



STAFF REPORT

Board of Adjustment

CASE #: AH-1737-17

BOA Date:	January 10, 2017	Case Planner:	Paul Workman	Phone:	303.227.8774
Location:	6450 York Street, Commerce City, CO 80022				
Applicant:	Metro Wastewater Reclamation District 6450 York Street Commerce City, CO 80022		Owner:	Same as Applicant	

Case Summary

Request:	The Metro Wastewater Reclamation District (MWWRD) is proposing to construct a new Biosolids Dewatering and Storage Facility (BDSF) that is 87-feet tall.
Project Description:	The MWWRD operates a water treatment facility at the subject property. One of their processes is to dewater biosolids and provide the biosolids to agricultural users. The proposed new facility will allow them to meet increased demand, consolidate existing operations, and provide a safer facility for their employees.
Issues/Concerns:	<ul style="list-style-type: none">• Compliance with other regulatory agencies.• Compliance with the height exception approval criteria.
Key Approval Criteria:	<ul style="list-style-type: none">• Compliance with other regulatory agencies.• Compliance with the height exception approval criteria.
Staff Recommendation:	Approval
Current Zone District:	I-3 (Heavy-Intensity Industrial Zone District)
Comp Plan Designation:	Utility

Attachments for Review: *Checked if applicable to case.*

- ☒ Applicant's Narrative Summary
- ☒ Site Plan

- ☒ Vicinity Map
- ☒ Building Elevations

Background Information

Site Information

Site Size:	135 +/- acres
Current Conditions:	The site is currently developed as a regional water treatment facility.
Existing Right-of-Way:	York Street on the west
Neighborhood:	Riverside
Existing Buildings:	There are a number of buildings on the subject property that help facilitate the applicants operations.
Buildings to Remain?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Site in Floodplain?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Surrounding Properties

<u>Existing Land Use</u>		<u>Occupant</u>	<u>Zoning</u>
North	MWWRD Office	Metro Wastewater Reclamation District	ADCO
South	Industrial	Denver Water & Multiple Industrial Users	Public & I-3
East	Industrial	Suncor	PUD
West	Industrial	Xcel Energy – Cherokee Power Plant	ADCO

Case History

The relevant case history related to the subject property has been detailed below.

<u>Case</u>	<u>Date</u>	<u>Request</u>	<u>Action</u>
CU-37-93	10/18/93	Approval of a Conditional Use Permit for a Wastewater Treatment Facility	Approved, with 1 condition
CU-37-93-10	8/9/10	Approval of a modification to the approved site development from 1993.	Approved, with 1 condition

CU-37-93:

In October of 1993, the City Council approved a Conditional Use Permit to operate a water treatment facility subject to the condition that any change to the proposed development of the property at that time had to be approved via a Conditional Use Permit amendment.

CU-37-93-16:

In August of 2010, the City Council approved a Conditional Use Permit amendment to allow the applicant to modify the configuration of their operations to meet federal standards. The approval was granted subject to the condition that the applicant remain current with all necessary permits required by their regulating agencies. To date, the applicant has been compliant with this condition.

Applicant's Request

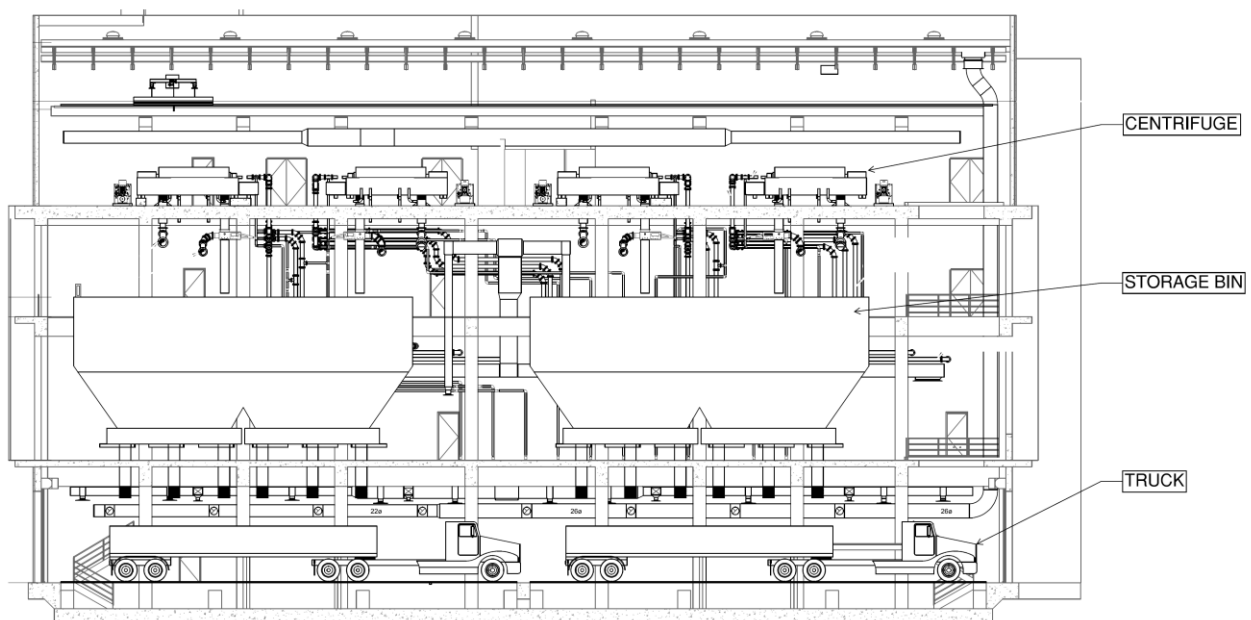
The Metro Wastewater Reclamation District (MWWRD) wishes to construct a Biosolids Dewatering and Storage Facility (BDSF) approximately 87-feet tall at their property addressed at 6450 York Street. The new structure will be located in the center of their site and not adjacent to any public right-of-way or neighboring properties. The proposed building will be used to replace an existing building that currently does the Biosolid dewatering.

The Metro District's Service Area includes the City and County of Denver, parts of Adams, Arapahoe, Douglas, Jefferson, and Weld counties. The District serves 22 municipalities, 26 special connectors, and 2 corporate connectors. South Adams County Water and Sanitation District is a member municipality and serves Commerce City. By allowing the proposed height exception, the Metro District can more efficiently process and handle solids from the wastewater treatment processes.

Wastewater (from homes, businesses, and industries) is conveyed to the Robert W. Hite Treatment Facility (RWHTF) for treatment continuously every day. Influent wastewater flows average nearly 150 million gallons per day. Treatment consists of stabilizing the organic matter and reducing disease causing organisms (pathogens) within the material. The dewatering process is one of the last steps in the wastewater treatment process, whereby the excess water is removed from the biosolids via centrifuges. The biosolids are then recycled via land application (for crops or soils reclamation) or composting. Solids dewatering is an essential continuous operation at the RWHTF site to meet permit requirements. Interruption would significantly impact the District's ability to handle the generated material.

The BDSF will house the new biosolids dewatering, storage, and load-out facilities. Biosolids will be conveyed to the top floor where they will be dewatered and discharged directly into storage bins which are designed to provide 36 hours of storage. The storage bins will occupy the 2nd and 3rd floors. The ground floor will be a loading area where trucks drive into the building, are filled with dewatered biosolids and then hauled to farms (see Figure 1.1).

Figure 1.1



Alternatives were evaluated to determine the best solution for replacing and expanding the dewatering facilities and a number of factors such as aging equipment and facilities as well as the need to have additional capacity resulted in the recommendation for the proposed BDSF. The new building will consolidate operations, provide more operational and maintenance efficiency, meet current codes, provide a safer facility and a healthier environment for staff. As the RWHTF is a 24 hour per day, 7 days a week facility, construction of the new building will allow for existing operations to continue while the new BDSF is built and equipment installed. As a part of the project, the existing Dewatered Sludge Storage Facility (DSSF), immediately east of the proposed building will be demolished once the BDSF is fully operational.

Odor control measures for the new BDSF will properly contain and collect odorous air by covering process equipment and tanks. This will draw odorous air from the headspace to prevent fugitive emissions into work areas. The new system will comply with the MWWRD's existing air permits. The elimination of existing belt conveyors provides less exposure to odors. The project will not negatively impact the air quality in the area.

Development Review Team Analysis

The Development Review Team (DRT) began their analysis by evaluating the proposal against the goals of the City's Comprehensive Plan. That analysis is provided below.

Comprehensive Planning Documents

The DRT recommendation for this case is supported by the following Comprehensive Planning Goals:

<u>Section</u>	<u>Goal</u>	<u>Description</u>
Land Use and Growth	LU 1a	<u>Future Land Use Plan (FLUP) as a Guide:</u> Use the FLUP to guide development patterns and mix of uses and amendments to the LDC.
<u>Analysis:</u>	The subject property is identified for General Industrial uses, which is consistent with the existing use and the requested height exception.	

<u>Section</u>	<u>Goal</u>	<u>Description</u>
Economic Development Strategies	ED3a	<u>FLUP to Guide Decisions:</u> Use the FLUP to guide land use decisions.
<u>Analysis:</u>	The subject property is currently being used for industrial purposes and the request is directly related to the industrial use of the property.	

<u>Section</u>	<u>Goal</u>	<u>Description</u>
Fiscal Stability	FS 2a	<u>FLUP Consistency:</u> Retain, support, and expand the community's industrial base by approving development that is consistent with the FLUP and Economic Development Strategic Plan and modifying the LDC to reflect the FLUP.
<u>Analysis:</u>	The approval of this height exception will allow the Metro Wastewater Reclamation District to continue to meet the demand for services and help keep their business in Commerce City.	

Site Layout:

The site is developed as a wastewater treatment facility. It is bound by the South Platte River on the west and north, and the Burlington Ditch and Sand Creek on the east and south. The equipment on site includes interceptors, bar screens, grit basins, clarifiers, and aeration basins. The site is not accessible to the general public.

Need for a Height Exception:

Table IV-15 in Article IV of the Land Development Code identifies a maximum height of 50-feet in the I-3 zone district. In cases where equipment or buildings cannot meet the 50-foot maximum height requirement, the appropriate process for relief is the Height Exception process. Therefore, the applicant has submitted the requested height exception to exceed the maximum height allowed by the underlying zone district.

Due to the nature of the operations of the Biosolids Dewatering and Storage Facility (BDSF) and the surrounding development on-site, the building needs to exceed the 50-foot height maximum allowed in the I-3 zone district. The area that surrounds the proposed building is developed with equipment that allows the District to treat wastewater. Therefore, there is a small footprint that can accommodate the new structure and associated equipment, which requires the equipment to be accommodated vertically rather than horizontally. Given the height of the necessary centrifuges and

storage bins, coupled with the necessary clearance heights for the semi-trailers, the resulting build height is 87-feet.

Staff Analysis:

The DRT has determined that the applicant is compliant with all other land use requirements (bulk standards, industrial design standards, etc.) and all conditions that were attached to their previous land use approval. The DRT has also determined that the requested height exception is being made to incorporate a new building that will allow the applicant to increase their capabilities in an effort to meet their current and future demands. The height of the building (87-feet tall) is necessary based on the nature of the applicant's operations and the nature of the equipment that will be housed within the building. The DRT also determined that the location of the building on the site is appropriate since it will be located at the interior of the site where the biosolid dewatering operations currently take place (within a 64-foot tall building). In terms of compatibility with the surrounding area, the RWHTF is located amongst heavy industrial users (surrounded by the Suncor Refinery and the Cherokee Power Plant) that have structures that are hundreds of feet tall.

Referral Responses:

The requested height exception was referred to a variety of agencies within the city and outside of the city. None of the referral agencies responded with any concerns.

Conclusion:

The DRT has concluded that the applicant is compliant with their previous land use approval as well as all of the requirements of their regulating agencies. The DRT has also determined that the Height Exception is necessary based on the applicant's operations and that the proposed building will be located in an area that already accommodates biosolid dewatering. Given the analysis provided above and the request's compliance with the Height Exception approval criteria listed below, the DRT is recommending approval of the request.

Criteria Met?	Sec. 21-3220. Height Exceptions	Rationale
<input checked="" type="checkbox"/>	The structure and development, if applicable, complies with all other standards not specifically waived by the city;	The subject property and proposed building do and will continue to comply with all other standards of the city.
<input checked="" type="checkbox"/>	The exception would have minimal effect upon adjacent properties with respect to solar access, visual access, and rights of privacy, light, and air	There will be no effect on adjacent properties because the proposed building will be located in the center of the site and will not impact any of the stated items.
<input checked="" type="checkbox"/>	The exception will not interfere with the city's ability to provide public services to the site at the level currently enjoyed by the area, or at adequate levels per existing city policies and regulations	The proposed building will have no impact on the city's ability to serve the subject property.
<input checked="" type="checkbox"/>	There is no evidence to suggest that the exception would interfere with or complicate emergency services or otherwise impair public safety; and	There has been no indication that emergency services will be impacted by the proposed building.
<input checked="" type="checkbox"/>	The architecture and character of the proposed building or structure that will exceed the height standards are compatible with existing development on surrounding or adjacent parcels.	The height exception is being requested for a biosolid dewatering building, which is consistent with the existing equipment and operations of the subject property. The properties located around the subject property are heavy industrial in nature with structures that are hundreds of feet tall, which is consistent with the proposed structure.

Development Review Team Recommendation

Based upon the analysis above, the Development Review Team believes that the application meets the criteria for a Height Exception set forth in the Land Development Code and recommends that the Board of Adjustment approve the request.

The Development Review Team's (DRT) Recommended Motion

To recommend approval:

I move that the Board of Adjustment find that the requested Height Exception for the property located at 6450 York Street contained in case AH-1737-17 meets the criteria of the Land Development Code and based upon such finding, approve the Height Exception.

Alternative Motions

To recommend approval subject to condition(s):

I move that the Board of Adjustment find that upon satisfying the following conditions:

Insert Condition(s)

the requested Height Exception for the property located at 6450 York Street contained in case AH-1737-17 meets the criteria of the Land Development Code and, based upon such finding, approve the Height Exception.

To recommend denial:

I move that the Board of Adjustment deny the requested Height Exception for the property located at 6450 York Street contained in case AH-1737-17 because it fails to meet the following criteria of the Land Development Code:

List the criteria not met

To recommend continuance:

I move that the Board of Adjustment continue the requested Height Exception for the property located at 6450 York Street contained in case AH-1737-17.