Development Team Review Comments: 1st Review

Date: 6/21/2019  
Project Number: RCU2019-00026  
Project Name: Rio 64th Billboard CUP

Note to Applicant:  
The following comments have been provided by reviewers. A resubmittal of your application is required before this case is ready to be scheduled for public hearing (pending the next round of review).

For submission of revisions to applications, a cover letter addressing each staff review comment must be provided. The cover letter must include the following information: restate each comment that requires a response and provide a response below the comment, respond to each comment with a description of the revisions and the page of the response on the site plan, and identify any additional changes made to the original submission other than those required by staff.

Resubmittal documents must be provided in person to the front desk of the Community and Economic Development Department. A physical hard copy and an electronic version are required.
Planner review (Holden Pederson, HPederson@adcogov.org):

PLN1: Chapter 4, Section 4-15-05 states that the minimum setbacks from property lines shall be equal to the height of the billboard as measured from the leading edge of the base of the sign pole. This section also states that variations in the setback requirement may be granted with the issuance of a Conditional Use Permit as part of the same request.
   a. Applicant does not provide setback from the leading edge of the base of the sign pole to the south property line. Resubmittal required in order to provide the proposed setback.

PLN2: Applicant has indicated they are requesting a variation from the setback requirement as part of the Conditional Use Permit.
   a. Staff requires further information regarding the hardship that exists on the property and why the applicant cannot meet the setback requirement. A demonstration that the proposed location of the billboard is the only feasible option on the property is required with the resubmittal in order for staff to recommend approval of the Conditional Use Permit request.
   b. Not wanting to take useable parking spaces does not constitute a hardship and staff would likely not be supportive of the Conditional Use Permit request if that was the justification provided by the applicant.

PLN3: Applicant has confirmed that all other performance standards have been met, except for the following minor details:
   a. Chapter 4, Section 4-15-04-02 #3, which states that each electronic message shall transition to the next message instantaneously. Applicant must provide a response confirming that this standard has been met.
   b. Chapter 4, Section 4-15-04-02 #4, which addresses the maximum foot-candles permitted for electronic signs during nighttime hours from sunset to sunrise as well as the required light monitors and controls that allow the sign brightness to automatically adjust to outside conditions. Applicant must provide a response confirming that this standard has been met.
   c. Chapter 4, Section 4-15-05 states that where an off-premise sign has two faces these faces shall be back to back and shall not be more than 3.5’ from one another. Applicant must provide a response confirming that this standard has been met.

PLN4: The proposed electronic billboard will require an Outdoor Advertising Permit from CDOT. This proposed sign must meet all applicable rules governing outdoor advertising in Colorado per 2 CCR 601-3. Application packet, when completed, should be sent to Steve Loeffler at 2829 W. Howard Place, 2nd Floor, Denver, CO 80204.
Development Engineering review (Greg Labrie, GLabrie@adcogov.org)

ENG1: FIRM #08001C0592H. Not in floodplain.

ENG2: Property is in MS4 Permit area and the proposed area of disturbance is less than an acre. A Stormwater Quality Permit is not required. Applicant is responsible for installation and maintenance of Erosion and Sediment Control BMP’s. Builder/developer is responsible for adhering to all the regulations of Adams County Ordnance 11 in regards to illicit discharge.

ENG3: No new access is requested. Must use existing access to property. No other access is permitted by ADCO.

ENG4: The applicant must obtain a building permit to construct the proposed sign.

Environmental Analyst review (Eden Steele, ESteele@adcogov.org)

ENV1: The parcel is located on a landfill called the SW & CD Landfill which was operated by Property Improvements Inc. Due to the proximity of the site to a historic solid waste landfill, the parcel is located in Adams County Flammable Gas Overlay (FGO). The FGO requires that if the applicant proposes to construct or change the use of any lot within the overlay, they shall either conduct a flammable gas investigation to determine that flammable gas (methane) is not present within the subsurface soils, or design the building with a flammable gas control system. The investigation plan will need to be approved by the fire district, Colorado Department of Public Health and Environment (CDPHE) and Tri-county Health Department (TCHD). All responses from the aforementioned organizations must be submitted to Adams County Community and Economic Development Department prior to permit approval. Contact information is provided below.

Adams County Fire Protection District: Pat Laurienti, 303-539-6800, PLaurienti@acfpd.org
Tri-County Health Department: Lisa Oliveto, 303-288-6816
CDPHE: Andy Todd, 303-691-4049, andrew.todd@state.co.us

Building Safety review (Justin Blair, JBlair@adcogov.org)

BSD1- Building permits would be required. Engineered plans will be required to obtain permits.

BSD2- Applicant should refer to commercial and industrial submittal requirements.

BSD3- Current adopted codes are the 2018 International Building Codes and the 2017 National Electrical Code.

BSD4- Applicant should contact Fire Department for their requirements.
Code Compliance review (Kerry Gress, KGress@adcogov.org)

CC1: Code Compliance has no open cases on this property.

CC2: Only concern is brightness of the billboard for traffic on I-76. Must have a dimming method for evening hours.

Addressing review (Marissa Hillje, MHillje@adcogov.org)

No comment.

ROW review (Marissa Hillje, MHillje@adcogov.org)

No comment.

Parks review (Aaron Clark, AClark@adcogov.org)

No comment.
External Referral Agency comments:

May 30, 2019

Holden Pederson
Adams County Community and Economic Development
4430 South Adams County Parkway, Suite W2000A
Brighton, CO 80601

RE: Rio 64th Billboard CUP, RCU2019-00026
   TCHD Case No.

Dear Mr. Pederson,

Thank you for the opportunity to review and comment on the Conditional Use Permit for an electric billboard in the Industrial-2 zone district located at 1280 W 64th Avenue. Tri-County Health Department (TCHD) staff has reviewed the application for compliance with applicable environmental and public health regulations and principles of healthy community design. After reviewing the application, TCHD has the following comments.

Historic Landfill within Adams County Overlay District
In accordance with Section 3-35-03 of Chapter 3-Zone District Regulation, Flammable Gas Overlay (FGO), the subject property will need to comply with all applicable sections of the Adams County Flammable Gas Overlay (FGO). Flammable gas from decomposing organic matter in landfills may travel up to 1,000 feet from the source. Because construction is planned within 1,000 feet of Landfill No. AD-009, AD-012, AD-013, AD-014, and AD-015 we recommend the following:

1. A flammable gas investigation should be conducted to determine if flammable gas (methane) is present in the subsurface soils at the property. The plan for the investigation should be submitted to TCHD for review and approval.

2. TCHD will review the results of the investigation. If the investigation indicates that methane is not present at or above 20% of the lower explosive limit for methane (1% by volume in air) in the soils, no further action is required.

3. In lieu of the investigation, the electrical system of the billboard shall be designed and constructed to be protected from flammable gas intrusion with the use of electrical conduit seals in order to prevent flammable gas from entering aboveground and below ground access points within the system, e.g., junction boxes, “hand-holes” and panels. Health and safety practices shall be followed during construction to protect site workers. A copy of TCHD guidelines for safe construction in areas on or near former landfills has been attached.
Rio 64th Billboard CUP
May 30, 2019
Page 2 of 3

Questions regarding this may be directed to Sheila Lynch at (720) 200-1571 or slynch@tchd.org.

Please feel free to contact me at 720-200-1585 or aheinrich@tchd.org if you have any questions.

Sincerely,

[Signature]

Annemarie Heinrich, MPH/MURP
Land Use and Built Environment Specialist

cc: Sheila Lynch, Monte Deatrich, Warren Brown TCHD
HEALTH AND SAFETY PRACTICES DURING CONSTRUCTION
ON OR NEAR FORMER LANDFILLS

If it has not been demonstrated that flammable gas is not present, the following health and safety practices shall be followed:

1. A flammable gas indicator will be utilized at all times during trenching, excavation, drilling, or when working within ten (10) feet of an open excavation.

2. Before personnel are permitted to enter an open trench or excavation, the trench or excavation will be monitored to ensure that flammable gas is not present in concentrations exceeding 1% and that oxygen is present at a minimum concentration of 19.5%. When in an excavation or trench, each work party will work no more than five (5) feet from a continuous flammable gas and oxygen monitor.

3. When trenching, excavating, or drilling deeper than two (2) feet into the fill, or in the presence of detectable concentrations of flammable gas, the soils will be wetted and the operating equipment will be provided with spark proof exhausts.

4. A dry chemical fire extinguisher, ABC rated, will be provided on all equipment used in the landfill.

5. Personnel within or near an open trench or drill hole will be fully clothed, and wear shoes with non-metallic soles, a hard hat and safety goggles or glasses.

6. Exhaust blowers will be used where trenches show a concentration of 1% flammable gas or a concentration of less than 19.5% oxygen.

7. Smoking will not be permitted in any area within one hundred (100) feet of the excavation.

8. Personnel will be kept upwind of any open trench unless the trench is continuously monitored.

9. All other applicable Safety and Health Regulations for Construction, as promulgated in 29 CFR by the Occupational Safety and Health Administration, shall be met. Applicable regulations include, but may not be limited to, the confined space standard (Part 1926.21(b)(6)(i) and (ii) in Subpart C); gases, vapors, fumes, dusts and mists (Part 1926.55 in Part 1926 Subpart E); fire protection and prevention (Part 1926 Subpart F); and trenching and excavation (Part 1926 Subpart P).

10. Compliance with the Occupational Safety and Health Administration’s confined space requirements for general industry, as promulgated in 29 CFR 1910.146 and Appendices A-F.
Please be cautious
This email was sent from outside Arapahoe County

 Holden,

I have reviewed the referral for the CUP to allow an electronic billboard in the I-2 zone district visible from I-76, located at 1299 W. 64th Ave. and have the following comments:

- This proposed digital billboard sign which will advertise to Interstate 76 will require an Outdoor Advertising Permit from CDOT.
- This proposed sign must meet all applicable rules governing outdoor advertising in Colorado per 2 CCR 601.3
- Applications packets, when completed, should be sent to Steve Loefler at 3229 W. Howard Place, 2nd Floor, Denver, CO  80204

Thank you for the opportunity to review this referral.

Sara Loefler
Permits Unit - Region 1

COLORADO Department of Transportation

P: 303.757.9891 | F: 303.757.9886
2829 W. Howard Pl., 2nd Floor, Denver, CO 80204
steve.loefler@state.co.us | www.codot.gov | www.codot.org

Please be cautious
This email was sent from outside Arapahoe County

The Colorado Department of Public Health and Environment (CDPHE) appreciates the opportunity to comment on this proposal. Please note that the following requirements are not intended to be an exhaustive list and it is ultimately the responsibility of the applicant to comply with all applicable rules and regulations.

If installation or development construction results in disturbing solid waste, these waste materials must be appropriately inspected, characterized and disposed at a permitted landfill facility. Also, if landfill cover is excavated or disturbed, the cover must be repaired (ensuring a minimum 2-foot thick clean soil cover) and vegetated.

Please let me know if you have any questions.

Sincerely,

Sean Packard
Energy Liaison

COLORADO Department of Public Health and Environment

P: 303.692.3662 | F: 303.691.7792
4400 Cherry Creek Drive South, Denver, CO 80246
sean.packard@state.co.us | www.colorado.gov/cdphe
June 20, 2019

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

Attn: Holden Pederson

Re: Rio 64th Billboard CUP, Case # RCU2016-00026

Public Service Company of Colorado’s Right of Way & Permits Referral Desk has reviewed the plans for Rio 64th Billboard CUP and has no apparent conflict.

Donna George
Right of Way and Permits
Public Service Company of Colorado / Xcel Energy
Office: 303-571-3306 – Email: donna.l.george@xcelenergy.com