



Request for Comments

Case Name: Brannan Sand and Gravel Use
Case Number: RCU2019-00021

May 29, 2019

Adams County Planning Commission and the Board of County Commissioners are requesting comments on the following request:

- 1) Request for a Conditional Use Permit to allow mining, sand and gravel processing and retail sales on a 23.57 acre parcel in an Industrial-2 (I-2) and Industrial-3 (I-3) zone district.**


The Assessor's Address and Parcel Numbers is **2601 West 60th Avenue/#0182508100041**

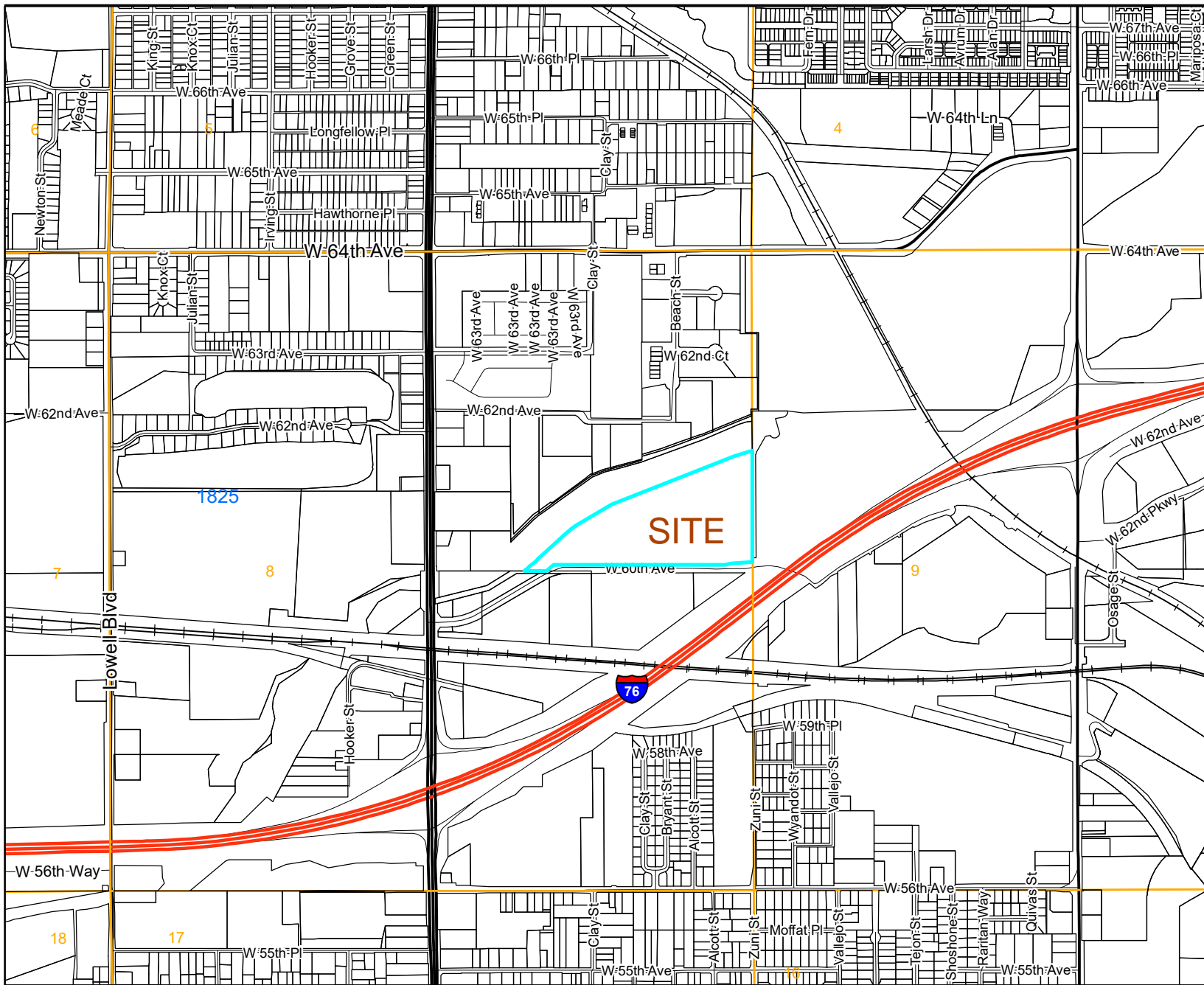
Applicant Information: Fred Marvel
c/ Brannan Construction Company
2500 East Brannan Way
Denver, CO 80229

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. (720) 523-6858 by **June 19, 2019** in order that your comments may be taken into consideration in the review of this case. If you would like your comments included verbatim please send your response by way of e-mail to Ltart-schoenfelder@adcogov.org.






























Once comments have been received and the staff report written, the staff report and notice of public hearing dates will be forwarded to you for your information. 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.


Libby Tart, AICP
Case Manager



Legend

-  Railroad
-  Major Water
-  Zoning Line
-  Sections
- Zoning Districts**
-  A-1
-  A-2
-  A-3
-  R-E
-  R-1-A
-  R-1-C
-  R-2
-  R-3
-  R-4
-  M-H
-  C-0
-  C-1
-  C-2
-  C-3
-  C-4
-  C-5
-  I-1
-  I-2
-  I-3
-  CO
-  PL
-  AV
-  DIA
-  P-U-D
-  P-U-D(P)

Case Name Brannan Sand and Gravel Company Use

Case Number RCU2019-00021



For display purposes only.



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



26 April 2019

Adams County Economic and Community Development
4430 South Adams County Parkway
Brighton, Colorado 80601

Re: Submittal of Land Use Application, Pit 10, 2601 West 60th Avenue

Dear Adams County officials:

On behalf of Pit 10, LLC, please find under this cover an application related to 2601 W. 60th Avenue in unincorporated Adams County.

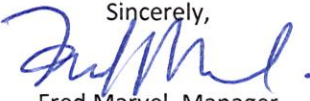
The Applicant, as Brannan Sand and Gravel, has operated in this area of Adams County for many years, and on the specific subject property for no less than 20 years. The property at 2601 W. 60th Avenue is zoned for industrial use, in the I-2 zone district with a small piece of I-3 zoning at its western edge. Based on Pit 10's recent work with Adams county related to this land – including code enforcement communications and more recently a Conceptual Review Meeting in November 2018 – we agree that formal plan review will alleviate concerns about appropriate site improvements, the scope and timing of transition plans, and the application of County comprehensive plan aspirational goals for the general vicinity.

While the County staff and plans articulate a general desire to redevelop the area, and the Applicant has engaged with experts on this prospect, it is apparent that the regulatory status of 2601 West 60th Avenue as a jurisdictional floodplain is a substantial impediment to any change in the long-term economic use of this site. The site is currently undergoing floodplain analysis, both as part of a larger study of Clear Creek and on a site-specific basis. The immediate site-specific use of the property is under study by ICON Engineering and will be packaged as an Adams County floodplain use permit application as soon as available. The resolution of Clear Creek floodplain mapping is critical to effective long-term grading and drainage plans, as well as identification of riverbank stabilization and channelization opportunities in conjunction with Urban Drainage or other agencies.

The application process for the existing/proposed land use at 2601 West 60th Avenue is intended to define expectations for the immediate future of the site. It is not a redevelopment plan, nor does the Applicant intend to determine the appropriate future use of the property at this time. After careful deliberation, we believe that subdivision and other steps toward redevelopment are most appropriately addressed in a separate process. The current process is directed at assessing compliance with County industrial zoning standards and specifically reviewing operations that will enable and actively manage the transition to future land uses.

It is significant that the site has operated in more or less its present form for many years, with the involvement of Adams County officials along the way. That ongoing use informs our understanding of the terms and application of Adams County regulations, as noted in the attached narrative. But it is more importantly emblematic of Brannan's positive working relationship with the County, which we endeavor to continue. Based on Adams County direction, Brannan has invested nearly \$2 million in grading and material processing work in the last two years, and we have modified operations to reduce stockpile footprint and height. The process envisioned by the enclosed application will allow us to continue in this direction, making operations more compact and compliant with zoning plans.

Thank you in advance for the work of Adams County staff and the boards and commissions.

Sincerely,

Fred Marvel, Manager
for Pit 10, LLC

Land Use and Site Plan Application 2601 West 60th Avenue – “Pit R”

Written Summary

The Brannan Sand and Gravel Company, as Pit 10, LLC, proposes to continue its current operation at 2601 West 60th Avenue, Denver, Colorado, in unincorporated Adams County. A Conceptual Review Meeting took place related to this property in November 2018.

Brannan has been operating in this part of Adams County for approximately 69 years with mining, sand and gravel processing and retail sales of sand and gravel products. The objective of the application is to incorporate floodway/floodplain changes due to ongoing FEMA flood mapping revisions. This permit would allow the existing activities to continue at the subject property in light of potential changing conditions in the general vicinity. The landowner shall operate the site and proposed activities with special attention paid to environmental and neighborhood concerns. Furthermore, Brannan will be open for site redevelopment in accordance with the County’s long range master plan for the area in question.

Existing activities at the site include construction materials sales and processing, stockpiling, portable cold mix operations, construction equipment staging and general construction yard uses. There are no permanent improvements, but a modular scale house and scale are located near the entrance. These activities are believed to be consistent with zoning and similar uses in Adams County’s I-2 and I-3 zone district. However, the County has instituted code enforcement action against the site and the County contends that the site as presently operated is subject to conditional use approval due to the presence of bulk stockpiles and possibly as a “recycling facility” under zoning regulations.

The landowner proposes to continue construction material and landscape material processing and sales. The current status of the site within the flood fringe and floodway of the Clear Creek is also subject to regulation as part of the Flood Control Overlay zone district, as well as other potential overlay districts. In accordance with Adams County Development Standards and Regulations (ACDSR) § 2-01-03-02, the Applicant requests that the current review by Adams County consolidates any required Change in Use Permit (understood to be triggered by building permit requirements, see ACDSR § 2-02(1)(b)), Conditional Use and Special Use Permit application in a single process that is anticipated to receive full review by the Planning Commission and Board of County Commissioners.

Site Plan

A site plan is attached.

Proof of Ownership

Pit 10 is a wholly-owned subsidiary of Brannan Sand and Gravel Company, LLC. A title commitment for the subject property is attached.

Proof of Taxes Paid

Property tax payments for this property are current.

Proof of Water and Sewer

The subject property is within the geographic boundary of the Berkeley Water and Sanitation District. At the present time, activities at the site are supplied by imported water. In general, these activities

generate low water demand and can be adequately serviced by bottled water (potable water for drinking, etc.) or a water truck (nonpotable water, as well as treated water, for dust control).

Proof of Utilities

The site is served by Xcel Energy. A current bill is attached.

Other Background Information and Analysis

Brannan has operated continuously at the subject property for over 20 years. Zoning of the property has at all relevant times been industrial, allowing Brannan to conduct by-right uses in the designated I-2/I-3 zone district. Uses allowed by-right include bulk processing and manufacturing of materials. Brannan reserves the right to continue lawfully established uses, and to adapt the existing site for retail sale of landscape materials and other uses allowed by-right.

As of August 2018, the Colorado Department of Public Health and Environment concluded that no solid waste materials are present on the site. Based on the promotion of shingle recycling by local and state government after major hail events in the first decade of the 2000's, Brannan's prior use of the subject property included acceptance and recycling of asphalt shingle materials. For a number of reasons, including the Great Recession and changing specifications in asphalt paving materials, the "RAS" market shrank dramatically and resulted in significant stockpiles of previously accepted feedstock (primarily roof tear-off). Previous permits and filings with CDPHE and Adams County contemplated use of the site for this purpose, but any need for regulatory approvals for recycling shingles expired with the complete processing and removal of "RAS" between 2017 and 2018. With no solid waste materials present, the subject property is not a "Recycling Facility" according to the definition at ACDSR § 11-2-450.

Certain stockpiled materials remaining at the subject property are suitable for use as fill material. The Applicant is working with technical experts for the purposes of submitting a Floodplain Use Permit, to include interim uses (stockpiling) and/or permanent fill. This will be submitted at the soonest opportunity. The consolidated land use review is intended to encompass and resolve floodplain uses and other grading issues (i.e., conditional use review of inert fill under ACDSR § 2-02-08-02-01).

In its existing condition, or as modified to include retail material sales, Pit R is expected to generate traffic and other impacts no greater than historic levels. Public roads serving the site adequately handle existing traffic, and any future site development modifying the character of traffic on 60th Avenue will be reviewed as part of that proposal. The applicant will agree to conditions on the timing and practices of truck traffic on 60th Avenue that reasonably limit impact to peak traffic, emergency responders or other specific traffic concerns. A future subdivision process is appropriate framework for review of impacts associate with an envisioned future "employment center," TOD or other redevelopment.

CONDITIONAL USE PERMIT PLAN
PIT R

BRANNAN SAND AND GRAVEL COMPANY, L.L.C.
ADAMS COUNTY, COLORADO

BRANNAN
Companies

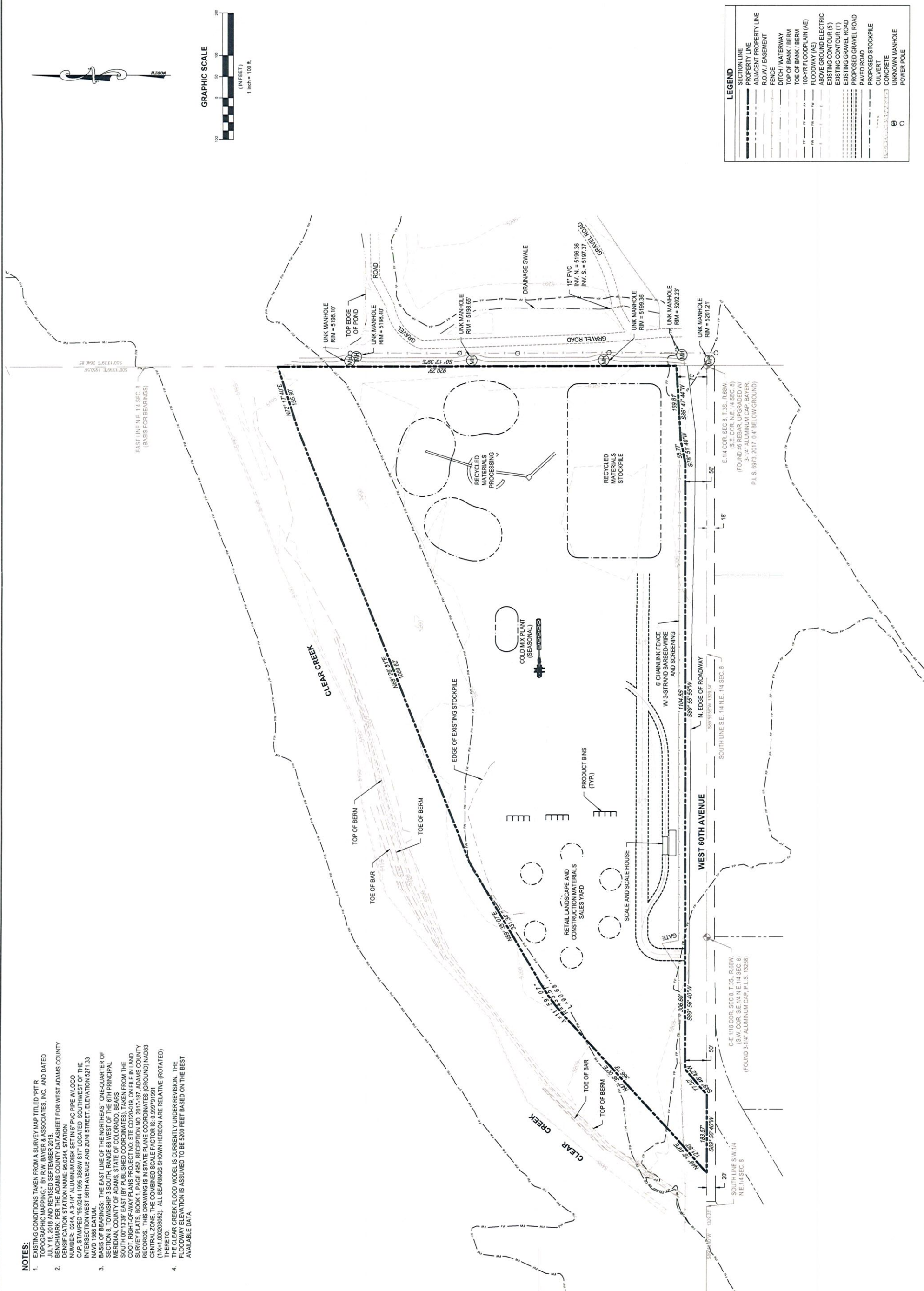
2500 E. BRANNAN WAY
DENVER, CO 80229
(303) 534-1231

d2CAD
Consulting
(720) 722-2396
http://www.d2CAD.com

DATE	REVISIONS	DATE	BY
1/24/19	cup	1"	100'

FIGURE
1

PROJECT: 1906001
SHEET NO: 1 of 1



LEGEND

SECTION LINE	---
PROPERTY LINE	---
ADJACENT PROPERTY LINE	---
R.O.W. / EASEMENT	---
FENCE	---
DITCH / WATERWAY	---
TOP OF BANK / BERM	---
100-YR FLOODPLAIN (AE)	---
FLOODWAY (AE)	---
ABOVE GROUND ELECTRIC	---
EXISTING CONTOUR (5')	---
EXISTING CONTOUR (1')	---
EXISTING GRAVEL ROAD	---
PROPOSED GRAVEL ROAD	---
PAVED ROAD	---
PROPOSED STOCKPILE	---
CONCRETE	○
UNKNOWN MANHOLE	○
POWER POLE	○

- NOTES:**
- EXISTING CONDITIONS TAKEN FROM A SURVEY MAP TITLED "PIT R TOPOGRAPHIC MAPPING" BY R.W. BAYER & ASSOCIATES, INC. AND DATED JULY 18, 2018 AND REVISED SEPTEMBER 2018.
 - BENCHMARK FEET: THE ADAMS COUNTY DATASHEET FOR WEST ADAMS COUNTY BENCHMARK 024A 13-14' ALUMINUM DISK SET IN 1" PVC PIPE W/ LOGO CAP, STAMPED '95.0244 1995 1388W S17° LOCATED SOUTHWEST OF THE INTERSECTION WEST 56TH AVENUE AND ZUNI STREET, ELEVATION 5271.33 NAVD 1988 DATUM.
 - BASIS OF BEARINGS: THE EAST LINE OF THE NORTHEAST ONE-QUARTER OF SECTION 8, TOWNSHIP 3 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, BEARS SOUTH 00°13'39" EAST (BY PUBLISHED COORDINATES), TAKEN FROM THE COOT, RIGHT-OF-WAY PLANS PROJECT NO. STE CO120-019, ON FILE IN LAND SURVEY PLATS, BOOK 1, PAGE 4952, RECEPTION NO. 2017-187, ADAMS COUNTY RECORDS. THIS DRAWING IS IN STATE PLANE COORDINATES (GROUND) NAD83 CENTRAL ZONE. THE COMBINED SCALE FACTOR IS 0.999791991 (1/10000208652). ALL BEARINGS SHOWN HEREON ARE RELATIVE (ROTATED) THERE TO.
 - CLEAR CREEK FLOOD MODEL IS CURRENTLY UNDER REVISION. THE FLOODWAY ELEVATION IS ASSUMED TO BE 5200 FEET BASED ON THE BEST AVAILABLE DATA.