



9/22/2022

Matt Garver  
Becknell Services LLC  
2750 E 146<sup>th</sup> St, Suite 200  
Carmel, IN 46033

Re: Comments for Case Z-945-17-19-20-22

To Matt:

The submitted PUD Zone Document Amendment has been reviewed and discussed by planning staff and staff has visited the property to assess the site. As a result, the following items were identified for your team to address:

**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>.
- The city encourages sustainable development and green building practices to help balance growth with protection of our region's valuable natural resources. Staff encourages your team to utilize sustainable development practices in regards to site design, energy efficiency, water conservation, waste minimization, pollution prevention, and the use of resource efficient materials in the development of this site.
- 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.

**Planning Division – Comments provided by Dalton Guerra**

- **General Comments**
  1. This project has been reviewed by staff but has not been reviewed by the Development Review Team (DRT) for an official recommendation. Additional comments may follow once this project has been presented to DRT.
  2. We will wait for a re-submittal prior to taking this case to DRT for a recommendation.
- **Sheet 1**
  1. The title should read "Nexus North at DIA PUD Zone Document Amendment No. 2"
- **Sheet 5**
  1. Staff recommends removing the maximum front yard setback requirement for PA-3 if the building is to remain in the proposed location. An N/A requirement would give us flexibility to work on the building placement/design at the PUD Permit stage. This site is in a weird configuration so having that flexibility will benefit both parties.
- **Sheet 6**
  1. Staff would like to clarify the land uses "Produce Storage and Warehousing" and "Warehousing and Storage, General" do not imply that the uses include outdoor storage.

2. Outdoor Storage is prohibited in PA-3 so we want to ensure that these land uses are for indoor storage and do not allow outdoor storage in any capacity. Can we revise the language of these land uses to exclude outdoor storage or specifically speak to indoor storage?
3. Do you anticipate a similar use coming forward in the future for PA-2? If so, it may be in your best interest to allow these land uses by right in PA-2 as well as PA-3 as part of this amendment. Otherwise, you will need to process another amendment to the zone document.

- **Conceptual Site Plan**

1. Staff recommends rotating/shifting the building so that it is oriented similar to the existing building to the southeast. This would push it closer to the southern property line and reduce the amount of front yard setback.
2. If the emergency access is to remain can it also serve as the main access point into the property from the cul-de-sac? Truck traffic is not allowed to use the emergency access for ingress/egress onto 88<sup>th</sup> ave but maybe the entrance into the property from the south can be conjoined with the emergency access.
3. Public Works indicated in the pre-app process that two access points would be acceptable from the cul-de-sac. We can follow up with them on this matter.
4. This site is the location of a potential pedestrian trail to the wildlife arsenal. Please indicate on the site plan where that trail would be installed.

**Please see additional enclosed redlines as well as comment letters from the following referral agencies:**

- Tri-County Health Department
- Public Works Department
- Parks and Recreation

**Next Steps:**

Please include the following information in your next submittal:

- 1 folded paper copies of the revised zone document and site plan;
- 1 paper copies of a response letter addressing each item above;
- 1 USB Flash Drive with updated PDF files or submittal of documents via e-mail

The subsequent submittal process undergoes a 4-week review cycle. Please feel free to contact me via email at [dguerra@c3gov.com](mailto:dguerra@c3gov.com) or by phone at 303-227-8853 to further discuss any of these comments.

Sincerely,

Dalton Guerra  
City Planner  
Commerce City, Colorado



August 3, 2022

Dalton Guerra  
City of Commerce City  
Community Development Department  
7887 East 60<sup>th</sup> Avenue  
Commerce City, CO 80022

RE: Nexus North PUD Amendment, Z-945-17-19-20-22  
TCHD Case No. 7778

Dear Mr. Guerra,

Thank you for the opportunity to review and comment on the PUD Zone Document Amendment to allow office/warehouse uses in planning area 3 located at the southwest corner of 88<sup>th</sup> Avenue and Buckley Road. 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.

#### **Air Quality - Building Demolition**

The application indicates that the existing buildings on the site will be demolished.

The Colorado Department of Public Health and Environment Air Pollution Control Division (APCD) regulates air emissions. State air quality regulations require that precautions be taken prior to demolition of buildings to evaluate the presence of asbestos fibers that may present a health risk. If asbestos is present, actions must be taken to prevent their release into the environment. State regulations also address control of ozone depleting compounds (chlorofluorocarbons) that may be contained in air conditioning or refrigerating equipment. The applicant shall contact the APCD at (303) 692-3100 for more information. Additional information is available at <http://www.cdphe.state.co.us/ap/asbestos>.

Buildings constructed prior to 1978 may contain lead paint. Environmental Protection Agency's (EPA) 2008 Lead-Based Paint Renovation, Repair and Painting (RRP) Rule (as amended in 2010 and 2011), aims to protect the public from lead-based paint hazards associated with renovation, repair and painting activities. These activities can create hazardous lead dust when surfaces with lead paint, even from many decades ago, are disturbed. More information can be found here <https://www.epa.gov/lead/lead-renovation-repair-and-painting-program-rules> and <https://www.epa.gov/lead>. The applicant may contact, and the Environmental Protection Agency EPA at 1-800-424-5323 for more information.

### **On-Site Wastewater Treatment System (OWTS) – Abandonment**

Proper wastewater management promotes effective and responsible water use, protects potable water from contaminants, and provides appropriate collection, treatment, and disposal of waste, which protects public health and the environment. We do not have record of an On-Site Wastewater Treatment System (OWTS) on the subject property, but it is likely there is one. The existing OWTS shall be abandoned in accordance with Regulation No. O-17, Section 6.8. TCHD must be notified in writing once the system has been properly abandoned. For more information, or to submit the notification, the applicant may contact TCHD Commerce City Office, 7190 Colorado Blvd., Commerce City, CO 80022, 303-288-6816 or the local health department with authority over the site at the time of development. More information is available at <http://www.tchd.org/269/Septic-Systems>.

### **Well Abandonment**

Any well that is no longer being used, must be properly plugged and a Well Abandonment Report (GWS-09) must be filed with the Colorado Division of Water Resources. Please visit the DWR web site at <http://water.state.co.us/groundwater/wellpermit/Pages/WellAbandonment.aspx> for more information.

### **Vector Control – Building Demolition**

Rodents such as mice and rats carry diseases which can be spread to humans through contact with rodents, rodent feces, urine, saliva, or through rodent bites. For example, Hantavirus Pulmonary Syndrome (HPS), a rare but potentially lethal viral infection, can be found in the droppings and urine of rodents commonly found in southwestern United States. When buildings are demolished, rodents can spread to surrounding properties and increase the risk of vector exposure to humans. The applicant should plan for vectors and eliminate any known infestations prior to demolition. Information on rodent control can be found at <http://www.tchd.org/400/Rodent-Control>.

### **Mosquito Control - Stormwater Facilities**

The site plan indicates that a detention pond is proposed. Detention ponds can become sites for mosquito breeding. To reduce the potential for human exposures to West Nile and other mosquito-borne viruses, TCHD recommends that the applicant prepare a mosquito control plan. Elements of the plan should include proper design, construction and regular inspection and maintenance of stormwater quality facilities, and mosquito larvaciding if the insects become a problem. The applicant may submit the mosquito control plan to TCHD for review. More information is available here <http://www.tchd.org/276/Mosquitoes-West-Nile-Virus>. A guidance document is attached.

### **Electric Charging Stations**

Exposure to air pollution is associated with a number of health problems including asthma, lung cancer, and heart disease. TCHD recommends the applicant consider

Nexus North PUD Amendment  
August 3, 2022  
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including electric vehicle charging stations in the site design. Charging stations can help support the adoption of electric vehicles leading to a reduction greenhouse gases and air pollution.

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

Sincerely,

A handwritten signature in cursive script, appearing to read 'K Boyer', followed by a horizontal line extending to the right.

Kathy Boyer, REHS  
Land Use and Built Environment Specialist III

cc: Keith Homersham, Gilbert Cazier, TCHD

Attachment

**Tri-County Health Department  
Guidance for Preparation of  
Mosquito Control Plan**

A Mosquito Control Plan should contain the following elements:

1. Designation of a management entity  
This is the entity with authority/responsibility for implementing the plan. Typically, this will be a Special District or a Homeowners Association. If this is the case, the applicant shall submit a copy of the organizational Service Plan, by-laws or other legal document providing the authority for mosquito control. If the entity is the developer, this should be noted.
2. Funding mechanism  
A method needs to be put in place to finance the program. This could be a commitment for the Service District, HOA or developer to include adequate funds for the activities as part of its annual budgeting process, or a plan by the District or HOA to assess an annual fee on residents in the subject service area, or to fund the program in some other way, per its legal authority as noted in #1.
3. Activities that will be undertaken to prevent mosquito breeding conditions  
This section places emphasis on the proper design, construction, operation and maintenance of stormwater facilities to prevent mosquitoes from breeding. In most instances, it is nothing different than is already required by the County and Volume 3 of the Urban Drainage and Flood Control District's (UDFCD) Urban Storm Drainage Criteria Manual for flood control and stormwater quality. The literature on this subject, supported by local field experience, suggests that if stormwater facilities are well-designed, built to specification, and regularly inspected and maintained to meet operating standards, stormwater facilities that are designed to completely drain in 72 hours or less are likely to do so and to prevent mosquito breeding conditions.

The likelihood or extent of mosquito breeding can also be reduced through the proper design, construction and inspection/maintenance of retention ponds or constructed wetlands that are intended to hold permanent water pools.

We have found that at the time of construction of stormwater facilities, there is often little thought given to continuity of maintenance. Requiring the applicant to think through the tasks that need to be accomplished from design through operation, who will be responsible for tasks in each phase, and a schedule for their accomplishment increases the probability that these tasks will be completed.

Ideally, before getting to this point, the applicant will have considered stormwater facility options that do not rely on extended retention or detention of stormwater without flushing over a period of 2-3 days; e.g. grass swales, porous pavements, landscape detention, reducing directly connecting impervious areas to increase infiltration. This would be

coordinated through and in compliance with the requirements of the County's Engineering and/or Stormwater sections.

Suggested elements in this section include the following:

- Design review – Qualified personnel review construction plans and conduct field investigation to ensure construction per specifications of UDFCD Volume 3 and County criteria.
- Operation and maintenance activities:  
This should identify who will conduct these activities (e.g., staff or contractor), and a schedule or trigger point for doing each task. Again, the UDFCD's Vol. 3 contains minimum operation and maintenance activities. If staff are to be used, this section should note if they will need training and how they will receive it.
- Regular inspections:  
Facilities that are found to retain water should be inspected regularly to ensure that no mosquito larvae are present. Facilities should be inspected once a week beginning in April and continuing through September.
- Larvacide program:  
Even if inspections do not reveal larvae, a larvaciding program should be established as a preventive measure at the same time that the inspection program begins (generally May) and continue through September. Some mosquitoes lay their eggs in mud, and when rain falls later, they can hatch and present a problem. Larvacide should be applied at the recommended rate and frequency specified by the product manufacturer. Mosquito control products can be found by doing a search on the internet.  
Natural control of mosquito larva can be very effective is done properly. Consult the Colorado Department of Wildlife, Fisheries Division, for consultation on proper stocking of ponds with fish that will effectively control mosquito larvae.

For technical assistance or if you have any questions about any elements of the mosquito control program, contact Gilbert Cazier, Tri-County Health Department's mosquito control specialist, at [gcazier@tchd.org](mailto:gcazier@tchd.org).

# MEMMO

**To:** Dalton Guerra, Planner

**From:** Traci Ferguson, Parks Planner

**Subject:** Z-945-17-19-20-22                      SEC Buckley & 88th                      Nexus North

**Date:** August 12, 2022

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Parks has reviewed the above proposal and has the following comments.

- 1.) There will not be a park fee-in-lieu associated with this non-residential development.
- 2.) The PUD Zone Document shows a pedestrian connection in this area to connect to the city's Rocky Mountain Arsenal National Wildlife Refuge Perimeter Trail. This connection will allow employees and visitors access to the 14-mile long Perimeter Trail as well as additional trails within the Refuge.

Please feel free to contact me at 303-227-8788 or [tferguson@c3gov.com](mailto:tferguson@c3gov.com) with any questions.





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## INTEROFFICE MEMORANDUM

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TO: Dalton Guerra, Planner  
FROM: Lee Alverson, Development Review  
DATE: August 29, 2022  
SUBJECT: Z-945-17-20-22 PUD Amendment 1st PW review

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Public Works has reviewed the above submittal and has the following comments.

PUD Amendment:

1. No comments on the proposed amendment.

For Information:

1. A Road Impact Fee will be due at the issuance of the Building Permit. The amount due will be based on the building use and size of the structure.
2. A Drainage Impact fee will assessed at the time of building permit approval based on the lot size within the Second Creek Drainage basin.
3. Additional public works review will occur with the review of site development permits.
4. Public Works Permit information can be found here: <http://www.c3gov.com/doing-business/developing-in-commerce-city/civil-plan-approval-grading-permits>.
5. In order to comply with *Colorado Revised Statutes §37-92-602(8)(b)(I)(A)*, Commerce City must notify water rights holders in the South Platte River Basin of any new detention and/or water quality facilities that come online as of August 5, 2015. It is now required that you fill out and submit drain time calculation tables with the final review of the Drainage Study. A spreadsheet containing these tables can be found electronically using this link: <https://maperture.digitaldataservices.com/gvh/?viewer=cswdif> and selecting the SDI Design Datasheet. You can return this datasheet through email as well. The Drainage Study and Construction Plans will not be approved until this is completed.

If you have any questions, please call me at 303-286-8176.

ec: Joe Wilson, Director, Public Works  
Chris Hodyl, P.E., Interim City Engineer