

# **Brannan Sand & Gravel**

PRC2019-00020

2601 W. 60<sup>th</sup> Avenue

September 1, 2020

Board of County Commissioners Public Hearing  
Community and Economic Development Department

Case Manager: Greg Barnes



# Requests

1. Conditional use permit application to allow recycling operations in the Industrial-2 and Industrial-3 zone districts;
2. Conditional use permit application to allow accessory outdoor storage in excess of ten acres in the Industrial-2 and Industrial-3 zone districts;
3. Conditional use permit application to allow stacking of materials up to fifty (50) feet in height and above the height of any screen fencing.



# AERIAL OVERVIEW





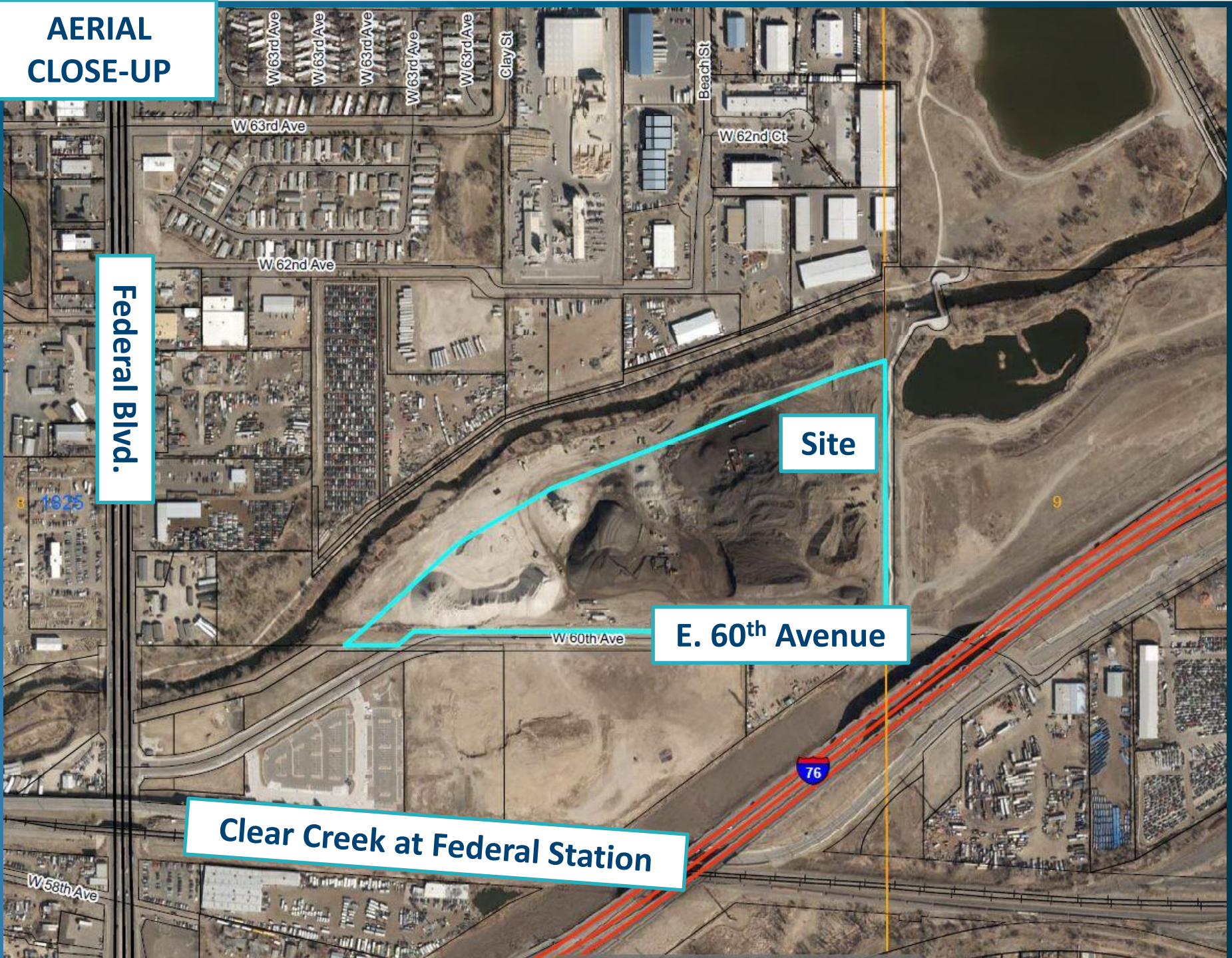
# AERIAL CLOSE-UP

Federal Blvd.

Clear Creek at Federal Station

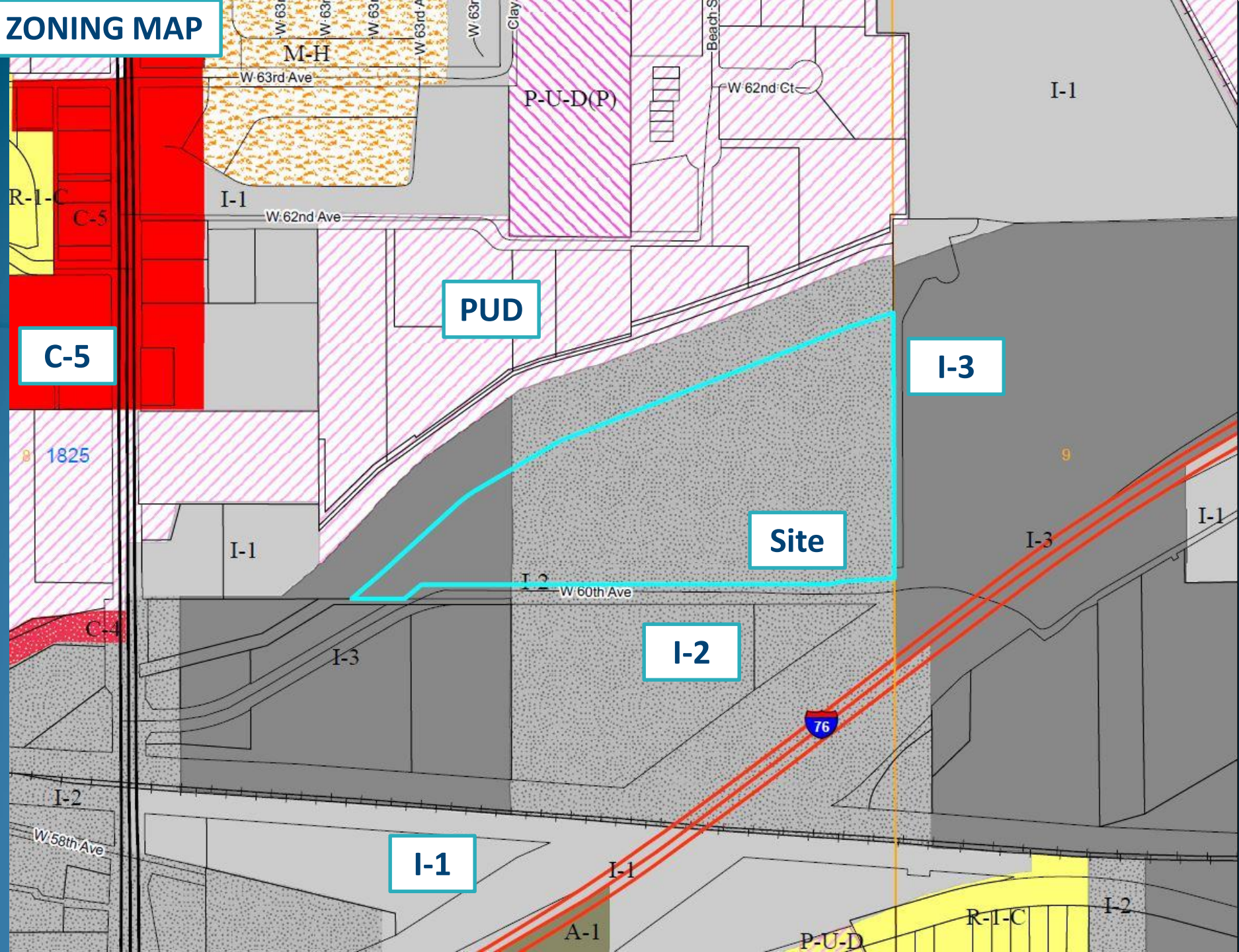
E. 60<sup>th</sup> Avenue

Site



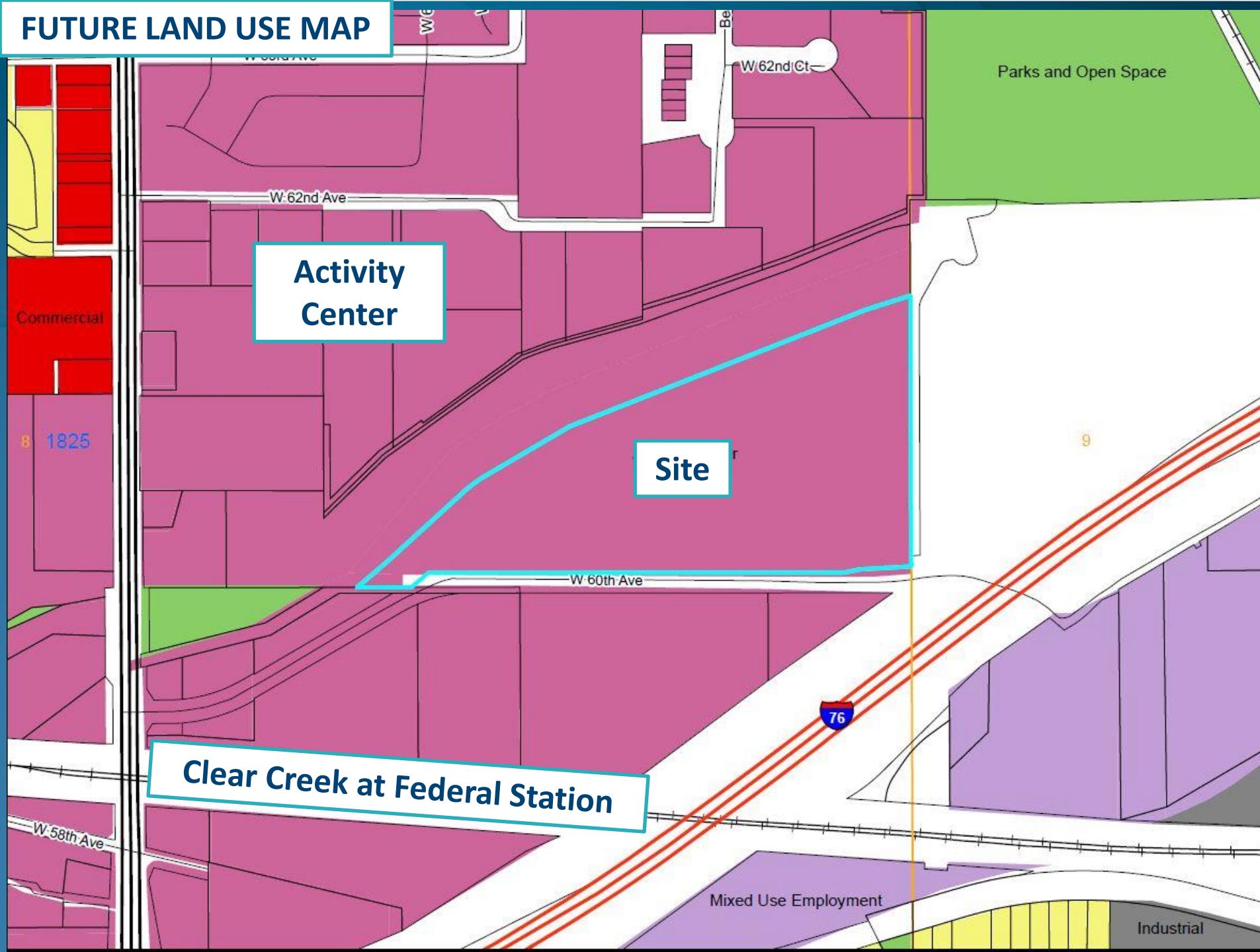


# ZONING MAP





# FUTURE LAND USE MAP





# Activity Center

- High-Intensity, Mixed-Use Development
  - Office
  - Hotel
  - High-Density Residential
  - Retail/Restaurant
- Excellent Transportation Access
- High Visibility
- Development in Activity
- Centers must contain a sufficient intensity and mix of uses to create a pedestrian environment and support transit service.
- These centers may be especially suitable for providing a variety of housing or should be planned with due consideration of accessibility between residences and places of employment.



# Background

- Use: processing and storage of recycled asphalt material including stockpiling and transport.
- No permits were ever obtained
- October 1995, notice of violation issued by Adams County
  - No permit was obtained



# Background

- June 2012, the applicant was granted a conditional use permit at 5880 Lipan Street for similar use.
  - Condition to require the operations at 2601 W. 60<sup>th</sup> Avenue to cease and for the site to be vacated by June 2019.
  - July 2020, the applicant has not ceased operations nor vacated the site.
- In May 2017, an inspection of the site was conducted by Adams County, TCHD, and CDPHE.
  - Facility was operating without proper permitting;
  - Outdoor storage that was not associated with the business;
  - 30-foot tall pile of shingles - unpermitted disposal of solid waste and potentially may have included asbestos shingles;
  - Illicit discharge into the Clear Creek;
  - Storage and stockpiling on an adjoining property owned by Adams County.

# Background

- Post-Inspection
  - Shingles removed
  - Material shifted off adjoining property
- November 2017, Settlement agreement was reached between Brannan Sand & Gravel and Adams County.
  - Timeline for the site to come into compliance
  - Initial compliance for several months
  - February 2018, Extension of deadlines granted
  - June 2019, Full compliance was to be met
  - December 2019, Subject applications filed
  - July 2020, the applicant has not ceased operations nor vacated the site.



# Criteria for Conditional Use

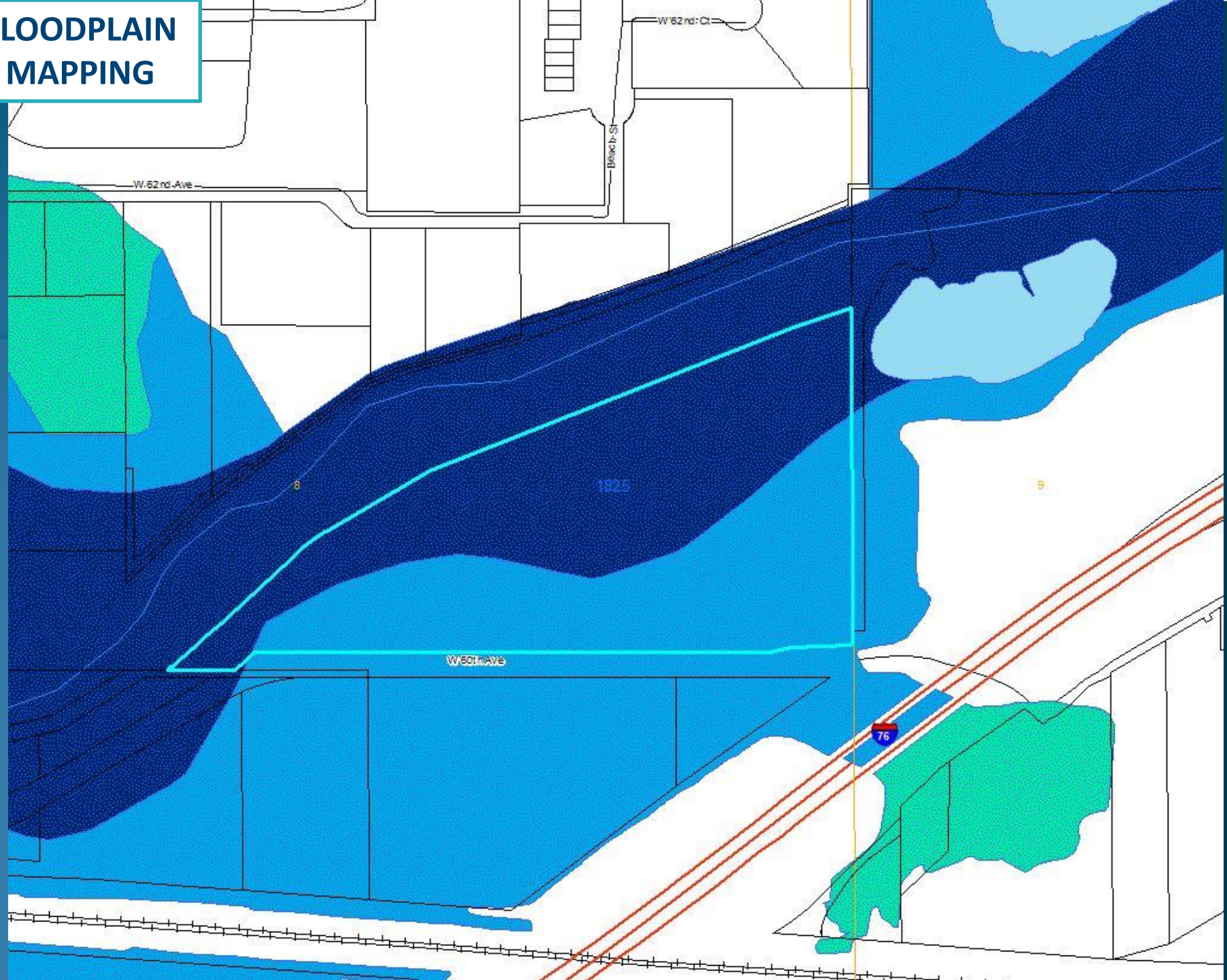
Section 2-02-09-06

1. Permitted in zone district
2. Consistent with purpose of regulations
3. Comply with performance standards
4. Harmonious & compatible
5. Addressed all off-site impacts
6. Site suitable for use
7. Site plan adequate for use
8. Adequate services





# FLOODPLAIN MAPPING























**Park-n-Ride**

Clear Creek  
• Federal Station

**RTD** 2870 W. 60th Ave.





# Adams County Comprehensive Planning

- Southwest Area Plan
  - Policy 14.1 Promote Clean Industrial Uses;
  - Encourage development and redevelopment of a range of industrial uses in the Southwest Area, with emphasis on new clean and/ or light industrial uses
- Federal Boulevard Framework Plan
  - Corridor Planning should address potential Federal Boulevard blight conditions and recommend improvements in visual character. The addition of pedestrian-oriented improvement to the right-of-way is critical in providing better accommodations for non-motorized corridor transportation. Additionally, streetscape planting should be incorporated throughout the corridor with a focus on shade trees along the east and west sides of the roadway due to the utility limitations of the center medians.
  - Corridor planning should address potential methods to land assembly for redevelopment, protection of residential neighborhoods from commercial land use and traffic encroachment, and methods to interconnect the local street grid.
- Clear Creek Valley Transit Oriented Development Plan

# Clear Creek Valley Transit Oriented Development Plan, 2009

- Creation of a transit-oriented community
- Pedestrian-oriented to the transit station
- New retail, employment, entertainment and residential opportunities
- Current site designated for Village Center, Business Park, Open Space
- Mixed-use development with sustainable practices
- Open space and recreational opportunities
- Gateway to Southwest Adams County
- Discourages land use patterns in transit corridors and around transit stations that may preclude future Transit Oriented Development
- Discourages land consumptive uses related to heavy industry such as outdoor storage.



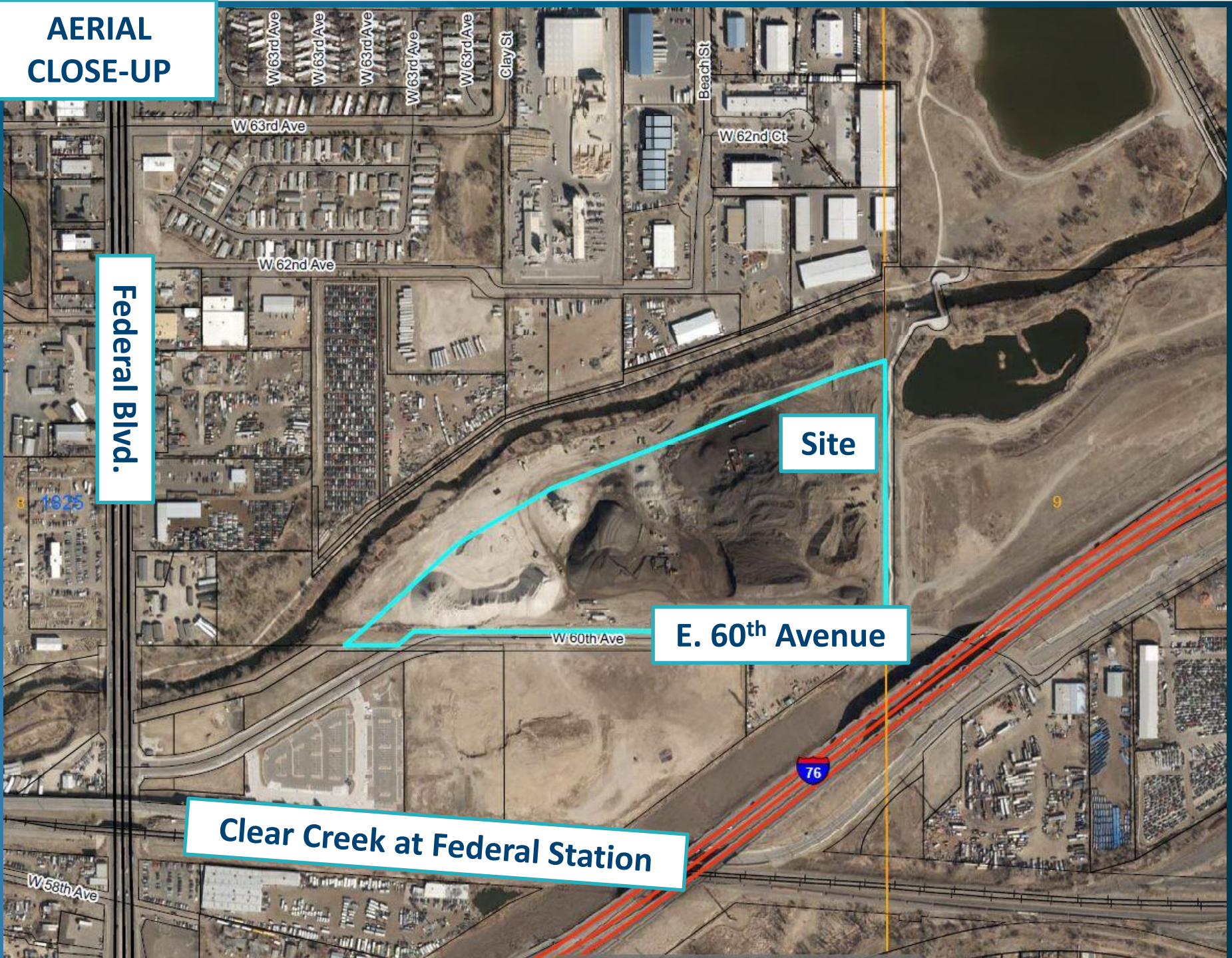
# AERIAL CLOSE-UP

Federal Blvd.

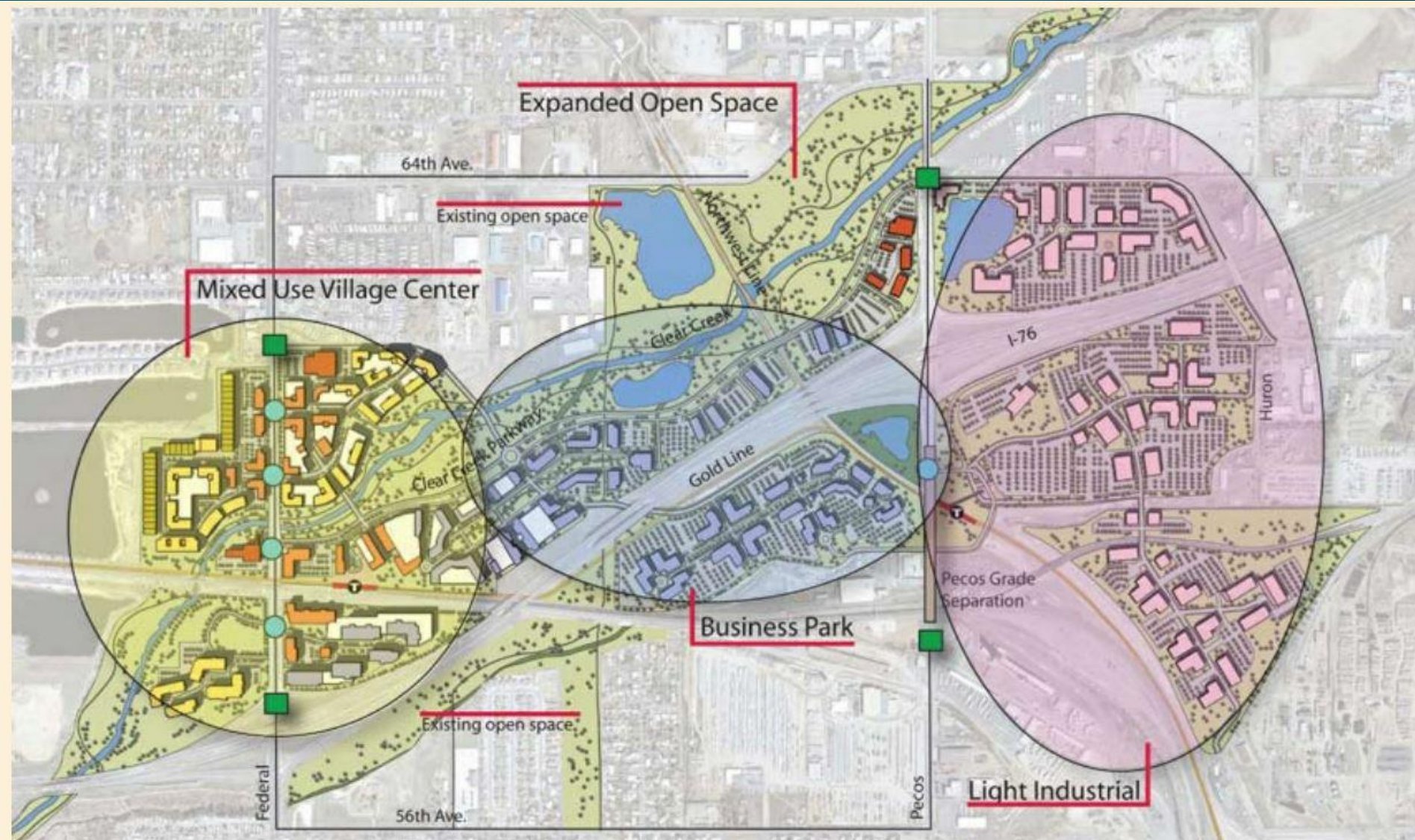
Site

E. 60<sup>th</sup> Avenue

Clear Creek at Federal Station











**Active street level retail**



**Interactive corners**

## Design Standards

### Purpose of the Design Standards

The purpose of the Design Standards is to set high quality requirements for design of all projects in the Village Center. Development that is designed to these standards will protect the real estate values in the station area and in the neighborhoods in the vicinity. The standards provide a level playing field for developers which will assure a high standard of design on the part of all participants, and raise the bar for design in the immediate area.

### Design Standards for the Village Center

#### Sustainability

*Intent:* To achieve sustainable design in developing and building each site promoting integrated design practices that sustain the project economically, environmentally and culturally.

*Principles:* At a minimum, sustainability within the Village Center shall be measured by the LEED rating system, established by the USGBC. Review and approval of buildings in this area shall be contingent upon the applicant showing progress in obtaining the LEED Certified credits. Affordable housing will be considered as an integral part of planning.

#### Pedestrian Connectivity

*Intent:* To connect transit, commercial and housing destinations with convenient, safe and easy to understand pedestrian circulation.

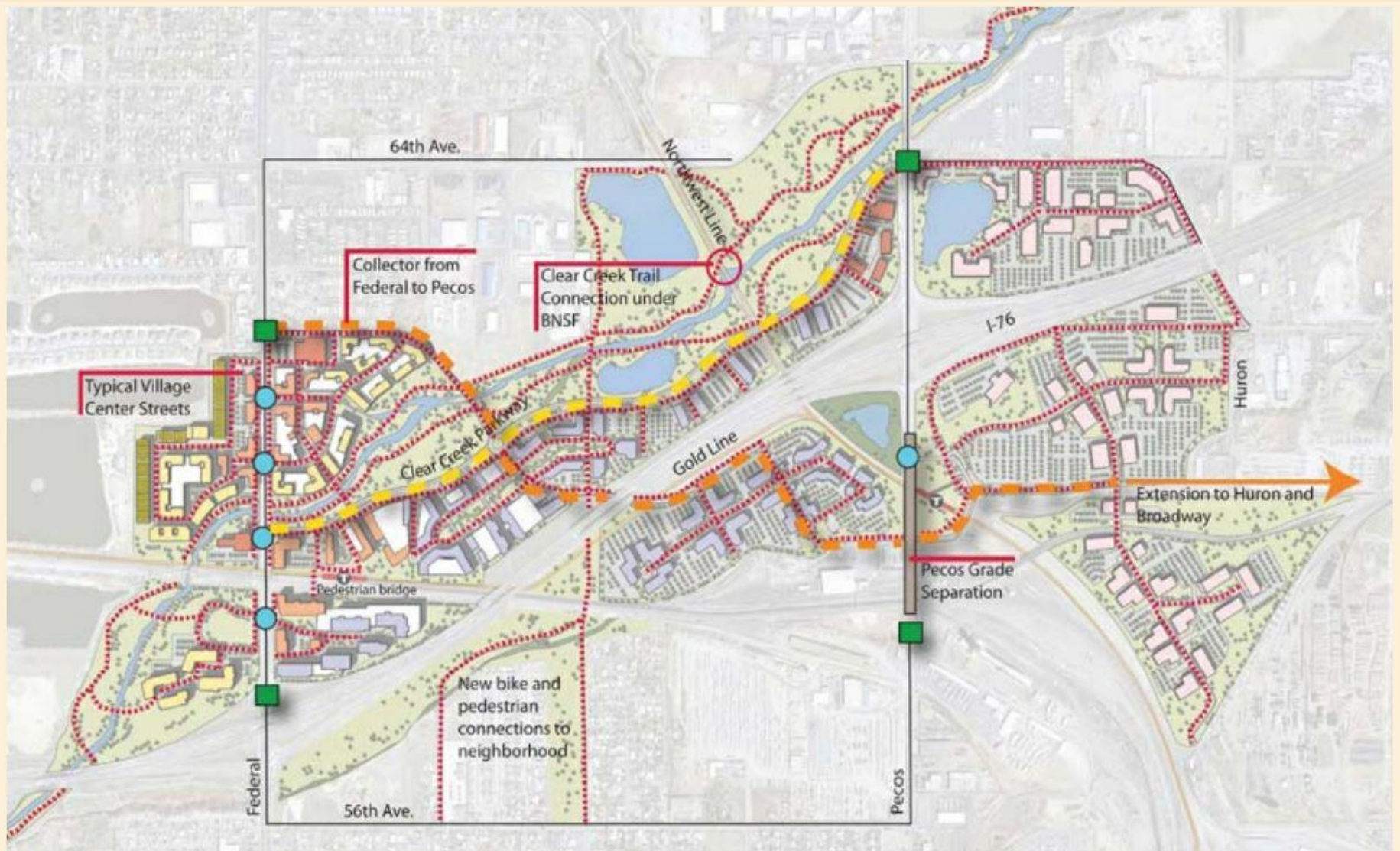
*Principles:* Walkways, bridges and pedestrian crossings shall constitute a network that interconnects all transit, commercial and residential buildings. Hidden areas and blind corners shall be avoided in favor of open, visible gathering places and unobstructed paths with clear visual connections to destinations beyond. Pedestrian walkways should avoid doubling back or acute changes in the travel path, and should have good visual connection with the surroundings at all times. Active uses should be located along the pedestrian paths.

#### Ground Floor Activity

*Intent:* To create a compelling and active pedestrian environment with interesting, accessible activities at the street level.

*Principles:* Ground floor uses shall consist of active commercial uses, restaurants and entertainment venues in areas that will be frequented by pedestrians. The active space shall be organized in a logical pedestrian flow, without isolating retail activities from public spaces and streets.





**Clear Creek Parkway**

**Collector Road from Federal to Pecos**

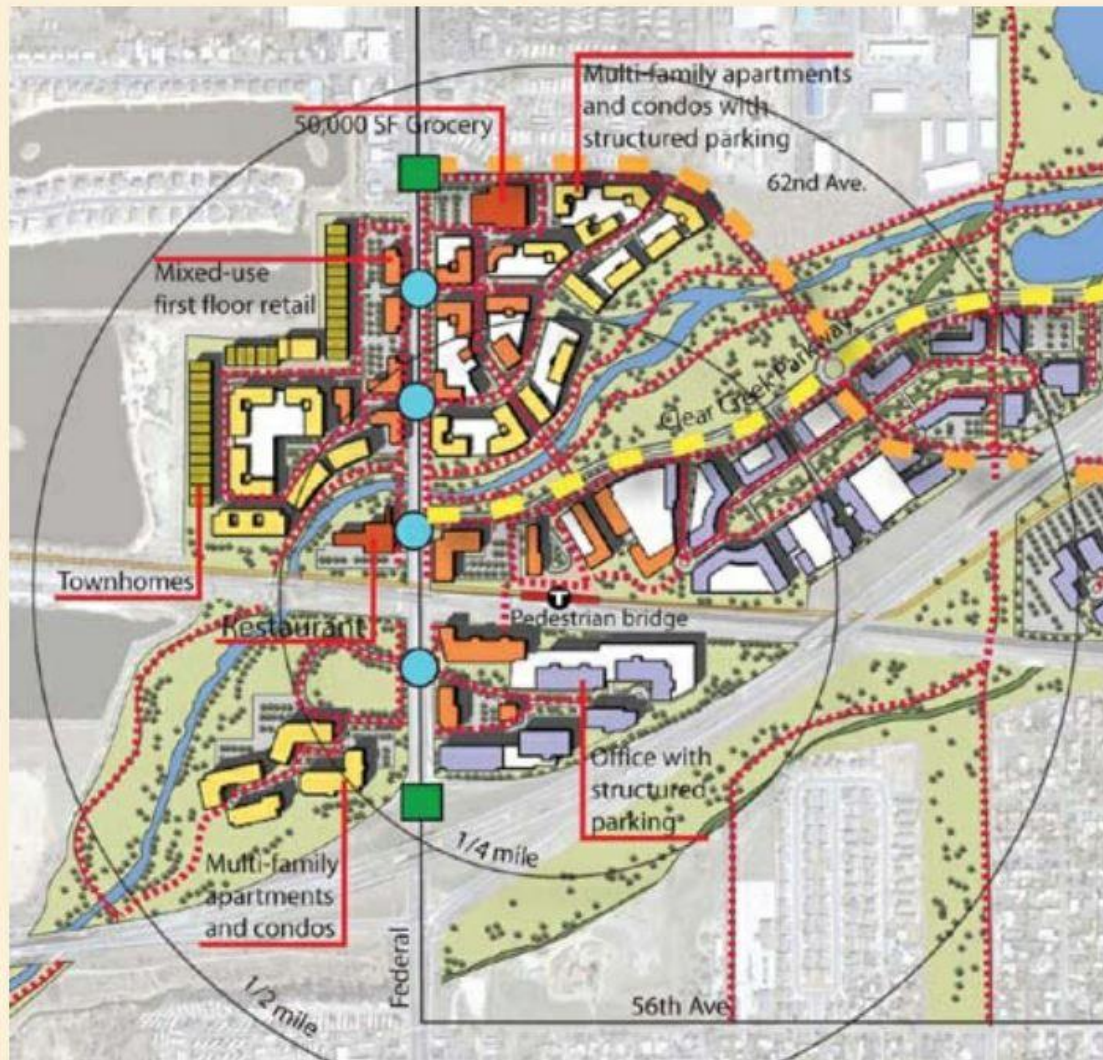
**Pedestrian and bike circulation**



**Signalized intersection (needs CDOT approval)**

**Gateway**





**Clear Creek at Federal Station - Mixed-Use Village Center**

- |   |   |  |
|---|---|--|
| <span style="display: inline-block; width: 20px; height: 10px; background-color: orange; margin-right: 5px;"></span> Retail                     | <span style="display: inline-block; width: 20px; height: 10px; background-color: purple; margin-right: 5px;"></span> Business/office                            | <span style="display: inline-block; width: 10px; height: 10px; background-color: blue; border-radius: 50%; margin-right: 5px;"></span> Signalized intersection (needs CDOT approval) |
| <span style="display: inline-block; width: 20px; height: 10px; background-color: lightorange; margin-right: 5px;"></span> Mixed use             | <span style="display: inline-block; width: 20px; height: 10px; background-color: white; border: 1px solid black; margin-right: 5px;"></span> Structured parking | <span style="display: inline-block; width: 10px; height: 10px; background-color: green; margin-right: 5px;"></span> Gateway  |
| <span style="display: inline-block; width: 20px; height: 10px; background-color: yellow; margin-right: 5px;"></span> Multi family residential   |   |  |
| <span style="display: inline-block; width: 20px; height: 10px; background-color: lightgreen; margin-right: 5px;"></span> Single family attached |   |  |

## CLEAR CREEK AT FEDERAL STATION

The vision for the Clear Creek at Federal Station is to create a new vibrant community amenity within walking distance of the transit station. New retail, employment, entertainment and living opportunities within the Village Center will serve the needs of the existing community, and maintain the area as an employment center for Adams County.

Parking - 7,230  
(Includes station parking at 600 spaces)

Multi-family Residential units - 1,993

Retail - 467,000 SF  
Potential jobs - 467 (1/1,000 SF)

Business/office - 398,000 SF  
Potential jobs - 1,326 (1/300 SF)

Open Space - 66 acres

Program based on hypothetical assumptions of maximum buildout. Not based on current zoning or entitlements.

# Comments on Case

## Referral agency comments:

- Colorado Division of Water Resources (No concerns)
- Colorado Department of Transportation (No concerns)
- City of Arvada (No Concerns)
- Denver Water (No concerns)
- Adams County Fire (No concerns)
- Regional Transportation District (No comments)
- Tri-County Health Dept. (Concerns – fugitive dust, historic landfill)
- Xcel Energy (No concerns)

## Public comments:

*Property owners and residents within 1,500 feet*

Notifications Sent	Comments Received
162	2



# Summary

The determination by staff is that the request is inconsistent with the criteria for approval:

- The conditional use is incompatible with the surrounding area
- The conditional use is not harmonious with the character of the neighborhood
- The conditional use is detrimental future development of the area
- The conditional use , and detrimental to the health, safety, or welfare of the inhabitants of the area and the County
- The request cannot address all off-site impacts
- Character of the neighborhood is changing
- History of noncompliance with County standards

# Planning Commission Update

Public Hearing: July 9, 2020

No public comments provided at hearing

PC Questions/Concerns:

- Long-Range Plans
- Off-Site Impacts
- History of Noncompliance

Voted 5-0 for Denial



# Previous Board of County Commissioners Hearing

Public Hearings : July 28, 2020 & August 11, 2020

Applicant requested continuance of the case at both hearings

Suggested that more time was needed to find a mutually beneficial solution

Since the last continuance, staff has not been contacted by the applicant

Voted 4-0 for Continuance



# Recommendation

Denial of Conditional Use Permit (PRC2019-00020)

based on:

- 14 Findings-of-Fact

# Findings-of-Fact

8. The request for outdoor storage is incompatible with the Adams County Comprehensive Plan, does not comply with the minimum zoning requirements of the zone district in which the Conditional Use Permit is to be granted, and does not comply with all other applicable requirements of the Adams County Development Standards and Regulations.
9. Aesthetic concerns have not been taken into consideration during the site design and placement of the outdoor storage.
10. The request for a recycling facility is incompatible with the Adams County Comprehensive Plan, does not comply with the minimum zoning requirements of the zone district in which the Conditional Use Permit is to be granted, and does not comply with all other applicable requirements of the Adams County Zoning and Subdivision Regulations.
11. The applicant has not documented his ability to comply with the health standards and operating procedures as provided by the Colorado Department of Public Health and Environment, Tri-County Health Department, Fire District, and other relevant agencies.
12. The proposed facility will cause significant traffic congestion or traffic hazards.
13. The request is incompatible with the surrounding area.
14. The site will impact health and welfare of the community based upon specific recycling facility design and operating procedures.



# Findings-of-Fact

1. The conditional use is not permitted in the applicable zone district.
2. The conditional use is inconsistent with the purposes of these standards and regulations.
3. The conditional use will not comply with the requirements of these standards and regulations, including but not limited to, all applicable performance standards.
4. The conditional use is incompatible 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 and the County.
5. The conditional use permit has not addressed all off-site impacts.
6. The site is unsuitable for the proposed conditional use including adequate usable space, adequate access, and absence of environmental constraints.
7. The site plan for the proposed conditional use will not provide the most convenient and functional use of the lot including the parking scheme, traffic circulation, open space, fencing, screening, landscaping, signage, and lighting.