The following comments have been provided by reviewers. A resubmittal is required. An Operations Plan and Vicinity Map have been requested as noted under Planner comment PLN1 below. Updated Site Plans are also required as noted under Planner comment PLN2 below. A flammable gas investigation plan is also required as noted under Environmental Analyst comment ENV2 below.

Planner review (Holden Pederson, HPederson@adcogov.org)

PLN1: Applicant must provide an Operations Plan that meets the requirements of Chapter 2, Section 2-02-11-05 and addresses Step 9.b. of the Special Use Permit review steps by putting design and mitigation measures in place that protect the health, safety and welfare of Adams County residents, and providing for sound environmental practices.
  a. This plan can be a simple written explanation that responds to the external effects of the business conducted on site and to the concerns of neighboring residents by describing how frequently a waste service visits the site; the proposed hours of operation; proposed parking sites provided on approved surfaces; weed and brush maintenance; construction of fencing and landscaping; controls on noise, light, odors, and other potential nuisances; measures to protect and improve the aesthetic value of high traffic areas; restrictions to protect air and water quality; restrictions on signage and outdoor lighting; and restrictions concerning the building bulk, height, setback, location, and external appearance.
  b. A vicinity map that shows the applicant’s section of the larger property would also help make the case that all external impacts from the site are not caused by their business operations.
  c. Applicant may be required to work with owner of the property to address issues and to maintain the property in accordance with the proposed design and mitigation measures detailed in the Operations Plan.
  d. If the Special Use Permit is approved, staff will recommend a condition of approval that the applicant must adhere to the Operations Plan that is based on the applicable Adams...
County Development Standards and Regulations as well as the neighboring resident concerns.

PLN2: Applicant must resubmit site plan in order to show dimensions of all structures located on the site, dimensions of all retail and vending areas located on the site during each season, setbacks of all structures from property lines during each season, and the location and dimensions of the proposed parking area. Any area covered in gravel should be indicated on the site plan, while any area that will remain compacted dirt should also be indicated on the site plan.

PLN3: In the C-4 zone district, all structures require 25’ front setbacks (from the property line abutting West 53rd Place), 25’ side corner setbacks (from the property line abutting Sheridan Boulevard), side setbacks of 5’ (from the east property line), and rear setbacks of 15’ (from the south property line). Staff recommends that the applicant show these setbacks in relation to the property boundaries on each site plan and make a note on the site plans that although the orientation of the site may change, no structures, parking, or facilities will be located within the area between the property lines and the setbacks (setback envelope or buffer area that cannot be encroached on).

PLN4: Trailers, vending areas, and vehicle parking must be located on an approved surface. Staff recommends gravel for this site. Parking spaces must be designated with wheel stops, striped lines, or another form of visual identification.
   a. Chapter 4, Section 4-04-02-04-03 states that vending and produce stands must be located on a gravel, recycled asphalt, or paved parking lot, and Chapter 4, Section 4-04-02-04-06 states that at least 5 off-road parking spaces must be provided per 200 square feet of stand area.
   b. Chapter 4, Section 4-05-02-02-03 states that Christmas tree sales lots must be located on a gravel, recycled asphalt, or paved parking lot, and Chapter 4, Section 4-05-02-02-08 states that at least 5 off-road parking spaces must be provided per 200 square feet of sales area.
   c. Chapter 4, Section 4-04-02-03-05 states that all temporary structures and tents must be located on gravel, recycled asphalt, or paved parking lot. These include all storage and retail trailers.

PLN5: Staff recommends that an approved surface (gravel) be used to improve the access driveway into the site.

PLN6: Staff recommends that the applicant include semi permanent planters to create landscaping buffers on the site in order to screen the businesses from surrounding traffic, to enhance any included seating areas for dining, and to improve the visual aspects of the property on surrounding residents. If the applicant includes these planters in the site plan and Operations Plan, they would represent a useful tool for addressing the concerns of neighboring residents and mitigating the visual impact along Sheridan Boulevard. These planters can be located in the area between the property lines and the required setbacks.
PLN7: Any signs associated with an approved Special Use Permit are considered permanent signs and are required to obtain a sign permit and, if applicable, a building permit (Section 4-04-01-06).

PLN8: No outdoor storage is allowed in the C-4 zone district without a permanent building.

PLN9: The following Special Use Permit requirements should be incorporated into the Operations Plan and verified by the applicant for compliance. Staff recommends that the applicant use these requirements to help guide the creation of their Operations Plan.

a. Chapter 4, Section 4-05-02-08-05 states that temporary structures cannot exceed a gross floor area of 800 sq ft per structure.

b. Chapter 4, Section 4-04-02-03-06 states that the temporary structures cannot exceed 35’ in height.

c. Chapter 4, Section 4-04-02-03-03 states that all temporary structures must meet the building and fire code requirements.

d. Chapter 4, Section 4-04-02-03-07 states that all aisles within a tent must measure no less than 48” in width, and all tents must have at least two sides of the tent open and unobstructed for use as an exit.

e. Chapter 4, Section 4-04-02-03-08 states that all temporary structures must be constructed of wood, metal, fire retardant tent, or other approved materials. Combustible construction materials must be painted with a water based latex paint.

f. Chapter 4, Section 4-04-02-03-09 states that all temporary structures must be properly anchored to the ground.

g. Chapter 4, Section 4-04-02-03-10 states that all electrical wiring must meet the requirements of the State of Colorado.

h. Chapter 4, Section 4-05-02-05-03 states that the applicant must submit to Adams County a certificate of insurance for fireworks stands/tents. The minimum coverage for the property damage and/or bodily injury is $1,000,000.00.

i. Chapter 4, Section 4-05-02-05-08 states that the clear area (or the minimum area in which the permissible fireworks stand or tent must be setback from property lines, fences, vehicles, detached firework storage, and all permitted banners) is 30’ on all sides.

j. Chapter 4, Section 4-05-02-05-09 states that vegetation within the required clear areas must be a maximum of 2” above the ground with the exception of trees and shrubs.

k. Chapter 4, Section 4-05-02-05-11 states that a clear and unobstructed distance of 30’ is required between the stand/tent and detached fireworks storage.

l. Chapter 4, Section 4-05-02-05-12 states that a clear and unobstructed distance of 50’ is required between the stands/tents and permanent buildings, flammable liquids, and fuel dispensing operations.

m. Chapter 4, Section 4-05-02-05-14 states that “no smoking signs” must be conspicuously placed both inside and outside of the stand/tent.
n. Chapter 4, Section 4-05-02-05-18 states that a person of twenty-one (21) years of age or older shall be present on the property at all times to provide supervision. It is illegal for any person under sixteen (16) years of age to purchase or vend any permissible fireworks. All permissible fireworks stands/tents shall operate in conformance with state law.

o. Chapter 4, Section 4-05-02-05-19 states that no fireworks shall be discharged within a three hundred (300) foot radius of a stand/tent or within one hundred (100) feet of the property line on which the stand/tent is located.

p. Chapter 4, Section 4-05-02-05-23 states that the site shall be kept clean of trash and debris at all times. Trash dumpsters shall be utilized and located on the site during operations.

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

ENV1: The project site is located on top of a historic solid waste landfill operated by the City and County of Denver starting in 1952. The following comments are associated with the landfill according to Adams County records:


ENV2: Due to the proximity 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