intended commercial developments that would serve the needs of nearby residents, as well as creating a healthy community.

The subject property is also located in the Federal Boulevard Framework Plan. This plan was adopted in September of 2014 and outlines existing conditions and future opportunities stemming from the recently constructed Regional Transit District stations. It specifically calls for a pedestrian-oriented streetscape along Federal Boulevard that can accommodate multiple modes of transportation, particularly non-motorized transportation to help facilitate redevelopment along the corridor. More recently, the County completed its Southwest Adams County Making Connections Planning and Implementation Plan. This plan was adopted as an amendment to the County's 2012 Comprehensive Plan, and outlines policies and projects to be undertaken in Adams County. Specifically, the Making Connections Plan identifies the southwest portion of the County as having a high propensity for significant urbanization. The Making Connections Plan prioritizes projects that will encourage development and redevelopment. The plan identified the top 10 implementation-focused projects that position Southwest Adams County for the future. The subject site is located in one of the 10 recommended focused projects, the Federal Connection project, of the Making Connections Plan. The Federal Connection priority project calls for a strong pedestrian environment, buildings closer to the street, outdoor eating areas, and parking that does not dominate streetscape.

Although the subject request has operated through a conditional use permit for over 10 years, the purpose of a conditional use permit is to evaluate compatibility of the use over a period of time and its consistency with adopted land use plans and policies. The subject request is inconsistent with the current Comprehensive Plan, Federal Boulevard Framework Plan, and Making Connections Plan. The goals of these plans for the subject areas are for urban residential and neighborhood level commercial developments, and not for light industrial uses. Furthermore, continuing to allow an industrial use with outdoor storage and heavy truck traffic along a visible corridor, such as the location of the subject property, is inconsistent with the goals for improved development outlined in the Making Connections and Federal Boulevard Framework Plan.

Because the use is existing and has been operating for 11 years, there is a need to allow a transition period for the property owner to find a suitable relocation site. Therefore, it is staff determination that allowing continual use of the property for one year will provide the applicant adequate time to find a new site and relocate. Also, allowing the use for one additional year will not be detrimental to fulfilling the goals of the Urban Residential future land use designation, the Making Connections Plan, or the Federal Boulevard Framework Plan. As there is expected transitional period for those existing uses that are incompatible with the future land use to be relocated.

#### **Site Characteristics:**

Currently, the site is developed with an office building, storage building, outdoor storage, and parking areas. The property abuts West 54<sup>th</sup> Avenue to the north and Federal Boulevard to the east. The office, storage building and outdoor storage areas are located on the northern property at 5399 Federal. The southern property at 5383 Federal is only used for outdoor storage. There are three access points from the site onto West 54<sup>th</sup> Avenue and one access point onto Federal Boulevard. Only one of the access points on West 54<sup>th</sup> Avenue is permitted through the County. The access on Federal Boulevard is permitted through the Colorado Department of Transportation. There is a chain link fence on the site that separate parking areas from outdoor storage areas on the property. Existing landscaping on the site is mainly along West 54<sup>th</sup> Avenue.

#### **Surrounding Zoning Designations and Existing Use Activity:**

Northwest	North	Northeast
R-1-C	C-5	C-5
Single Family	Office/Warehouse	Service Garage
West	Subject Property	East
C-5	C-5	C-5
Single Family	Light Industrial	Retail Store
Southwest	South	Southeast
R-2	C-5	City and County of Denver
Single Family	Single Family	Assisted Living Facility

#### **Compatibility with the Surrounding Area:**

The property is surrounded to the west and south by single-family homes. Commercial businesses make up a majority of the uses along Federal Boulevard, which abuts the property to the east. The existing building on the property that is used for office space has appearance of a single family home. However, the overall use of the property for light industrial including outdoor storage is incompatible with the goals of the urban residential future land use. During reviews of the request, a nearby resident commented about heavy truck traffic and noise associated with the business and its negative impacts to the neighborhood.

Images provided by the applicant and a staff site visit shows there are currently no adequate areas on the property to provide a landscape buffer to the surrounding residential properties. In addition, the continual use of the site for a light industrial is no longer harmonious with the adopted plans and goals for development of the area. The intensity of the use and associated truck traffic, noise, and limitations of providing landscape buffers further exacerbates incompatibility of the proposed use with goals of the future land use designation of urban residential. Further, with the commuter light-rail station located less than a mile from the subject site and Regis University located less than a half mile from the subject site, development of the property will be suited for uses that are consistent with the goals of the future land use plan, the Making Connections plan and the Federal Boulevard Framework plan.

#### PLANNING COMMISSION UPDATE

The Planning Commission (PC) considered this case on October 26, 2017 and unanimously recommended approval of the request. Several commissioners inquired about the lack of landscape buffering and screen fencing to screen the outdoor storage on the property, as required by previous conditional use permit approvals. The applicant informed the PC that the landscaping was installed several years ago but was not maintained. Commissioner Richardson informed both the PC and the applicant that in the County's regulations, landscaping is required to be maintained at all times. A number of the PC members discussed eliminating the condition requiring the landscaping with the assertion that the next person to develop the property will be required to install all required landscaping.

According to the applicant, screen fencing was never installed on the property to allow law enforcement to see into the property in the case of a break-in. While members of the PC understood the security concerns expressed by the applicant, they informed him that the County's regulations require installation of screen fencing for outdoor storage.

The PC discussed staff recommended expiration date and conditions of the CUP and decided to recommend approval for one year to allow the applicant to relocate the business. They also decided to eliminate staff's initial recommended condition requiring installation of landscaping with the premise that because of the limited one year approval, it is not feasible to impose such a condition on a use that is going to be relocated in a year. The PC also amended staff condition regarding outdoor storage. Staff had initially recommended a condition limiting the amount of outdoor storage on the site to 25% of the building area. However, the PC clarified the condition to only allow outdoor storage only on the property with an existing building, unless the applicant combines the two lots through a deed restriction. One neighboring property owner spoke in

opposition to the request and expressed impact of noise and debris emanating from the subject use.

#### **Staff Recommendations:**

Based upon the application, the criteria for approval for a conditional use permit, and a recent site visit, staff recommends Approval of this request for one year with 8 findings-of-fact and 6 conditions.

The recommendation for approval for one year is to allow the applicant ample time to relocate to an area in the County with land use designations that are appropriate for the use.

#### RECOMMENDED FINDINGS OF FACT

- 1. The conditional use is permitted in the applicable zone district.
- 2. For the interim, the conditional use is consistent with purposes of these standards and regulations.
- 3. For the interim, the conditional use will comply with the requirements of these standards and regulations including, but not limited to, all applicable performance standards.
- 4. For the interim, the conditional use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County.
- 5. The conditional use permit has addressed all off-site impacts.
- 6. The site is suitable for the conditional use including adequate usable space, adequate access, and absence of environmental constraints.
- 7. The site plan for the proposed conditional use provides the most convenient and functional use of the lot including the parking scheme, traffic circulation, open space, fencing, screening, landscaping, signage, and lighting.
- 8. Sewer, water, storm water drainage, fire protection, police protection and roads are available and adequate to serve the needs of the conditional use as designed and proposed.

#### RECOMMENDED CONDITIONS OF APPROVAL

- 1. The conditional use permit shall expire on November 14, 2018.
- 2. The applicant shall be required to obtain access permits for all curb cuts (accesses) with the County right-of-way. The applicant is also required to obtain an access permit from the Colorado Department of Transportation, and provide a copy to Adams County, for the curb cut (access) on Federal Boulevard.

- 3. The curb cut on West 54<sup>th</sup> Avenue at the corner of West 54<sup>th</sup> Avenue and Federal Boulevard shall be removed no later than 30 days from approval of this conditional use permit, as location of the curb cut is hazardous to the traveling public.
- 4. A solid screen fence shall be provided to screen the outdoor storage from the public right-of-way.
- 5. Outdoor storage on the site shall be limited to a maximum area of 25% of the building area located at 5399 Federal Boulevard, unless the two parcels are combined through a deed restriction.
- 6. Deliveries, loading, and unloading shall be restricted to the hours of 7:00 a.m. to 10:00 p.m.

#### **CITIZEN COMMENTS**

Notifications Sent	Comments Received
95	2

All property owners within seven-hundred (700) feet of the property were notified of the subject request. As of writing this report, staff has received two responses from those property owners notified of the request. One property owner responded in support of the request stating the applicant always maintain the property in a clean an orderly manner. The other neighboring property owner is opposed to the request and is concerned with potential truck traffic and noise associated with operation of the business, as well operations of the use being incompatible with the surrounding area.

#### **COUNTY AGENCY COMMENTS**

Staff reviewed the application and had several concerns with the request. According to the engineering review comments, the northern parcel has three existing curb cuts for access onto West 54<sup>th</sup> Avenue. However, only one of the curb cuts has been permitted by the County. One of these curb cuts is located close to the intersection of West 54<sup>th</sup> Avenue and Federal Boulevard, which is a hazard to the traveling public. There were also outstanding unresolved requirements with the previous conditional use permit.

#### REFERRAL AGENCY COMMENTS

#### **Responding with Concerns:**

Regis University Tri County Health Department

#### **Responding without Concerns:**

Colorado Department of Transportation Xcel Energy

#### Notified but not Responding / Considered a Favorable Response:

Adams County Fire Protection District

Berkeley Neighborhood Association

Berkeley Water & Sanitation District

Colorado Department of Public Health and Environment – Air Quality

Colorado Department of Public Health and Environment – Water Quality

Century Link

Comcast

Hyland Hills Park and Recreation Distrit

Metro Wastewater Reclamation

Regional Transportation District



#### Community & Economic Development Department

4430 South Adams County Parkway, 1st Floor, Suite W2000 Brighton, CO 80601-8205 PHONE 720.523.6800 FAX 720.523.6998

#### MEMORANDUM

To: Board of County Commissioners

From: Libbie Adams, Planner I

Subject: RCU2017-00004, Tiley Roofing

Date: November 14, 2017

#### ALTERNATIVE RECOMMENDED FINDINGS OF FACT

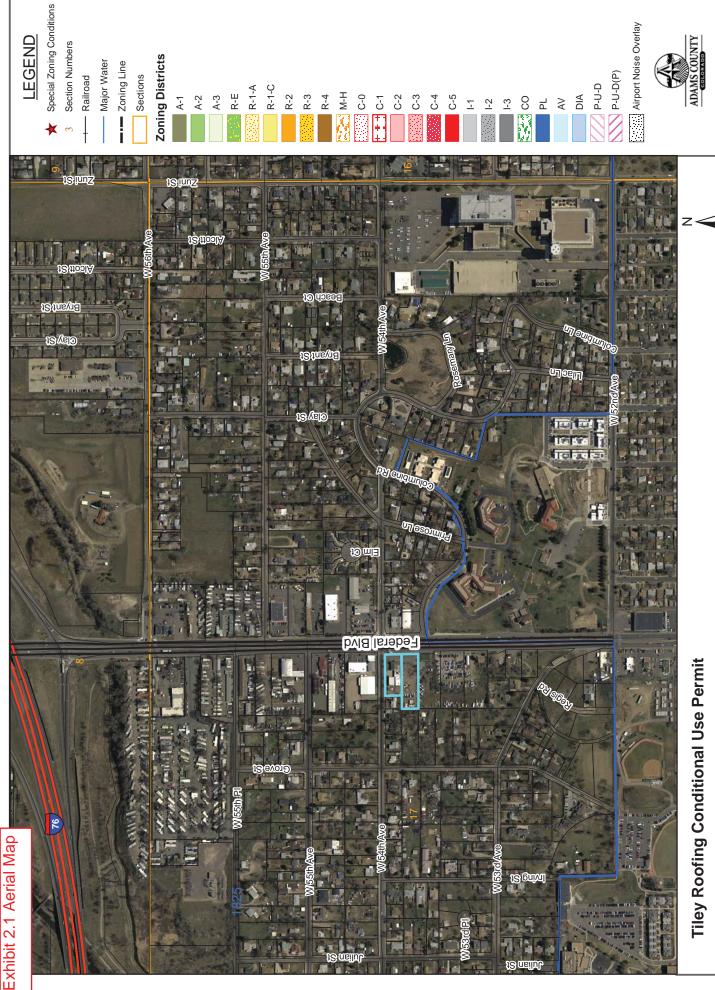
If the Planning Commission does not concur with the Staff recommendation of Approval, the following findings may be adopted as part of a recommendation of Denial with eight findings of fact and one condition:

- 1. The conditional use is not permitted in the applicable zone district.
- 2. The conditional use is not consistent with the purposes of these standards and regulations.
- 3. The conditional does not comply with the requirements of these standards and regulations including, but not limited to, all applicable performance standards.
- 4. The conditional use is not compatible with the surrounding area, not harmonious with the character of the neighborhood, detrimental to the immediate area, detrimental to the future development of the area, and detrimental to the health, safety, or welfare of the inhabitants of the area of the County. In making this determination, the Planning Commission and the Board of County Commissioners shall find, at a minimum, that the conditional use results in excessive traffic generation, noise, vibration, dust, glare, heat, smoke, fumes, gas, odors, or inappropriate hours of operation.
- 5. The conditional use permit has not addressed all off-site impacts.
- 6. The site is not suitable for the conditional use including inadequate usable space, inadequate access, and the presence of environmental constraints.
- 7. The site plan for the proposed conditional use does not provided the most convenience and functional use of the lot including the parking scheme, traffic circulation, open space, fencing, screening, landscaping, signage, and lighting.

8. Sewer, water, and storm water drainage, fire protection, police protection, and roads are not available or adequate to serve the needs of the conditional use as designed and proposed.

#### Condition of Denial:

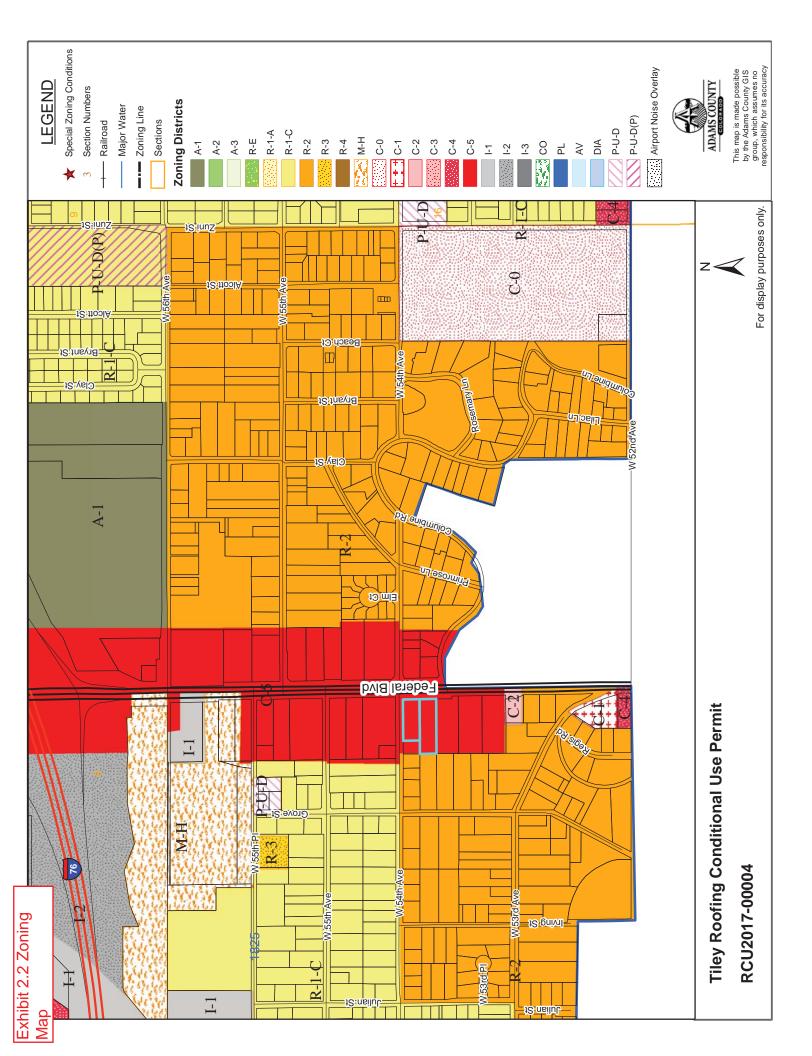
1. Applicant shall vacate property by January 14, 2018, two months following denial from the Board of County Commissioners.

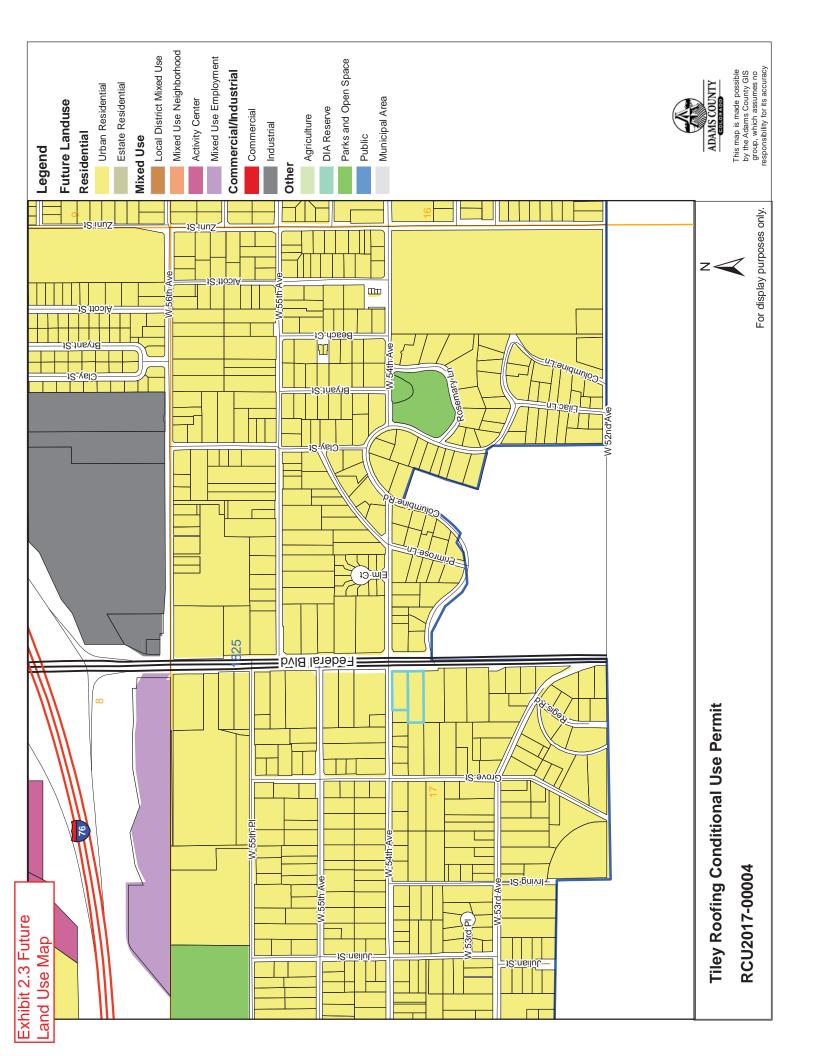


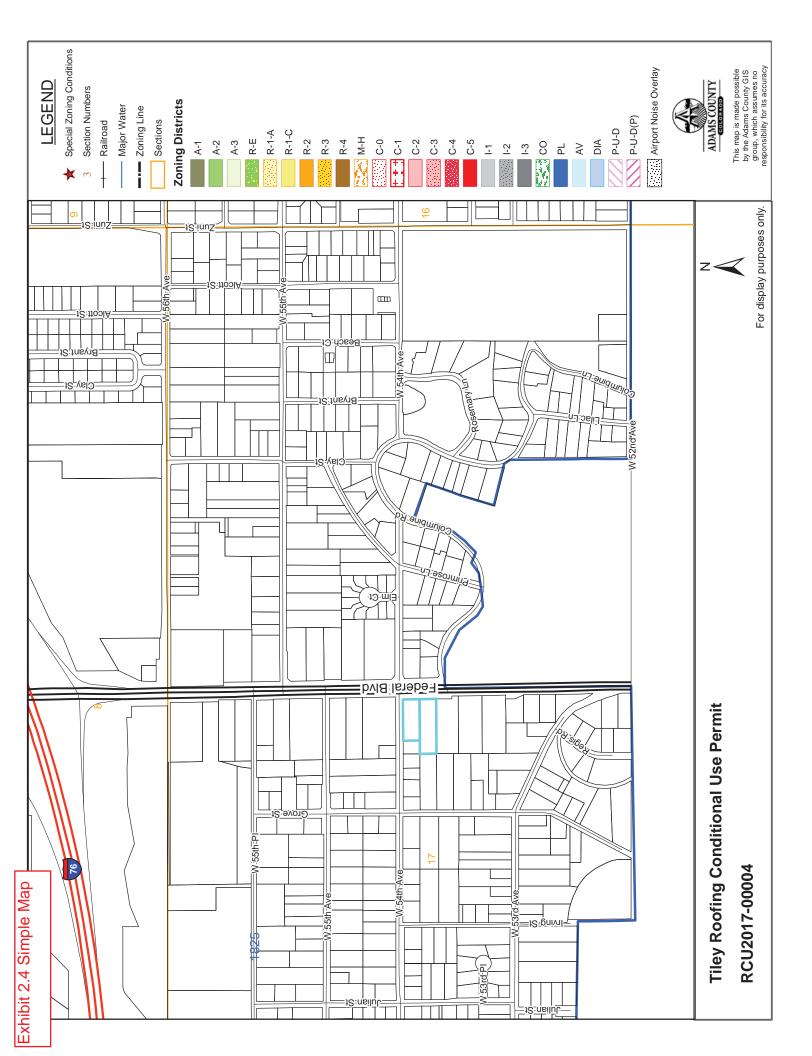
This map is made possible by the Adams County GIS group, which assumes no responsibility for its accuracy

For display purposes only.

RCU2017-00004









January 20, 2017

Adams County
DEPT of Planning and Development
4430 SO Adams Pkwy., 1st Floor, Ste. W2000
Brighton, CO 80601-8204

RE: CONDITIONAL USE PERMIT RCU2010-00017

This is in reference to the building known as 5399 Federal Blvd. and the adjoining lot known as 5383 Federal Blvd., Adams County, CO. The Conditional Use Permit for C-5 zoning for Tiley Roofing was approved and issued in September of 2010 for light industrial use for our roofing company that needs to be renewed.

The Request: The current zoning for C-5 light industrial use was previously granted. We are requesting the Conditional Use Permit (Case RCU2010-000017) be renewed. The use of property includes our offices, interior tool and material storage, exterior storage of the dumpster, and vehicle storage at night. The additional warehouse houses our metal machine for bending sheet metal flashing. We provide various types of residential and commercial roof services at various jobsite locations throughout the state.

This will be a compatible use consistent with the neighborhood. Our use parallels the previous use of the property by a landscaping company. Our business has proven to be a valuable asset to the community as we have serviced several residential and commercial roofs within close proximity to our location.

Please feel free to call should you have questions or need additional information.

Thank you,

Michelle Cote, CFO/VP tiley ROOFING 5399 Federal Blvd. Denver, CO 80221 Direct: 303-225-4258

tiley ROOFING 5399 Federal Blvd. Denver, CO 80221

o: 303-426-7370 ext. 701 f: 303-426-0312 michelle@tileyROOFING.com

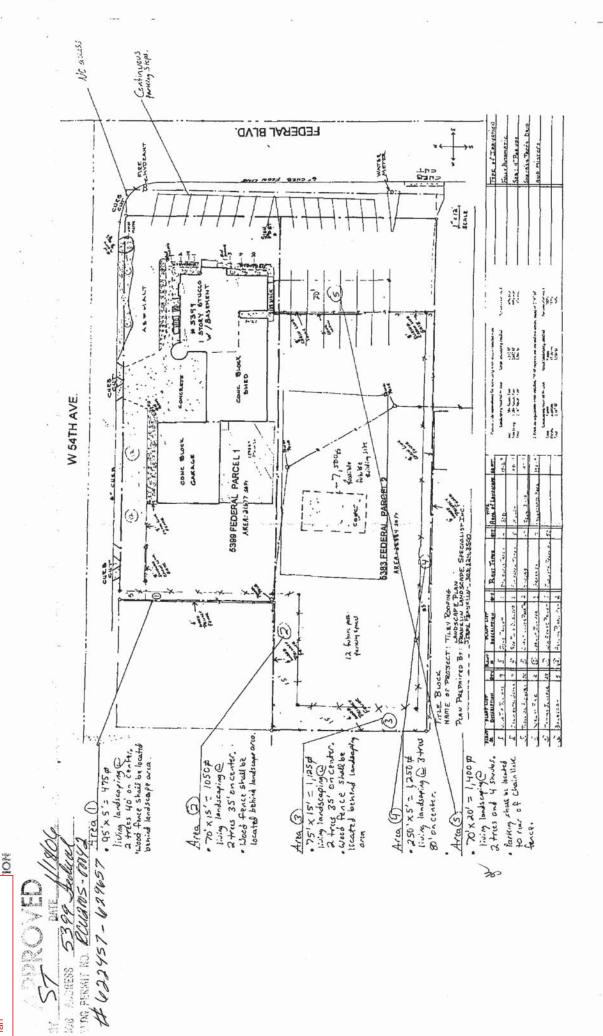


Exhibit 3.3 Approved Landscape Plan

# Exhibit 4.1 Referral Comments (CDOT)

From: <u>Loeffler - CDOT, Steven</u>

To: <u>Libbie Adams</u>

Subject: RCU2017-00004, Tiley Roofing Conditional Use Permit

**Date:** Tuesday, February 21, 2017 9:55:38 AM

#### Libbie,

I have reviewed the submittal named above for a renewal of a CUP to allow a light industrical use in the C-5 zone district and have no objections.

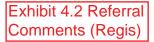
Thank you for the opportunity to review this referral.

#### **Steve Loeffler**

Permits Unit



P 303.757.9891 | F 303.757.9886 2000 S Holly Street, Denver, CO 80222 steven.loeffler@state.co.us | www.codot.gov | www.cotrip.org



From: Scherer, Susan A.

To: Libbie Adams

Cc: Redmond, Michael; Grey, Jeannette

Subject: Request for Comments for Tiley Roofing Conditional Use Permit

Date: Thursday, February 09, 2017 9:04:22 AM

Attachments: <u>image001.png</u>

#### Dear Libbie,

Thank you for sending the request for Comments for Tiley Roofing Permit to Regis University, though Mike Redmond, our Physical Plant Director. In my new role at Regis University, as Associate VP for Community Collaboration, I've been asked to make some specific comments about this request. (Case #RCU2017-00004)

Regis University is interested in improving pedestrian access along the Federal Blvd corridor including the area of this property. Likewise, a grant funded project called Invest Health, seeks to align efforts along this Federal Blvd stretch to improve accessibility to transit. The Invest Health team includes Adams county Long Range Strategic planning (including Abel Montoya and Rachel Bacon), as well as Tri-county Health department, Mile High Connects and the City of Westminster.

On behalf of Regis University and the Invest Health team, we would ask that if this permit is renewed, it would include a requirement to have a up to date and/or wider sidewalk in front of the business and to include a curb cut that meets your ADA standards.

We hope that by including these requirements in the permit renewal process, it will facilitate the development of a complete sidewalk network that is accessible to all.

If there are additional questions or feedback, don't hesitate to contact me.

#### **Initial email**

Best,

Attached is the Request for Comments for the Tiley Roofing Company Conditional Use Permit (Case #RCU2017-00004). The applicant is requesting a renewal of a previous Conditional Use Permit to allow industrial uses (roofing company) in the commercial zone district. The subject site is located at 5399 and 5383 Federal Boulevard. Please email me any comments you may have by **Thursday**, **March 2, 2017** so that your comments may be considered in the review and recommendation of this case.

Feel free to contact me if you have any questions or require more information about this case.

Thanks,		
Libbie Adams		

#### **Associate Vice President | Community Collaboration**

3333 Regis Blvd., Denver, CO 80221

P 303.964.5252 | E sscherer@regis.edu | REGIS.EDU





March 2, 2017

Libbie Adams
Adams County Department of Community and Economic Development
4430 South Adams County Parkway, Suite W2000A
Brighton, CO 80601

RE: Tiley Roofing Company, RCU2017-00004, 5399 and 5383 Federal Blvd.

TCHD Case No. 4264

Dear Ms. Adams.

Thank you for the opportunity to review and comment on the Conditional Use Permit renewal for a roofing business located at 5399 and 5383 Federal Boulevard. Tri-County Health Department (TCHD) staff reviewed the application for compliance with applicable environmental and public health regulations and principles of healthy community design, and has the following comments.

The area along Federal Boulevard where the project is located lacks adequate pedestrian infrastructure and suffers from high rates of vehicle crashes and crashes leading to pedestrian injuries. This property does not have a sidewalk and is therefore contributing to the unsafe pedestrian environment. We urge the County to keep the safety of the pedestrian environment in mind during the review of applications in this area.

#### **Vector Control - Storage**

Rodents such as mice and rats carry diseases which can be spread to humans through contact with rodents, rodent feces, urine, or saliva, or through rodent bites. Items stored on the ground, tightly packed, and rarely moved provide potential harborage for rodents. Due to the variety of items to be potentially stored at this site, TCHD recommends that the applicant create a plan for regular pest control. Information on rodent control can be found at <a href="http://www.tchd.org/400/Rodent-Control">http://www.tchd.org/400/Rodent-Control</a>

#### **Pollution Prevention**

Parked vehicles have the potential to leak fluids such as fuels, antifreeze, brake fluids, and cleaning agents. For the safety of site workers and the public, we recommend that the applicant adopt any of the following practices that are not already in place:

Inspect each vehicle for potential leaks. The inspection should be conducted over an impervious area, e.g., a concrete slab with curbs, where spills and leaks will be contained and will not infiltrate into the ground. In addition, drip pans should be placed under leaking vehicles, and absorbents should be on hand to clean up fluid leaks or spills that might occur.

- 1) Develop a spill response plan to promptly repair any detected leaks. If a leak cannot be repaired, completely drain all fluid(s) from the vehicle before placing it in storage.
- 2) Develop a plan to recover and either recycle or properly dispose of waste automotive fluids and cleaning agents. Waste fluid management should include the following:
  - a) Collection and recycling of waste petroleum-based products including used oil, transmission and brake fluids, and radiator coolants;
  - b) Placement of these fluids in Department of Transportation (DOT) approved waste receptacles;
  - Disposal of all waste fluids in accordance with applicable federal, state and local regulations;
  - d) Place absorbents and rags used to clean up spills in DOT approved receptacles, store them so as to prevent fire hazards, and dispose of them regularly in accordance with applicable federal, state and local regulations.

Please feel free to contact me at 720-200-1575 or <a href="mailto:kboyer@tchd.org">kboyer@tchd.org</a> if you have any questions on TCHD's comments.

Sincerely,

Kathy Boyer, REHS

KBG\_

Environmental Health Specialist III

cc: Sheila Lynch, Monte Deatrich, TCHD



Right of Way & Permits 1123 West 3<sup>rd</sup> Avenue Denver, Colorado 80223 Telephone: **303.571.3306** Facsimile: 303. 571.3284 donna.l.george@xcelenergy.com

February 28, 2017

Adams County Community and Economic Development Department 4430 South Adams County Parkway, 3<sup>rd</sup> Floor, Suite W3000 Brighton, CO 80601

Attn: Libbie Adams

Re: Tiley Roofing Conditional Use Permit, Case # RCU2017-00004

Public Service Company of Colorado's Right of Way & Permits Referral Desk has reviewed the documentation for the conditional use permit renewal for **Tiley Roofing** and has **no apparent conflict**.

If you have any questions about this referral response, please contact me at (303) 571-3306.

Donna George Contract Right of Way Referral Processor Public Service Company of Colorado

#### Exhibit 5.1 Barry

From: Becky Barry
To: Libbie Adams
Subject: Tiley Roofing

**Date:** Friday, February 10, 2017 8:54:54 AM

Hi,

This is a clean, neighbor friendly business. They maintain a clean property and are diligent in keeping appearances very nicely.

We have no issue with the renewal of this Conditional Use Permit.

Thank you, Becky and George Barry

February 27, 2017

To: Libbie Adams, Case Manager

Re: Tiley Roofing Use Permit

Back when Tiley Roofing first got their use permit they were only doing flat roofing with rubber liners and 4 x 4 foam panels, which was somewhat quite. Now it's like living in a construction site or a scrap yard. There is noise from the dump trucks, forklifts and other vehicles back up beepers, dropping scrap metal and picking up and dumping with forklifts. Tiley Roofing had to have a turn lane off Federal Blvd. to access their property. Now that Adam's County put islands in on Federal Blvd. we get trucks, busses, semi's, dump trucks, tractors driving into our neighborhood and into our driveways so they can turn around and go back south.

This company has outgrown 5383 Federal Blvd. They have material pushed up against the fence at the back of my property and is pushing it over. I had to prop it up so it doesn't fall. The constant beeping and the noise of the trucks idling and moving around to get in the right spot for loading and unloading and then you get air brakes; this is my life every day. I don't think you would want this in your neighborhood. Back 32 years ago this was a nice quite neighborhood it was not industrial or light industrial. I bought 5380 Grove St. 17 years ago, it was quiet then and I got 5350 Grove St. 3 years ago. These are rental properties of mine and it is getting harder to rent because of the constant noise coming from the vehicles at Tiley Roofing and the increased traffic of large vehicles coming through the neighborhood and turning around. These potential renters walk away and it is all due to the increase noise and traffic from Tiley Roofing, which needs to relocate there business to a non residential area.

Tiley Roofing has no benefit to this residential neighborhood. A business that has to have forklifts, cranes and tractors to move its materials is not considered light industrial it is industrial. They need to find that industrial site where they don't have to apply for a use permit. I would like to go in my yard and enjoy it without, beepers, dust, grinders, tractors, forklifts, cranes and dump trucks. I am requesting Tiley Roofing move and stop devaluing my properties. Thank you for your time with this matter.

Sincerely,

Glenn Holloway

#### Exhibit 5.3 King

From: maggie king
To: Libbie Adams

Subject: Case Number RCU2017-00004

Date: Friday, October 06, 2017 2:19:38 PM

#### Hi Libbie,

Received a notice regarding the above case and I'm wondering what else they are doing at those addresses, specifically at 5383 Federal? Since they back up to our neighborhood many of us are interested. I know that they have an office building and storage lot at 5399 Federal and it is a fairly respectable looking building however they create a lot of congestion at the light there at 54th and Federal from time to time. Would appreciate any information you could share. Thanking you in advance, Maggie King

Oh, also, do you happen to know if Chris LaRue is still managing the case at 3075 West 53rd Avenue (sorry don't have case number). Thanks again.

Community & Economic Development Department www.adcogov.org



4430 South Adams County Parkway 1st Floor, Suite W2000 Brighton, CO 80601-8204 PHONE 720.523.6800 FAX 720.523.6998

## **Request for Comments**

Case Name: Tiley Roofing Conditional Use Permit

Project Number: RCU2017-00004

February 6, 2017

Adams County Community and Economic Development Department is requesting comments on the following request:

Requesting a Conditional Use Permit to allow a light industrial use -roofing company- in the Commercial-5 zone district.

This request is located at 5399 and 5383 Federal Blvd

The Assessor's Parcel Numbers are 0182517208021 and 0182517208020

Legal Descriptions:

SUB: BERKELEY GARDENS NUMBER TWO DESC: PLOT 35 EXC W 75 FT AND EXC E 15 FT

SUB: BERKELEY GARDENS NUMBER TWO DESC: PLOT 36 EXC E 15 FT

Please forward any written comments on this application to the Department of Community and Economic Development at 4430 South Adams County Parkway, Suite W2000A Brighton, CO 80601-8216 by **Thursday, March 2, 2017** so that your comments may be taken into consideration in the review of this case. Please send your response by way of e-mail to LAdams@adcogov.org.

Thank you for your review of this case.

This Cas

Libbie Adams

Case Manager

Development Department www.adcogov.org



4430 South Adams County Parkway 1st Floor, Suite W2000B Brighton, CO 80601-8218 PHONE 720.523.6800 FAX 720.523.6967

## **Revised Request for Comments/ Public Hearing Notification**

Case Name: Tiley Roofing Case Number: RCU2017-00004 Planning Commission Hearing Date: 10/26/2017 at 6:00 p.m. 11/14/2017 at 9:30 a.m. Board of County Commissioners Hearing Date:

October 2, 2017

A public hearing has been set by the Adams County Planning Commission and the Board of County

Commissioners to consider the following request:

Requesting a Conditional Use Permit to allow a light industrial use (roofing company) in the Commercial-5 zone district.

This request is located at 5399 and 5383 Federal Boulevard

The Assessor's Parcel Numbers are **0182517208021** and **0182517208020** 

Legal Descriptions:

SUB: BERKELEY GARDENS NUMBER TWO DESC: PLOT 35 EXC W 75 FT and EXC 15 FT

SUB: BERKELEY GARDENS NUMBER TWO DESC: PLOT 36 EXC E 15 FT

Applicant Information: TILEY ROOFING (MICHELLE COTE)

5399 Federal Boulevard

Denver, CO

The hearing will be held in the Adams County Hearing Room located at 4430 South Adams County Parkway, Brighton CO 80601. This will be a public hearing and any interested parties may attend and be heard. The Applicant and Representative's presence at these hearings is requested. If you require any special accommodations (e.g., wheelchair accessibility, an interpreter for the hearing impaired, etc.) please contact the Adams County Community and Economic Development Department at 6800 (or if this is a long distance call, please use the County's toll free telephone number at 1-800-824-7842) prior to the meeting date. For further information regarding this case, please contact the Department of Community and Economic Development, 4430 S. Adams County Parkway, Brighton, CO 80601, 720-523-6800. This is also the location where maps and/or text certified by the Planning Commission may be viewed. The full text of the proposed request and additional colored maps can be obtained by contacting this office or by accessing the Adams County web site at www.adcogov.org/planning/currentcases.

Thank you for your review of this case.

Libbie Adams, AICP Case Manager

To: Sheree Sandell

**Dept:** Westminster Window / Northglenn Thornton Sentinel

From: Shayla Christenson Date: October 2, 2017

#### NOTICE OF PUBLIC HEARING FOR LANDUSE

NOTICE IS HEREBY GIVEN, that an application has been filed by, MICHELLE COTE, Case #RCU2017-00004, requesting: Conditional Use Permit to allow a light industrial use (roofing company) in the Commercial-5 zone district:

#### LEGAL DESCRIPTION:

SUB: BERKELEY GARDENS NUMBER TWO PLOT 35 EXC W 75 FT AND EXC E 15 FT SUB: BERKELEY GARDENS NUMBER 2 DESC: PLOT 36 EXC E 15 FT

(The above legal description was provided by the applicant and Adams County is not responsible for any errors and omissions that may be contained herein and assumes no liability associated with the use or misuse of this legal description.)

APPROXIMATE LOCATION: 5399 and 5383 Federal Boulevard

PIN: 0182517208021 and 0182517208020

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Adams County Planning Commission in the Hearing Room of the Adams County Government Center, 4430 S. Adams County Parkway, Brighton, CO - 1st Floor, on the 10/26/2017, at the hour of 6:00 p.m., where and when any person may appear and be heard and a recommendation on this application will be forwarded to the Board of County Commissioners.

NOTICE IS FURTHER GIVEN, that a public hearing will be held by the Adams County Board of County Commissioners in the Hearing Room of the Adams County Government Center, 4430 S. Adams County Parkway, Brighton, CO - 1st Floor, on the 11/14/2017, at the hour of 9:30 a.m., to consider the above request where and when any person may appear and be heard.

For further information regarding this case, please contact Libbie Adams at the Department of Community and Economic Development, 4430 S. Adams County Pkwy, Brighton, CO 80601, 720.523.6855. This is also the location where the maps and/or text certified by the Planning Commission may be viewed.

BY ORDER OF THE BOARD OF COUNTY COMMISSIONERS ERIN BRIM CLERK OF THE BOARD

TO BE PUBLISHED IN THE October 12, 2017 ISSUE OF THE Westminster Window / Northglenn Thornton Sentinel

Please reply to this message by email to confirm receipt or call 720-523-6800



# Referral Listing Case Number RCU2017-00004 Tiley Roofing Inc

Agency	Contact Information
Adams County Development Services - Building	Justin Blair 4430 S Adams County Pkwy Brighton CO 80601 720-523-6825 JBlair@adcogov.org
Adams County Fire Protection District	Marshall Fire 8055 N. WASHINGTON ST. DENVER CO 80229 (303) 289-4683 gpreston@acfpd.org
BERKELEY NEIGHBORHOOD ASSOC.	GLORIA RUDDEN 4420 W 52ND PL. DENVER CO 80212 (303) 433-7653 (303) 477-9669 seminoegrandma@gmail.com
BERKELEY WATER & SAN DISTRICT	SHARON WHITEHAIR 4455 W 58TH AVE UNIT A ARVADA CO 80002 (303) 477-1914 berkeleywater@gmail.com
CDPHE - AIR QUALITY	JAMES A. DILEO 4300 CHERRY CREEK DRIVE SOUTH DENVER CO 80246-1530 303-692-3127 jim.dileo@state.co.us
CDPHE - WATER QUALITY PROTECTION SECT	Patrick Pfaltzgraff 4300 CHERRY CREEK DRIVE SOUTH WQCD-B2 DENVER CO 80246-1530 303-692-3509 patrick.j.pfaltzgraff@state.co.us
Century Link, Inc	Brandyn Wiedreich 5325 Zuni St, Rm 728 Denver CO 80221 720-508-3724 brandyn.wiedrich@centurylink.com
Code Compliance Supervisor	Eric Guenther eguenther@adcogov.org 720-523-6856

eguenther@adcogov.org

**Contact Information** Agency COLORADO DEPT OF TRANSPORTATION Steve Loeffler 2000 S. Holly St. Region 1 Denver CO 80222 303-757-9891 steven.loeffler@state.co.us **COMCAST** JOE LOWE 8490 N UMITILLA ST FEDERAL HEIGHTS CO 80260 303-603-5039 thomas\_lowe@cable.comcast.com Engineering Department - ROW Transportation Department PWE - ROW 303.453.8787 **Engineering Division** Transportation Department **PWE** 6875 Jen Rutter ENVIRONMENTAL ANALYST PLN 6841 Hyland Hills Park & Recreation District Terry Barnhert 8801 Pecos St Denver CO 80260 303-650-7507 303-650-7507 tbarnhart@hylandhills.org METRO WASTEWATER RECLAMATION **CRAIG SIMMONDS** 6450 YORK ST. DENVER CO 80229 303-286-3338 CSIMMONDS@MWRD.DST.CO.US NS - Code Compliance Andy San Nicolas asannicolas@adcogov.org 720.523.6831 asannicolas@adcogov.org Parks and Open Space Department Nathan Mosley mpedrucci@adcogov.org aclark@adcogov.org (303) 637-8000 nmosley@adcogov.org REGIONAL TRANSPORTATION DIST. **CHRIS QUINN** 1560 BROADWAY SUITE 700 DENVER CO 80202 303-299-2439 chris.quinn@rtd-denver.com TRI-COUNTY HEALTH DEPARTMENT MONTE DEATRICH 4201 E. 72ND AVENUE SUITE D COMMERCE CITY CO 80022 (303) 288-6816

mdeatrich@tchd.org

Agency	Contact Information
TRI-COUNTY HEALTH DEPARTMENT	Sheila Lynch 6162 S WILLOW DR, SUITE 100 GREENWOOD VILLAGE CO 80111 720-200-1571 landuse@tchd.org
Tri-County Health: Mail CHECK to Sheila Lynch	Tri-County Health landuse@tchd.org
Xcel Energy	Donna George 1123 W 3rd Ave DENVER CO 80223 303-571-3306 Donna.L.George@xcelenergy.com
Xcel Energy	Donna George 1123 W 3rd Ave DENVER CO 80223 303-571-3306 Donna.L.George@xcelenergy.com
	City and County of Denver
	developmentservices@denvergov.org
	Regis University
	president@regis.edu
	ehollis@regis.edu

# Exhibit 6.5 Property Owner Labels

ALKASS SANA PO BOX 12676 DENVER CO 80212 BUCKINGHAM MARK M AND BUCKINGHAM TRACI J 6359 S VAN GORDON ST LITTLETON CO 80127

ARREDONDO ABEL 5510 GROVE STREET DENVER CO 80221 BUENO DANIEL AND BUENO KUMEI 11476 FOWLER DRIVE NORTHGLENN CO 80233

ARRIETA ESTHER E 2891 COLUMBINE RD DENVER CO 80221-1281 BUSCARELLO DANIEL 2871 COLUMBINE RD DENVER CO 80221-1281

BARRY BECKY A AND BARRY GEORGE E 3165 W 55TH AVE DENVER CO 80221-6519 CAMPOS AGUSTIN JR 729 S CANOSA CT DENVER CO 80219-3548

BELEGRATIS TASOS 3145 W 53RD AVE DENVER CO 80221-6565 CARLSON TRACY L 5331 PRIMROSE LN DENVER CO 80221-1252

BIGGERSTAFF RONALD G AND BIGGERSTAFF KATHRYN M 9740 W 82ND PL ARVADA CO 80005-2122 CASE DIANE AND FRANKMORE BILL 7059 RUSSELL CT ARVADA CO 80007-7680

BILES MARY 16016 BRUNO ST FORT LUPTON CO 80621-7702 CHALMERS BETTY M AND CHALMERS JOHN M 3085 W 53RD AVE DENVER CO 80221-6563

BILLS ROBERT S 5342 IRVING ST DENVER CO 80221-6553 CHOBOT JOANNA K 2610 S ZURICH CT DENVER CO 80219-5656

BROWN SARAH G 3095 W 55TH AVE DENVER CO 80221-6517 CRAFT ASHLEY RENEE AND GRAYSON NORGAARD FRANCIS 3241 W 54TH AVE DENVER CO 80221-6591

BTS FEDERAL AA LLC 8480 E ORCHARD RD STE 4350 GREENWOOD VILLAGE CO 80111-5042 DAY AELANA 3110 W 55TH AVE DENVER CO 80221-6520 DE LEON JESUS AND DE LEON SANDRA V 3656 FEDERAL BLVD DENVER CO 80211 FUKUI BRAD 7415 S ALKIRE ST APT 202 LITTLETON CO 80127-3276

DECHANT ZACHEUS R AND DECHANT DIXIE D 2901 COLUMBINE RD DENVER CO 80221-1260 GERK GEORGE EUGENE LIVING TRUST 5320 GROVE ST DENVER CO 80221-6544

DEVER PATRICK M AND DEVER CAROLYN J 3245 W 54TH AVE DENVER CO 80221-6591 GERK JEROME M 3075 W 53RD AVE DENVER CO 80221-6563

ELEY GORDON E AND ELEY JUDY B 3185 W 53RD AVE DENVER CO 80221-6565 HERMOSA VETERINARY CLINIC P C 5495 FEDERAL BLVD DENVER CO 80221-6539

ELIO JAMES M 3140 W 53RD AVE DENVER CO 80221-6564 HERNANDEZ VINCE A 5470 GROVE ST DENVER CO 80221-6546

ESCOBAR LAILA G 3246 W 54TH AVE DENVER CO 80221-6504 HOFFIUS GREGORY S 2934 W 54TH AVE DENVER CO 80221-1608

FAIRBAIRN LUKE AND CANIZARES PAULINA RODRIGUEZ 5445 ELM CT WESTMINSTER CO 80221 HOLLOWAY GLENN 5370 GROVE ST DENVER CO 80221-6544

FED53 LLC 3535 LARIMER ST DENVER CO 80205-2421 HOLLOWAY GLENN 5350 GROVE ST DENVER CO 80221

FELDSTEIN ENTERPRISES LP PO BOX 2079 FOLSOM CA 95763-2079 HOLLOWAY GLENN R 5370 GROVE ST DENVER CO 80221-6544

FEY JERI C AND FEY MARTIN C 3070 W 53RD AVE DENVER CO 80221-6562 HURTADO LEE ROY 3075 W 55TH AVE DENVER CO 80221-6517 J AND J FINANCIAL LLC 11839 E FAIR AVE GREENWOOD VILLAGE CO 80111-5716 MAGANA CLYDA AND MAGANA REBECCA 3060 W 54TH AVE DENVER CO 80221

JOHANNES JEFFREY 5395 GROVE ST DENVER CO 80221-6543 MANJAEKANG INC 5450 FEDERAL BLVD DENVER CO 80221-6540

JOHNSON DANIEL STEVEN AND YANG BOWEN 5411 ELM CT DENVER CO 80221-1629

MC LEOD KATHERINE ANN AKA KATHERINE A 1054 MCINTOSH AVE BROOMFIELD CO 80020-2434

JOHNSON MARLENE P AND PYOTT JODY L 5406 GROVE ST DENVER CO 80221-6546 MILLER LORI 2882 S EMERSON ST ENGLEWOOD CO 80113-1738

KELLOW LEILA H C/O KRISTIN CANALE 8100 RALSTON RD SUITE 130 ARVADA CO 80002 MOYLAN THOMAS M AND MOAYEDI MANUELA 3246 W 53RD AVE DENVER CO 80221

KING MAYNARD E AND MC GAW-KING MARGARET 3082 W 53RD AVE DENVER CO 80221-6562 NGUYEN THO DINH AND NGUYEN HOA TRAN 6439 S WALDEN WAY AURORA CO 80016-1151

LARATTA ALAN AND LARATTA TRACY 3251 W 53RD AVE DENVER CO 80221-6596 OLD TOWN PARTNERS LLC 1792 WYNKOOP ST APT 507 DENVER CO 80202-1075

LEDEZMA IRMA 5490 GROVE STREET DENVER CO 80221 ORR BRANDON 3080 W 54TH AVE DENVER CO 80221

LOWELL REAL ESTATE LLC 3333 REGIS BLVD A-20 DENVER CO 80221-1099 PALMQUIST JO 6218 W 80TH PL ARVADA CO 80003-1701

MADRID MARIA 2942 W 55TH AVE DENVER CO 80221 PASSTIME COLORADO PROPERTIES LLC 3095 KERNER BLVD STE O SAN RAFAEL CA 94901-5420 PATTON JACQUELINE DIANE 5330 GROVE STREET DENVER CO 80221 ROZALES VICTORIA REBECCA AND SCARPELLA DEBRA ANN 3076 W 54TH AVE DENVER CO 80221

PLUE ERNEST E AND PLUE MARTHA M 5381 PRIMROSE LN DENVER CO 80221-1252 ROZALES VICTORIA REBECCA AND SCARPELLA DEBRA ANN 3076 W 54TH AVE DENVER CO 80221-6502

PLUE MARTHA AND PLUE ERNEST 5361 PRIMROSE LN DENVER CO 80221-1252 SCARPELLA DEBRA AND ROZALES VICTORIA 3076 W 54TH AVE DENVER CO 80221-6502

PLUMLEY BYRON L JR AND WHITESIDE SHIRLEY S 2922 W 55TH AVE DENVER CO 80221-1620 SHUNK CARL A AND SHUNK JUNG 5477 GROVE ST DENVER CO 80216

POPE RUSSELL J 3240 W 54TH AVE DENVER CO 80221-6504 SILVA LUZ M DIMATE 5421 ELM CT DENVER CO 80221-1629

POTT MICHAEL AND POTT LYNNE AS TRUSTEES 11580 W CENTER LAKEWOOD CO 80226-2515 SMITH MARVIN SR 2940 W 54TH AVE DENVER CO 80221-1608

QUINTANA KATHLEEN 5437 ELM CT DENVER CO 80221-1629 SONG INVESTMENT PROPERTIES LLC 7030 HIGHWAY 2 COMMERCE CITY CO 80022-2044

RICHARDSON MARGARET E 3031 W 53RD AVE DENVER CO 80221-6563 STANTON LEE E 5341 PRIMROSE LANE DENVER CO 80221

ROBERTSON NATHA J AND CASE JASON J 3120 W 53RD AVE DENVER CO 80221-6564 STAY JOHN AND STAY JOLENE AND BATE DAMIAN S 3234 W 55TH AVE DENVER CO 80221

RODRIGUEZ JUAN JESUS 5416 ELM CT DENVER CO 80221-1629 STONEBRAKER CORPORATION 26986 CR 18 KEENESBURG CO 80643 SWANBERG LOREN L 3050 W 54TH AVE DENVER CO 80221-6502 VIGIL CATHERINE J 5408 ELM CT DENVER CO 80221-1629

SWANSON LEE W AND SWANSON BARBARA K 3072 W 53RD AVE DENVER CO 80221-6562 WARHOLA PAUL C AND WARHOLA LORENE DURAN 3161 W 54TH AVE DENVER CO 80221-6503

TAPIA RUBEN AND TAPIA ROCHELLE MONIQUE 5424 ELM CT DENVER CO 80221-1629 WILKEY ROXANNE AND MITCHELL JOSHUA 5355 GROVE ST DENVER CO 80221

TARANGO BARBARA L AND TARANGO RAMON 3033 W 53RD AVE DENVER CO 80221 ZIEGLER FRITZ R AND ZIEGLER PENELOPE M 3060 W 55TH PL DENVER CO 80221-6526

TILEY INVESTMENTS LLC 5399 FEDERAL BLVD DENVER CO 80221-6537 ZIEGLER FRITZ R AND ZIEGLER PENELOPE 3060 W 55TH PL DENVER CO 80221-6526

TUTAK JOSEPH 5441 GROVE ST DENVER CO 80221-6545

VALDEZ MICHAEL V 5345 GROVE ST DENVER CO 80221

VALDEZ MICHAEL V AND VALDEZ BARBARA 5345 GROVE ST DENVER CO 80221-6543

VANROEKEL BONNIE G 3255 W 53RD AVE DENVER CO 80221-6596

VARGAS DANIEL ENRIQUE ORDONEZ 5432 ELM CT DENVER CO 80221-1629

## **CERTIFICATE OF POSTING**



I, Libbie Adams do hereby certify that I had the property posted at

5399 Federal Boulevard

on October 12, 2017

in accordance with the requirements of the Adams County Zoning Regulations

Dosi Co

**Libbie Adams**