

October 10, 2025

Ms. Kathleen Taylor – Senior Planner
City of Commerce City
7887 E. 60th Ave
Commerce City, CO 80022

RE: USE-BY PERMIT USE-BY PERMIT - AU25-0002

Use-By-Permit Approval Criteria

In order to approve a Use-by-Permit request, the Board of Adjustment must find:

a. The use at the proposed location will not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, either as they presently exist or as they may exist in the future as a result of the implementation of provisions and policies of the comprehensive plan, this land development code, or any other plan, program, or ordinance adopted by the city. Such compatibility may be expressed in appearance, architectural scale and features, site design, and the control of any adverse impacts, including noise, dust, odor, lighting, traffic, safety, and impact on property values of the surrounding area;

The proposed Wireless facility will have little to no impact on the character of the neighborhood, traffic, parking or existing/future public improvements. The current use of the subject property is industrial storage and truck repair. The surrounding properties and uses are all heavy industrial with several above ground storage tanks and tall smokestacks in the vicinity. The proposed facility will not create any noise, dust or odor. The tower will not be lit and will have no impact on traffic or safety as the facility will be fully fenced in and secure and will only be visited monthly once it is constructed. Due to the nature, aesthetics and use of the surrounding properties, it's more than reasonable to believe that the proposed facility will have no impact on property values.

b. The characteristics of the site are suitable for the use considering size, shape, location, topography, existence of improvements and natural features; and

The proposed facility fits in with the surrounding aesthetics and existing property uses due the presence of above ground storage tanks, smokestacks and other heavy industrial structures. The proposed facility will be 70' tall and placed within a 2200sq ft, fenced in compound.

c. The use at the proposed location will be adequately served by and will not impose an undue burden on any of the improvements, facilities, and services of the city, special districts, or its residents. Where any such improvements, facilities, utilities or services are not available or adequate to service the use in the proposed location, the applicant shall, as a part of the application and as a condition of approval of the use-by-permit, be responsible for establishing an ability, a willingness, and a binding commitment to provide such improvements, facilities, utilities, and services in sufficient time to serve the proposed use; and

The proposed location will not impose any undue burden on the City or it's residents. In fact, the purpose of the facility is to serve the community by bringing improved wireless service to the area. The improved wireless service will benefit the residents, visitors and first responders. The structure will be co-locatable with available space on the tower and within the compound for additional wireless carriers to place their equipment.

d. There is a proven need for the use at the proposed location, given existing and proposed uses of a similar nature in the area and the need to provide or maintain a proper mix of uses within the city and the immediate area of the proposed use.

As shown in the coverage maps provided there's a clear gap in wireless service the area surrounding this property. The proposed facility will be well situated within the existing network of facilities and fills in the coverage gap very nicely. This improvement in coverage will benefit the City, it's residents, businesses and visitors.