

Height Exception – Approval Criteria
9109 Monaco
March 28, 2017

The Applicant and Operator of A-1 Organics is requesting a height exception to permit the piling of materials up to 35'. The request for a pile height of 35' derives from the specific equipment used in the process which stacks the material at the given height. By stacking in larger piles, the material stays moist and compact, and is less sensitive to weather, wind, and erosion. Pile heights also allow more efficient use of space. Shorter piles create a greater need for land area and greater exposure of the materials to the environment, making them more likely to dry out, erode and blow away. As detailed below and as provided through other submittal items, the Applicant believes they have met the required standards for permitting the Height Exception request.

Per the Commerce City Land Development Code, Section 21-3220(3), an application for a height exception may be approved if:

(a) All of the following criteria are met:

- i. The structure and development, if applicable, complies with all other standards not specifically waived by the city;

This height exception request is not related to a building but rather the stacking (piling) of materials. The remainder of the request presented in the Development Permit application is consistent with all other standards, as applicable and agreed to by the City.

- ii. The exception would have minimal effect upon adjacent properties with respect to solar access, visual access, and rights of privacy, light, and air;

Due to the topography of the property and the nature of adjacent uses, approving this height exception will have no adverse impacts on the surrounding land uses. To the south is a planned gravel mining operation located within unincorporated Adams County. This use is just beginning operations and should be operational for the next several decades, based on their filed plan of operation with Adams County and the State of Colorado. The uses to the west and north are in unincorporated Adams County and utilized for water storage and generally inaccessible to the public. Beyond the reservoirs is a public trail, which is located approximately 1,800 feet from the proposed stockpiles. Given the significant distance and the intervening foreground objects such as trees and waterbodies, the visual impacts on trail users will be negligible. To the northeast are a couple rural residential and stable uses located within unincorporated Adams County that, while adjacent, have a significant difference in elevation and have extensive landscaping in mature trees that screen the uses from the properties. To the east is an existing truck terminal and truck parking for a motel. Neither of these uses should be adversely impacted, and being located on the east side, will have an extremely limited view of the increased material stockpiles with the significant change in topography.

As the plan is currently proposed, there is a significant grade change between the property entrance along Monaco on the east of the property to the back side of the property where the material piling is proposed to take place. A cross-section of the property, showing the change in elevation and how the stockpiles are obscured from viewed from Monaco is included as part of this application. As shown on this section graphic, the stockpiles are located a significant distance from the front of the property and many feet lower in elevation.

- iii. 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 approval of this height exception will not interfere with the City's ability to provide public services to the site in any way.

- iv. There is no evidence to suggest that the exception would interfere with or complicate emergency services or otherwise impair public safety; and

The approval of this height exception will not create any police, fire, or building safety hazards for the tenants or adjacent properties. The property is securely fenced to keep trespassers out, and the piling of materials higher will not provide any issues for the Commerce City police. A well-delineated fire lane is provided and will be maintained should any fire emergencies occur that require fire truck access. In addition, with few nearby buildings, either on-site or off-site, potential hazards to built structures are extremely remote. The user will also provide routine pest control to ensure that the site does not attract insects or rodents.

(b) One of the following criteria is met:

- i. The exception provides a demonstrated benefit to the city; or

This height exception request will permit A-1 Organics to operate its business, which requires it to pile materials higher than allowed by code. A-1 Organics is in the organic recycling business, which creates environmental benefits for the City and the region. So far, the company has diverted more than 8,000,000 cubic yards of materials from landfills. It is also the Applicant's understanding the Commerce City is a customer of A-1 Organics, and therefore its presence in the City is a public benefit.

- ii. 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.

Since this height exception is not related to a building or structure, this criterion is not applicable. Even if it were applicable, the stockpiles are consistent with other uses in this area, and are in character with the rural uses to the northeast, the reservoir uses to the west, and the mining use to the south.