



November 4, 2025

TO:

Commerce City Board Of Adjustments
7887 E. 60th Ave.
Commerce City, CO 80022

4400 E. 60TH AVE. – VARIANCE REQUEST LETTER

On behalf of the above referenced project, Raptor Civil Engineering (RCE) hereby requests a variance for the following items:

Variance:

Proposed retaining wall greater than the maximum 6' height.
Code Reference: Sec. 21-7735, December 2018
Proposed Development Plan: Sheet 3 – Grading Plan

A. General Property Information

The subject property is located at 4400 East 60th Avenue and the Parcel Identification Number (PIN) is 182307301011.

The Applicant is the Elliott Equipment Company.

The Property Owner is Elliott Colorado Investment, LLC.

The subject property is zoned I-3, Heavy Intensity Industrial District.

The proposed use of the property is for a commercial vehicle repair facility.

B. Background Information

The proposed variance is not an amendment to an existing variance, nor is it an attempt to correct a previous violation. The proposed variance is strictly for the functionality and safety of the proposed rain garden that will reduce the risk of flooding on the property as well as adjacent properties.

The proposed development anticipates 7-9 employees with hours of operation between 8 am and 5 pm, Monday through Friday.

A variance is being requested for Section 21-7735 of the Commerce City Land Development Code that states *“the maximum height of any retaining wall that is attached to a primary structure and necessary to compensate for a change in grade (with no artificial fill) shall not exceed six feet”*. The development plan proposes a retaining wall with a maximum height of 8', to meet Commerce City and State of Colorado stormwater management requirements. The requested variance is to exceed the maximum retaining wall height by 2'.



C. Specific Requests for Information

The City of Commerce City Storm Drainage Criteria Manual (SDDTCM) requires on-site detention for all new development unless a regional detention facility is provided and sized to accommodate the 100-year storm event from a fully developed basin. Since there is no regional detention facility for the site, the development plan proposes a rain garden to provide detention and water quality for the site.

Typically, these rain gardens will have an outlet structure that sends detained rainwater to a nearby existing storm sewer via pipe. However, this site is unique in the fact that there is no existing stormwater infrastructure to tie into in the vicinity of the site, and therefore, the rain garden has been designed as a full-infiltration retention facility with an emergency overflow spillway. Per Mile High Flood District (MHFD) Chapter 12, full-infiltration retention facilities are recommended to store 2 times the 100-year storm event plus 1' of freeboard. Additionally, per a comment received by Commerce City (Maggie Allison, Development Review and Coordination Engineer) on May 2nd, 2024, "*all retention/infiltration facilities must be sized to hold twice the 100-year event volume*". This specific requirement from Commerce City is the reason the facility must have a depth of 8' and a corresponding retaining wall of 8' in height.

The retaining wall was designed to allow adequate space for construction without encroaching on the neighboring properties. This includes subgrade footings, excavation, and all drainage pipes within the wall design. The wall has also been designed with a handrail on top for additional safety.

In summary, the site's hardship is the lack of existing storm sewers near the low point of the site, causing the rain garden facility to be full-infiltration, which triggers the requirement to store 2 times the 100-year storm volume, which then requires the rain garden to be 8' deep. Without meeting this requirement, the site would be undevelopable. Since this hardship is due to the lack of existing infrastructure in the vicinity of the site, the hardship is not considered to be self-imposed.

Adjacent Uses:

- To the north, the site borders the E 60th Ave public ROW. Across this street is another industrial-zoned parcel that appears to be used for construction equipment storage.
- To the south, the site borders another industrial-zoned parcel that appears to be used for energy commodity storage.
- To the east, the site borders another industrial-zoned parcel that appears to also be used for vehicle storage and repair.
- To the west, the site borders a CDOT service road public ROW. Across this road is another industrial-zoned parcel that appears to be used for vehicle storage and repair.

It is the opinion of RCE that the requested variance will not: cause a loss in property value to adjacent properties, injure the legal use of adjacent properties, or alter the character of the neighborhood. The proposed retaining wall will not be immediately visible from outside the property or from any surrounding public roadways since the low side of the wall is inside the property. The retaining wall will



also allow the rain garden to hold the required volume of runoff which will reduce the risk of flooding of all adjacent properties and the neighborhood as a whole.

The requested variance will not: cause any solar panels to be blocked, create glare, produce air pollution, create traffic or parking problems, or create police/fire/building safety hazards. The retaining wall will be below surrounding ground levels and will help to reduce flooding safety hazards in the surrounding area.

The requested variance for the 8' height of the proposed retaining wall is the minimum height needed to hold 2 times the 100-year runoff volume plus 1' of freeboard. These volume requirements are recommended by the MHFD and were enforced by Commerce City through an engineering comment during the development plan process for this project.

In conclusion, the proposed development will not be possible without the use of an 8' tall wall due to the large volume of water that Commerce City requires for a full-infiltration rain garden, as well as the compact nature of the site. Thus, the 8' walls allow the site to conform to state and local stormwater management criteria and reduce the risk of flooding on the site as well as adjacent properties, improving the overall safety of the neighborhood.