

Initial Review Comments

Z-983-22



March 3, 2022

Starboard Realty Group
ATTN: Bruce O'Donnell
1115 Acoma St STE 107
Denver, CO 80020

via email: bodonnell@starboardrealtygroup.com

Re: Case #Z-983-22

Dear Mr. O'Donnell,

The submitted Zone Change application has been reviewed by members of the Development Review Team (DRT). As a result, the following issues were brought up:

DRT General Comments:

- Staff has referenced certain sections of our Land Development Code (LDC) in this comment letter and our enclosed redlines. A copy of this document is available at <http://www.c3gov.com/LDC>.
- Staff would encourage you to review Article IX of the LDC in order to get a sense of some of the fees that are associated with development. **Please note:** there may be additional fees associated with your development that are not identified in Article IX.
- It is important to note that while staff has made every effort to make this comment letter all-inclusive, there may be additional comments on future submittals that have not been identified here based on the changes to your plans.
- Any comments received from South Adams County Water and Sanitation District and South Adams County Fire Department have been included or will be forwarded but you should also contact those agencies directly for their processes.
- The status of environmental remediation review and processes with the Colorado Department of Public Health and Environment (CDPHE) and the US Environmental Protection Agency (EPA) remain the largest concern with the rezone request. Please see below for additional comments.

Z-983-22 (zone change)

Planning Division – Stacy Wasinger

General Comments

1. Staff understands that there is extensive coordination with CDPHE and EPA ongoing. That coordination will be essential to both the rezone application and the associated development plan application. Please include any updates with the next submittal.



Application and Exhibit A: Warranty Deed/Legal Description

2. Please clarify ownership and future transfer of title intent. Staff understands the CDPHE and EPA processes will need to be completed before the purchase agreement can be finalized. Will the final sale of the property be complete prior to final rezone or other permit processes?

Exhibit B: Boundary Survey

3. The survey shows the entire development area, including areas not proposed to be rezoned. Please note/clarify the portion subject to rezone.

Exhibit C: Description and Narrative

4. Please include information regarding the previous Superfund Site, ongoing mitigation, and status of CDPHE/EPA processes in the narrative. This should include updates on the work plan and timing.
5. Specifically, please also address the existing environmental covenant and the plan/process to modify that covenant. Staff understands this process is ongoing with CDPHE/EPA. Please provide a letter or information from CDPHE/EPA that this covenant is being addressed as part of the work plan and future purchase agreement.
6. Please further elaborate on the environmental aspects and remediation as it pertains to the LDC rezone criteria. In particular, the criteria listed as "B" on page 4 of the narrative (27 of the application packet) must fully address this issue.

Exhibit D: Concept Plan

7. Please note that detailed comments will be provided on site layout, access, etc. with the associated development plan review.
8. Please see the attached industrial development "facts to know" for setbacks and basic design criteria. In particular, the maximum setback must be met. Please consider shifting the building closer to the Ivy St. and E. 48th Ave intersection.

Please see additional enclosed redlines and comments from other referral agencies and City Departments.

- City of Denver
- Regional Transportation District
- South Adams County Fire Department
- Tri-County Health Department
- Staff also received response of "no comment" from: Commerce City Public Works, Commerce City Parks and Recreation, Mile High Flood District



Please address all of these comments in your next submittal; the resubmittal can be made electronically at this time. Please contact staff with any questions about submittal requirements at the time of resubmittal. In addition, please include a response letter to the issues listed in this letter. If you have any additional questions, feel free to contact me at 303.286.4874 or swasinger@c3gov.com.

Sincerely,

A handwritten signature in blue ink that reads "Stacy Wasinger".

City Planner
City of Commerce City

Encl.: Comment letters
Industrial Development "Facts to Know"

Wasinger, Stacy - CD

From: PW_Submittals
Sent: Tuesday, February 22, 2022 7:55 PM
To: Wasinger, Stacy - CD
Subject: RE: Case Referral Z-983-22

Stacy

PW does not have any comments on the submitted information.

Chris Hodyl, P.E., CFM
Development Review Manager – Public Works Department



City of Commerce City | Public Works
8602 Rosemary Street
Commerce City, Colorado 80022
Office: (303) 227-8866
Cell: (303) 905-6145
www.c3gov.com

From: Memmer, Katelyn - CD <kmemmer@c3gov.com>
Sent: Friday, January 28, 2022 3:55 PM
To: PW_Submittals <pwsbmittals@c3gov.com>; Howard, Lindy/DEN <Lindy.Howard@jacobs.com>; Joe.Labutka@jacobs.com; Vaughan, Andrea/DEN <Andrea.Vaughan@jacobs.com>; Elna Smith <esmith@corecivil.com>; Kevin Rohrbough <rohrbough@corecivil.com>; Allison, Maggie - PW <mallison@c3gov.com>; Clawson, Rose - PW <rclawson@c3gov.com>
Cc: Wasinger, Stacy - CD <swasinger@c3gov.com>; Jones, Jennifer - CD <jjones@c3gov.com>; Mason, Tricia - CD <tmason@c3gov.com>; Adame, Kimberly - CD <kadame@c3gov.com>
Subject: Case Referral Z-983-22

Hello,

On behalf of the Community Development Department of Commerce City, we invite you to review and comment on this land use application referral. Information on the application, including where and when to send comments, can be found below.

[☐Z-983-22](#)

Wasinger, Stacy - CD

From: Mark Schutte <mschutte@mhfd.org>
Sent: Thursday, February 3, 2022 10:25 AM
To: Wasinger, Stacy - CD
Subject: MEP Submittal - No Comment - 4800 Ivy (Z-983-22)

Stacy,

This is in response to the request for our comments concerning the referenced project. We appreciate the opportunity to review this proposal and have no comment, as this project does not include any major drainage features nor was it adjacent to any streams or floodplains. We do not need to receive any future submittals on this project.

Please feel free to contact me or Morgan Lynch with any questions or concerns.

Thanks,

Mark Schutte, P.E., CFM (He, Him, His)

Project Manager

MILE HIGH FLOOD DISTRICT

2480 W. 26th Ave Suite 156-B | Denver, Colorado 80211

Office: 303-455-6277 | **Direct:** 720-642-7332 | www.mhfd.org

Protecting People, Property, and our Environment



Wasinger, Stacy - CD

From: Memmer, Katelyn - CD
Sent: Monday, January 31, 2022 9:26 AM
To: Wasinger, Stacy - CD
Subject: FW: Case Referral Z-983-22

From: Moon, Dennis - PD <dmoon@c3gov.com>
Sent: Monday, January 31, 2022 9:15 AM
To: Memmer, Katelyn - CD <kmemmer@c3gov.com>
Subject: RE: Case Referral Z-983-22

PD does not have any comment.

From: Memmer, Katelyn - CD <kmemmer@c3gov.com>
Sent: Friday, January 28, 2022 3:57 PM
Cc: Wasinger, Stacy - CD <swasinger@c3gov.com>; Jones, Jennifer - CD <jjones@c3gov.com>; Mason, Tricia - CD <tmason@c3gov.com>; Adame, Kimberly - CD <kadame@c3gov.com>
Subject: Case Referral Z-983-22

Hello,

On behalf of the Community Development Department of Commerce City, we invite you to review and comment on this land use application referral. Information on the application, including where and when to send comments, can be found below.

 [Z-983-22](#)

MEMMO

To: Stacy Wasinger, Planner

From: Traci Ferguson, Parks Planner

Subject: Z-983-22 4800 Ivy St.

Date: February 24, 2022

Parks has reviewed the above proposal and has no comments. Commerce City does not charge a park fee-in-lieu for non-residential developments.

Please feel free to contact me at 303-227-8788 or tferguson@c3gov.com with any questions.





DENVER
THE MILE HIGH CITY

Development Services

201 W Colfax Ave, Dept 203
Denver, CO 80202-5350

www.denvergov.org/developmentservices

Site Development Plan Review Comments

Project Name: 4800 Ivy Street – Commerce City Referral
 Project Address: 4800 N. Ivy Street
 Project Master Number: 2022-SDP-0000039 / 2022-PM-0000069
 Review Number: 1st SDP Submittal
 Project Coordinator: Tiffany Holcomb

The following comments must be addressed in order to proceed with the development process. All subsequent submittals should be submitted electronically.

With the project resubmittal, please indicate whether or not the change was made and provide a response as applicable. Please contact me if you have any questions.

Project Coordinator – Tiffany Holcomb, 720-865-3018

Tiffany.Holcomb@DenverGov.org

1. Status: Approved for Commerce City portion of the project.
2. If plans continue for the proposed portion of the project on the adjacent Denver parcel, please submit a concept review application and contact me so we can coordinate efforts with the Large Development Review team process.

DS Transportation – Viktoriya Luckner

Viktoriya.Luckner@DenverGov.org

1. Status: Approved.

DS Wastewater – Brenden Marron

Brenden.Marron@DenverGov.org

1. Status: Approved.
2. # of units = Industrial
3. Parking? Surface / Uncovered
4. Parcel(s) within Commerce City appear to drain northeast and not tributary to Denver public storm mains. Denver sanitary mains do not likely have sufficient capacity to serve development, but Metro interceptor to east may have capacity. Denver will require a Metro connection for the Denver portion of the property. Conceptual submittal to Denver indicated entire property was tributary to the culvert along 52nd. This has not been clarified.

There is also question of inadvertent detention. There appears to be a detention facility south of 52nd east of the tracks. It is unclear what the tributary basins or drainage report states. If you have a copy, please provide. Denver will need to cross coordinate on any proposed redevelopment as the Denver parcel does drain northeast into Commerce City. Please provide a



primary point of contact. Typically, Denver requires erosion and sediment specific to Denver parcels, but if Commerce City requests inspection jurisdiction Denver would likely allow inspections and enforcement for the parcel within Denver to be done by Commerce City.

Large Development Review – Stephen Wilson

Stephen.Wilson2@DenverGov.org

1. Status: Approved.

Dept. of Environmental Health – Corazon Ocanas

Corazon.Ocanas@DenverGov.org

1. Status: Review not required.

Wasinger, Stacy - CD

From: Nataly Handlos <Nataly.Handlos@rtd-denver.com>
Sent: Friday, February 18, 2022 1:10 PM
To: Wasinger, Stacy - CD
Cc: Memmer, Katelyn - CD
Subject: RE: Case Referral D-539-22

Good afternoon, Stacy.

RTD currently has a set of stops at the intersection of 48th/Ivy (see below); if these stops fall within the area of redevelopment, we would like to coordinate stop improvements (ADA access and compliance) with you and the developer. If the stops are affected in any way, by the construction, they will no longer be 'legacied' and will have be made ADA compliant, per FTA rules).

<https://www.google.com/maps/place/Ivy+St+%26+E+48th+Ave,+Denver,+CO+80022/@39.7842575,-104.9203884,331m/data=!3m1!1e3!4m5!3m4!1s0x876c7bcb95c41f43:0x4c9e13ca7b486ff1!8m2!3d39.7837752!4d-104.9200246>



Please let me know, if you have any questions in regard to this.
Thank you in advance.

Regards.

Nataly



Nataly Handlos
Lead Service Planner & Scheduler,
Service Development – NorthTeam
Regional Transportation District
1660 Blake Street, Blk-24
Denver, CO 80202

303.299.2059 | f 303.299.2777
rtd-denver.com

We make lives better through connections

Note:

Please be advised that any attached information may contain Sensitive Safety Information controlled under 49 CFR parts 15 and 1520. No part of this information may be disclosed to persons external to your organization without the prior written permission of RTD.

Our Mission: Meet our constituents' present and future public transit needs by providing safe, clean, reliable, courteous, accessible, and cost-effective service throughout the District.

~~*~*~* This E-mail is for the sole use of the intended recipient(s) and may contain confidential information and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please immediately return the original message to me and destroy all copies of the original message. ~*~*~*~**

*"The single biggest problem in communication is the illusion that it has taken place." George Bernard Shaw
"What we do in Life echoes in Eternity" Banksy Think happy thoughts and good things will happen!*

From: Memmer, Katelyn - CD <kmemmer@c3gov.com>

Sent: Thursday, February 17, 2022 1:19 PM

Cc: Wasinger, Stacy - CD <swasinger@c3gov.com>; Jones, Jennifer - CD <jjones@c3gov.com>; Mason, Tricia - CD <tmason@c3gov.com>; Adame, Kimberly - CD <kadame@c3gov.com>

Subject: Case Referral D-539-22

Hello,

On behalf of the Community Development Department of Commerce City, we invite you to review and comment on this land use application referral. Information on the application, including where and when to send comments, can be found below.

[☐D-539-22](#)



South Adams County Fire Department

6050 Syracuse Street

Commerce City, CO 80022

Phone: (303) 288-0835

Fax: (303) 288-5977

Project:	Z-983-22
Location:	4800 Ivy (NEC E. 48 th Ave and Ivy St)
Review Type:	Zone Change
Fire Code:	2018 International Fire Code with Local Amendments
Planner:	Stacy Wasinger
Date:	2/28/2022
Reviewer:	Savannah Elliott, Fire Prevention Specialist

Comments specific to the Development Review will be in red. These comments require response from the applicant. In addition to submitting a response to Commerce City, South Adams County Fire Department requires responses to be submitted directly to the Reviewer. The 2018 International Fire Code may be referenced at:

https://codes.iccsafe.org/content/IFC2018?site_type=public

General

1. South Adams County Fire Department (SACFD) requires an impact fee of **\$250.00 per unit for multi-family, \$668.00 per single family dwelling, \$0.06 per square foot for industrial/warehouse, and \$0.46 per square foot for commercial/retail** of any proposed building. If this development will be considered Urban Renewal, there will be no associated impact fees. For fees and other information see <https://sacfd.org/fireandemergencyservicesimpactfees/>
2. At this time South Adams County Fire Department has no comments regarding the Zone Change Request, that is subject to change as more information is received or if there are changes to the plans during subsequent reviews.

If/when application for construction/building permits are submitted, SACFD will review related plans at that time, to include any related comments.

Please contact your assigned SACFD plans examiner by phone or e-mail if you have any questions regarding the comments on the following pages or if you would like to set up a meeting.

Savannah Elliott

Fire Prevention Specialist

International Code Council – Fire Inspector II Cert #9533641

Phone: 303-288-0835 E-Mail: selliot@sacfd.org



February 22, 2022

Stacy Wasinger
City of Commerce City
Community Development Department
7887 East 60th Avenue
Commerce City, CO 80022

RE: 4800 Ivy Rezoning (Sand Creek Industrial), Z-983-22
TCHD Case No. 7499

Dear Ms. Wasinger,

Thank you for the opportunity to review and comment on the request to rezone 8.79 acres for a future industrial development located at 4800 Ivy. 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.

Sand Creek Industrial Superfund Site

The subject proposal is located on a portion of the Sand Creek Industrial Superfund Site. The site has 4 known sources of contamination: Colorado Organic Chemical Company (COCC), 48th and Holly Landfill, L.C. Corporation (LCC), and the Oriental Refinery. The site has a history of pesticide manufacturing, chemical disposal, and explosive gas. As stated in the Sixth Five-Year Review Report (Report) from the Environmental Protection Agency (EPA), dated September 28, 2020, Operable Units 3 and 6 (OU3, OU6) pertain to groundwater and soil conditions on the subject parcel, at the northeast corner of 48th Avenue and Ivy Street. The stated objective of related Institutional Controls (IC) is to protect human health and the environment by protecting the proper functioning of the Landfill Gas Extraction System (LFGES) by not allowing any activity of any kind on the property unless approved by the EPA.

The Report indicates that the LFGES is operating effectively to control off-site migration of methane. However, the landfill is still generating potentially explosive concentrations of methane.

The Report Indicates that contaminant concentrations in the groundwater have declined; but, concentration of TCE remains above the maximum contaminant level (MCL,) and elevated 1,4-dioxane levels are present within and near a prominent paleochannel feature that directs groundwater in a northwesterly direction from the southeast portion of OU3 and OU6.

4800 Ivy Rezoning (Sand Creek Industrial)
February 22, 2022
Page 2 of 2

The Report indicates that a site-wide protectiveness determination was deferred due to the need for a vapor intrusion investigation and a determination on groundwater use restrictions in the OU1, OU,4, and OU5 areas.

Due to the deferred status of the site wide protective determination, TCHD cannot support the proposed rezone and subsequent development of the subject property. Upon issuance of a site wide protectiveness determination by the applicable agency (CDPHE and/or EPA), TCHD will review the determination and provide comments. The applicant shall contact Sai Appaji with the EPA at (303) 312-6313 or appaji.sairam@epa.gov for more information.

Environmental Covenant

An Environmental Covenant, known as HMCOV00034 is in place that includes use restrictions. The Covenant states: "Due to the presence of methane gas levels dangerous to human health and the environment, and to protect the functioning of the LFGES, no activity of any kind is allowed on the Property, other than remedial activities approved by the U.S. EPA, and no use shall be made of the Property, until this Covenant is modified..." For more information the applicant may contact Kyle Sandor at the Colorado Department of Public Health and Environment (CDPHE) at (303) 692-6394 or kyle.sandor@state.co.us .

TCHD cannot support the proposed rezone and subsequent development of the subject property without modification of the Environmental Covenant, approved by CDPHE.

Please feel free to contact me at 720-200-1575 or kboyer@tchd.org if you have any questions about TCHD's comments.

Sincerely,



Kathy Boyer, REHS
Land Use and Built Environment Specialist III

cc: Sheila Lynch, Keith Homersham, Warren Brown, TCHD
Kyle Sandor, CDPHE
Sairam Appaji, EPA

Second Review Comments

Z-983-22



April 27, 2022

Starboard Realty Group
ATTN: Bruce O'Donnell
1115 Acoma St STE 107
Denver, CO 80020

via email: bodonnell@starboardrealtygroup.com

Re: Case #Z-983-22

Dear Mr. O'Donnell,

The resubmitted Zone Change application has been reviewed by the Development Review Team (DRT). As a result, the following issues were brought up:

DRT General Comments:

- Staff has referenced certain sections of our Land Development Code (LDC) in this comment letter and our enclosed redlines. A copy of this document is available at <http://www.c3gov.com/LDC>.
- It is important to note that while staff has made every effort to make this comment letter all-inclusive, there may be additional comments on future submittals that have not been identified here based on the changes to your plans.

Z-983-22 (zone change)

Planning Division – Stacy Wasinger

General Comments

1. Please note that additional comments regarding the development will be provided with the resubmittal of the development plan and submittal of the subdivision plat.
2. Please see attached comments from CDPHE and TCHD.
3. Please note that staff is reviewing the approval criteria and determining wording for a potential condition to the rezone regarding contingency on the finalization of the work plan and updated environmental covenants with CDPHE/EPA. This would not change the requested I-2 zone or uses, but would allow the rezone to meet the approval criteria. Staff will reach out with additional information following this letter.

Application and Exhibit A: Warranty Deed/Legal Description

4. **Repeat comment:** Please clarify ownership and future transfer of title intent. Staff understands the CDPHE and EPA processes will need to be completed before the purchase agreement can be finalized. Will the final sale of the property be complete prior to final rezone or other permit processes? **Update:** Thank you for the clarification and response. Please note that per LDC Sec. 21-3150, the applicant must be the property owner or authorized to act for the property owner.



Since the property will change ownership before the rezone is finalized, copies of the updated ownership information, purchase agreement, development review application, and any other documents will need to be provided.

Exhibit C: Description and Narrative

5. Thank you for the updates to the narrative, and inclusion of the environmental background information.

Exhibit D: Concept Plan

6. Please note that detailed comments will be provided on site layout, access, etc. with the associated development plan and subdivision plat review.

Please see additional enclosed redlines and comments from other referral agencies and City Departments.

- Colorado Department of Public Health and Environment (CDPHE)
- South Adams County Fire Department
- South Adams County Water and Sanitation District
- Tri-County Health Department
- Xcel Energy

Please contact staff with any questions about these comments and the next steps in this process. If you have any additional questions, feel free to contact me at 303.286.4874 or swasinger@c3gov.com.

Sincerely,

Stacy Wasinger
City Planner
City of Commerce City

Encl.: Comment letters

Wasinger, Stacy - CD

From: Trotman III, Monroe - PW
Sent: Wednesday, April 20, 2022 1:53 PM
To: Wasinger, Stacy - CD
Cc: Wilson, Joe - PW; Hodyl, Christopher - PW
Subject: Z-983-22 Zone Change for 4800 Ivy St

Importance: High

Good afternoon Stacy,

I left you a voicemail message earlier on this case. Public Works does not have any comments on the submitted information for the Zone Change for 4800 Ivy St.

Let me know if there is anything else you need.

Thank you,

Monroe Trotman III
Civil Engineer II Development Review

Due to the COVID-19 Outbreak, I will be conducting the majority of my work remotely. Therefore, responses to phone and email will not be as efficient as typical. Thank you in advance for your understanding.



City of Commerce City | Public Works
8602 Rosemary Street
Commerce City, Colorado 80022
Office: (303) 289-8174
www.c3gov.com



COLORADO

Hazardous Materials
& Waste Management Division

Department of Public Health & Environment

4/25/2022

Stacy Wasinger
City of Commerce City
Community Development Department
7887 East 60th Avenue
Commerce City, CO 80022

Re: 4800 Ivy Rezoning (Sand Creek Industrial), Z-983-22 2nd Submittal

Dear Ms. Wasinger,

Thank you for allowing the Colorado Department of Public Health and Environment (CDPHE) to review and comment on Commerce City Community Development Department case # Z-983-22, 2nd submittal.

CDPHE and the U.S. Environmental Protection Agency (EPA) have worked with CA Ventures on the proposed redevelopment project at the Sand Creek Industrial Superfund Site since August 2020. The agencies initially provided comment on a materials management plan (MMP) for a geotechnical investigation within the footprint of the historic 48th and Holly municipal landfill (Sand Creek OUs 3/6) which was later expanded to cover a low mobility grout injection pilot study.

The agencies were made aware of plans to move forward with the property acquisition and redevelopment following positive results from the geotechnical investigation. A Work Plan to be included as an appendix to a Potential Purchaser Agreement (PPA) between EPA and Triangle Logistics Center LLC (TLC), an entity formed by CA Ventures for the purpose of this transaction, was developed in coordination with the agencies and approved of in March 2022.

The Work Plan covers health and safety, materials handling, modification of the LFGES, installation of methane mitigation systems for proposed structures, environmental monitoring, reporting/deliverable requirements, and environmental justice initiatives.

Additionally as part of the PPA, TLC agreed to implement Restrictive Notices (RNs) on four parcels that have been associated with the historic footprint of the 48th and Holly landfill. Those RNs have gone through a public comment period, and will be signed by both CDPHE and TLC. They will be held in escrow until closing on the property when they will be recorded with the other closing documents.



CDPHE has reviewed the referral to rezone approximately 8.79 acres associated with Sand Creek OUs 3/6 from Agricultural to I-2 (medium intensity industrial). Due to the previous involvement in the planned redevelopment, CDPHE understands that adequate protections are occurring to ensure that the remedy will remain protective of human health and the environment.

With regards,
Kyle Sandor
kyle.sandor@state.co.us | 303.692.6394





South Adams County Fire Department

6050 Syracuse Street

Commerce City, CO 80022

Phone: (303) 288-0835

Fax: (303) 288-5977

Project:	Z-983-22
Location:	4800 Ivy (NEC E. 48 th Ave and Ivy St.)
Review Type:	Zone Change
Fire Code:	2018 International Fire Code with Local Amendments
Planner:	Stacy Wasinger
Date:	04/21/2022
Reviewer:	Savannah Elliott, Fire Prevention Specialist

In addition to submitting a response to Commerce City, South Adams County Fire Department requires responses to be submitted directly to the Reviewer. The 2018 International Fire Code may be referenced at: https://codes.iccsafe.org/content/IFC2018?site_type=public

General

1. South Adams County Fire Department (SACFD) requires an impact fee of **\$250.00 per unit for multi-family, \$668.00 per single family dwelling, \$0.06 per square foot for industrial/warehouse, and \$0.46 per square foot for commercial/retail** of any proposed building. For fees and other information see <https://sacfd.org/fireandemergencyservicesimpactfees/>
2. SACFD has no comments at this time regarding the zone change. That is subject to change as more information is received or if there are changes to the plans during subsequent reviews.

If/when application for construction/building permits are submitted, SACFD will review related plans at that time, to include any related comments.

Please contact your assigned SACFD plans examiner by phone or e-mail if you have any questions regarding the comments on the following pages or if you would like to set up a meeting.

Savannah Elliott

Fire Prevention Specialist

International Code Council – Fire Inspector II Cert #9533641

Phone: 303-288-0835 E-Mail: selliott@sacfd.org

South Adams County Water & Sanitation District

Distribution & Collection

10200 E 102nd Ave. · Henderson, CO 80640 · (720) 206 – 0595 · www.sacwsd.org



Re:	Z-983-22
Date:	4/21/2022
Review Type:	Zoning
Applicant Name:	Starboard Realty Group
Applicant Address:	1115 Acoma, Ste 107, Denver, CO
Project Name:	Triangle Logistics
Project Location:	4800 Ivy (NEC E. 48th Ave and Ivy St.)
Reviewer:	Jeff Nelson, Development Review Supervisor

SACWSD Rules & Regulations can be found here:

<https://www.sacwsd.org/DocumentCenter/View/776/Rules-and-Regulations?bidId=>

SACWSD Design & Construction Standards can be found here:

<https://www.sacwsd.org/DocumentCenter/View/773/SACWSD-Design-Standards-and-Specifications?bidId=>

SACWSD Service Application can be found here:

<https://www.sacwsd.org/DocumentCenter/View/912/Development-Service-Application-2021?bidId=>

SACWSD Developer Checklist can be found here:

<https://www.sacwsd.org/DocumentCenter/View/774/General-DevelopmentChecklist?bidId=>

Comments specific to the referenced review can be found below. Any response from the applicant must be sent to SACWSD Development by emailing Development@sacwsd.org.

General Comments:

1. Determine whether the parcel is included in the District. If not, initiate the inclusion process and become included within the District's service area. This process typically takes between 90-180 days to complete. If the parcel is not included, offsite utility construction may be required to provide adequate fire flows to this site.
2. Identify the source and amount of water owned in order to serve the entire development as envisioned and present evidence to support ownership of adequate Equivalent Residential Units (ERUs).
3. Complete the District's service application with corresponding design plans including site, potable water, irrigation water, and wastewater utility plans, plumbing plans, and District standard details.
4. Design and construct the District's water and sewer infrastructure in accordance with current approved Design Standards and Construction Specifications.
5. Per SACWSD rules and regulations each building will be required to have individual water meters and sanitary sewer service lines.
6. Pay appropriate connection fees and pass all required inspections.

Project Special Conditions:

1. Offsite utilities shall be required to develop this parcel and project.
2. Part of the overall project limits is not included in SACWSD. Inclusion of all parcels shall be required per SACWSD standards.

If you have any questions about the comments given, please contact the SACWSD Development department at **(720) 206 – 0595** or email Development@sacwsd.org.

Sincerely,

Jeff Nelson

Development Review Supervisor



April 15, 2022

Stacy Wasinger
City of Commerce City
Community Development Department
7887 East 60th Avenue
Commerce City, CO 80022

RE: 4800 Ivy Rezoning (Sand Creek Industrial), Z-983-22
TCHD Case No. 7622

Dear Ms. Wasinger,

Thank you for the opportunity to review and comment on the resubmittal of a request to rezone approximately 8.617 acres for a future industrial development located at 4800 Ivy. Tri-County Health Department (TCHD) staff has reviewed the resubmittal for compliance with applicable environmental and public health regulations and principles of healthy community design.

Previous TCHD Comments

TCHD reviewed the first submittal and provided comments in letters dated February 22 and March 7, 2022. TCHD's comments addressed:

- Deferral of Site Wide Protectiveness Determination
- The Environmental Covenant
- Preliminary Geotechnical Report
- Vector Control
- Air Pollution from Diesel Emissions

Applicant's Responses

The applicant's Response to Comments, dated March 31, 2022 and Exhibit C of the second submittal titled "Zone Change Application V2 Revised March 31, 2022", include additional information pertinent to our previous comments, as follows:

CA Ventures has reached agreement with the EPA and CDPHE to enter into a Prospective Purchase Agreement (PPA) in which, in exchange for EPA's approval, CA agrees to a Remediation Work Plan; emails from CDPHE and EPA confirming approval and acceptance of the Work Plan;

The following statement: "EPA/CDPHE agrees to amend the Environmental Covenant to allow for industrial development subject to the approved Work Plan. The new document is called Release and Termination of Environmental Covenant and Notice of Environmental Use Restriction ("NEUR") and is currently circulated for signatures;

A Work Plan, titled: "Proposed Triangle Logistics Center Redevelopment 48th & Holly Landfill-Sand Creek Industrial Superfund Site, Terracon Project No. 25207313, Dated March 14, 2022" (Work Plan) that addresses the following:

- *Ground Improvement (geotechnical stability)*
- *excavated waste handling,*
- *landfill gas extraction system modifications,*
- *methane mitigation systems (MMS) for proposed structures,*
- *environmental Monitoring,*
- *landfill gas extraction system monitoring,*
- *groundwater monitoring*
- *building MMS monitoring and reporting;*

Exhibit A includes emails from CDPHE and EPA regarding the Work Plan.

TCHD Comments & Recommendations

While CDPHE and EPA are the agencies having approval authority for the Work Plan, TCHD finds that the Work Plan, when implemented, will be effective in protecting future users of the site.

The emails in Appendix A indicate preliminary acceptance of the Work Plan; however, TCHD recommends that The City of Commerce City require that the applicant obtain formal letters of approval for the Work Plan from EPA and CDPHE.

TCHD recommends that the City of Commerce City require that the NEUR be fully executed prior to approving the Rezoning.

TCHD recommends that the applicant provide the City of Commerce City a copy of the Prospective Purchase Agreement (PPA), prior to approving the Rezoning.

TCHD recommends that engineering plans for the LFGES modifications be reviewed and approved by EPA and CDPHE, prior to those modifications being constructed.

TCHD recommends that the Methane Mitigation Systems (MMS) for the buildings be reviewed and approved by EPA and CDPHE, on or before the issuance of building permits by Commerce City. TCHD is also available to review the MMS plans, upon request by the City of Commerce City.

Provided the recommendations above and in our prior letters are addressed, TCHD is supportive of the Zone Change Request.

4800 Ivy Rezoning (Sand Creek Industrial)
April 15, 2022
Page 3 of 3

Please feel free to contact me at 720-200-1568 or wbrown@tchd.org if you have any questions about TCHD's comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Warren S. Brown". The signature is fluid and cursive, with the first name "Warren" being more prominent than the last name "Brown".

Warren S. Brown, P.E.
Senior Environmental Health Consultant

cc: Keith Homersham, Kathleen Boyer, Lynn Robbio-Wagner, Margaret Schnettler,
TCHD
Kyle Sandor, CDPHE
Sairam Appaji, EPA



Right of Way & Permits

1123 West 3rd Avenue
Denver, Colorado 80223
Telephone: **303.571.3306**
Facsimile: 303. 571. 3284
donna.l.george@xcelenergy.com

April 19, 2022

City of Commerce City Community Development Department
7887 East 60th Avenue
Commerce City, CO 80022

Attn: Stacy Wasinger

Re: 4800 Ivy Street Rezone, Case # Z-983-22

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has determined **there is a conflict** with the above captioned project. Public Service Company has existing electric transmission lines and associated land rights as shown within this property. Any activity including grading, proposed landscaping, erosion control or similar activities involving our existing right-of-way will require Public Service Company approval. Encroachments across Public Service Company's easements must be reviewed for safety standards, operational and maintenance clearances, liability issues, and acknowledged with a Public Service Company License Agreement to be executed with the property owner. PSCo is requesting that, prior to any final approval of the rezone, it is the responsibility of the property owner/developer/contractor to have this project assigned to a Land Rights Agent for development plan review and execution of a License Agreement (via website www.xcelenergy.com/rightofway or email coloradorightofway@xcelenergy.com).

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