

2016

Sinclair Transportation Company
The Denver Products Terminal



COMMERCE CITY

**SUBMITTAL FOR:
VARIANCE
REQUEST**

[DEVELOPMENT REVIEW]



FACILITY INFORMATION

Name:	Sinclair Transportation Company The Denver Products Terminal
Address:	8581 East 96 th Avenue Henderson, Colorado 80640
Facility ID No.:	CO0010019
Primary SIC Code:	5171
Phone Number:	(303) 287-0267
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FACILITY MANAGEMENT

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Denver Products Terminal – Brief Narrative

The Denver Products Terminal (facility) has been operating as a refined petroleum products, or “finished products”, storage and trucking terminal under the current ownership of Sinclair since 1976. However, construction of the facility began in 1963 and became operational around 1964. At that time, the company performed business under the company name of Sinclair Marketing, Inc., until its merge into Sinclair Oil Corporation in 1986. In 2006, the terminal was assigned to Sinclair Transportation Company, as it currently remains today. *A copy of the property’s deed is provided in Appendix A.*

The facility is located at 8581 East 96th Avenue in the County of Adams and City of Commerce City, Colorado 80640. According to the Adams County Assessor, the property incorporates two (2) separate parcels, identified with the Parcel Identification Numbers 0172116007001 and 0172116007017. Combined, the parcels total approximately 37.04 acres in size (or 1.25 and 35.79 acres separately). The property is zoned I-3, or Heavy Intensity Industrial District, according to the City of Commerce City’s Land Development Code. *An aerial image of the property is provided in Figure 1 and surveys of the property can be found in Appendix B.*

Access to the facility exists at two (2) locations along the only street, or property frontage that adjoins the property, both along the southern perimeter of the property and off of East 96th Avenue. Ingress and egress of rail cars to the property exists via an installed railroad spur that separates off of the railroad mainline that runs along the entire western perimeter of the property.

Figure 1: Property





Similar to the zoning and operations held at the Denver Products Terminal, the surrounding area is comprised of varying industrial businesses and activity and thus leads to the harmony and compatibility that has been established throughout the years. The property is adjacent to the southeast by R/W Specialties Inc.; to the south by a private home and scrap yard, having the eastern portion of the property currently under construction of a commercial retail gas station; to the southwest by UE Compression LLC; also to the southwest by Kelly Pipe Co., LLC; to the west by RK Mechanical; and to the northwest by Union Pacific Railroad Company. *An aerial image of the property's vicinity is provided in Figure 2.*

Figure 2: Property Vicinity





Requested Variance and Questionnaire

What is your hardship? Describe in detail what makes your property or circumstance so unique that it is unfeasible for you to meet the applicable standard?

The variance being requested of the City of Commerce City's Land Development Code, specifically of Article VIII: Sign Regulations is due to the hardship being in signage larger in square footage than that allowed per the code. The proposed signage being requested is that of Sinclair's company logo which would be painted on the side of an existing structure located at the facility. The logo would be approximately 537 square-feet in size. *The sign's specifications and proof for layout can be found in Appendix D of this submittal.*

The unique shape and size of Sinclair's property, totaling approximately 37 acres and having only one (1) boundary of it considered as street frontage with a designated future R.O.W. expansion into the property, has presented a challenge and cause for this particular hardship and requested variance. In addition to the property's shape and size, most of the property's development and landscaping as it exists today adds cause for this requested variance and no other structures or locations exist along the property's frontage where the proposed sign could be installed to be observed.

According to Table VIII-2 in Section 21-8300 Sign Schedule of Article VIII, the maximum height permitted for a monument sign for a property greater than 10 acres in size, is 25-feet with a maximum area of 100 square feet per side of sign and setback distance of 25-feet from property boundary. Additionally, the maximum number of monument signs allowed on a property of this size is one (1) per street frontage and a total of two (2) per property. The sign being proposed with this variance is considered to be a property identification sign, similar to the other two (2) signs on the property that have existed almost entirely as long as the property itself has. Since the proposed sign is of Sinclair's Company Logo and thus an identification of the property, it is not in compliance with Section 21-8225 Address and Building Identification Signs which indicates that the property is limited to a total of two (2) per building or parcel.

Describe in detail how the hardship has not been self-imposed.

Prior to 1996, the Denver Products Terminal was located in an unincorporated portion of Adams County and in 2007 the property was annexed into the Commerce City limits. Due to the annexation, the Denver Products Terminal was designated as both 'legal and nonconforming' by Commerce City Standards. This was discovered in early 2014 through several meetings and discussions with the Commerce City Planning Department regarding the construction of two (2) new projects at the facility that Sinclair had begun to plan for. It was at this time that Sinclair was made aware that everything existing prior to the annexation, though considered legal and non-conforming at the present time, could remain however, no new construction may take place, nor any modifications or needed repairs on existing assets conducted, until a Conditional Use Permit was approved for the property. Sinclair



proceeded with obtaining the approval and has since made sure to continue to be in compliance with all Commerce City Zoning and Land Use Regulations. As described previously, the existing signage on the property consists of two (2) separate signs, one (1) considered as a wall sign and one (1) as a monument sign, both of which can be difficult to see at times but one that is most often not visible.

Existing Structures and Signage

Structures located on the property vary in size, purpose, and structure. Currently there are fifteen (15) structures that exist on the property that serve different operations. The administrative building is considered to be the only occupied building on site, as the remaining buildings act as either housing for mechanical operations or as temporary operations storage.

There are two (2) buildings, identified as “commercial”, that were built in 1963 located on the south-western portion of the property.

One (1) building is approximately 1,660 square feet in size and functions as the facility’s administrative building. This building is a single-story, steel-framed brick structure with the amenities of electricity, natural gas, a septic system, potable water, and an installed HVAC system for heating, ventilation, and cooling. *A photograph of the administrative building is provided in Figure 3.*

Figure 3: Existing Administrative Building



The other commercial building is approximately 720 square feet in size and functions as the facility’s storage warehouse. Equipment such as tools, extra operational equipment, and safety equipment are stored in this building. The building is a single-story, steel-framed and steel-sided structure with electricity and no other amenities.



Portions of the structures can be visible off-site or from those traveling on East 96th Avenue but are also screened by existing landscaping and fencing.

Existing signage on the property consists of a total of two (2) signs, both of which have existed prior to the property's annexation in 2007 and approval of the conditional use in 2014. The sign that is most visible to those traveling past the property is located just east of the western entrance to the facility and is approximately 70 square feet in size. According to Article VIII of Commerce City's Land Development Code (LDC), this sign is considered monument sign for the purpose of development and project identification. The other sign that has existed on the property is considered to be an individual letter wall sign according to the LDC, and can be found attached near the top of the administrative building. This length of this sign is approximately 32% of the total length of the building frontage it occupies. Visibility of this sign, however, is often limited to non-existent due to growth of the existing landscape, its size, and its location. *Photographs of the property's existing signage are shown in Figures 4 and 5 below.*

Figure 4: Existing Signage – Monument Sign





Figure 5: Existing Signage – Individual Lettering Wall Sign



Sinclair believes that the variance being requested satisfies that of Section 21-3222(4)(a)(i) and (ii) of the City's Land Development Code.

Why is the requested variance the minimum needed?

In addition to the size and parameters of the property, as well as the property's development occurring pre-annexation, the best and only location for the proposed sign to be painted at in order to be seen, will be located at a distance of approximately 2,270-feet from the nearest street, Highway 76, as shown in Appendix C of this submittal. This is the furthest structure from the property's frontage and the closest structure visible to the highway. The structure that the sign is proposed to be painted on is a large, white cylindrical steel storage tank that has an approximate surface area of 6,432 square feet and when completed, the sign will cover only about 8.3% of its total surface area. *A photograph of the steel storage tank on which the logo is proposed to be painted on can be seen in Figure 6 below.* According to the United State Sign Council on Sign Legibility and Distances, the size of the proposed variance given the parameters of the location and the design requirements of the highway, is slightly less than the calculations provide for a suggested minimum for legibility. Although the size of the sign is larger than that allowed by the Land Development Code, its surface area and setback distance are a large reason why the requested variance is the minimum needed.

Sinclair believes that the variance being requested satisfies that of Section 21-3222(4)(b)(i) of the City's Land Development Code.



Figure 6: Internal Floating Roof Steel Storage Tank



Will the variance cause a real or perceived loss in surrounding property values?

The proposed variance, or sign, will be located on the north side, or back, of the property facing a northern direction. This location is furthest away from and facing the opposite direction of the property's frontage and City street of 96th Avenue. The proposed location for the variance, found in Appendix C of this submittal, will have the railroad abutting it to the west, with the back end of an adjacent property abutting it to the east. Additionally, both the railroad and the property to the east share the similar land use designation as the Denver Products Terminal, being industrial in use, and therefore will not cause a real or perceived loss in the surrounding property values. It is anticipated that the logo will have a positive impact in that those traveling into the City's limits via US-76, or even via the railroad, will become more aware of what the large white tanks are that they see, who they belong to, and the overall industrial-nature of the area they are traveling in.

Sinclair believes that the variance being requested satisfies that of Section 21-3222(4)(a)(iii) and Section 21-3222(4)(b)(ii) of the City's Land Development Code.

Will the variance substantially or permanently injure the legal use of any adjacent conforming property?

The surrounding area and adjacent conforming properties all share the same industrial use designation as the Denver Products Terminal, as described previously. The proposed variance being of Sinclair's company logo remains consistent with the company's continued purpose and use of the



property, as well as with the surrounding adjacent property uses. Therefore, the variance will not substantially or permanently injure the legal use of any adjacent conforming property.

Will the requested variance alter the character of the neighborhood?

As mentioned previously, it is anticipated that the requested variance will not alter the character of the neighborhood negatively, but rather increase the awareness of those traveling to and through the City. The sign will also enhance the aesthetics in the area it will be located in because of the nature of the industrial uses that are prevalent, the lack of property frontages that are visible from the location, and the professional design and installation of the sign itself will enhance the character of the area.

Will the requested variance block solar access, create glare, or produce air pollution impacting the surrounding area?

No; the logo will be painted on the steel storage tank's exterior surface, on top of the existing white coating and therefore will not block solar access of any kind. The size of the logo in relation to the distance of its proposed location to any adjacent property or structures would not have the potential to cause a glare to and would not negatively impact the surrounding area. The paint to be used for the logo will also not have the ability to cause a significant glare that would make an impact on the surrounding area either. The requested variance will also not produce air pollution; neither on a continual basis as it will dry, nor during the one-time installation of the logo as it will be painted over a custom-made stencil over a short duration of time.

Will the requested variance create or increase traffic and/or parking problems in the area?

No; there are no roads in close proximity to the proposed location of the requested variance that could create or increase traffic in the area. There are also no parking areas in proximity to the location of request, or in the area where the location is visible from, for problems to be created or enhanced either. Although it may be viewed in passing, the nature of the requested variance being of the company's logo would not create nor increase the traffic flow of travelers on Interstate 76 because of it. Rather, the location that the sign is proposed to be at would be the best option for it as the traffic along the property's frontage has been historically seen to have difficulties as is, with the existing railroad crossing and high volume of traffic flow that exist currently.

Will the construction or operation for which the variance I needed create a police, fire, or building safety hazard?

No; the installation of the logo will be painted on by professionals and will not require an extended amount of time to complete the installation or painting. Additionally, the installation will be



conducted at a location that is completely outdoors and thus very well ventilated, far away from visibility of travelers and most of the surrounding properties. It will also not be located in close proximity to any structures that are considered occupied. Proper safety equipment and measures during installation will be implemented and enforced by Sinclair personnel, as they are a requirement of not only Sinclair personnel but of anyone located on or visiting the property.