

March 17, 2023

VIA: ELECTRONIC SUBMISSION AND HAND DELIVERY

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

Re: 10051 Dallas Street – Written Narrative for the TSL Development Plan and Conditional Use Permit – Second Submittal (“**Written Narrative**”); Case No. CU-131-22

To Whom It May Concern:

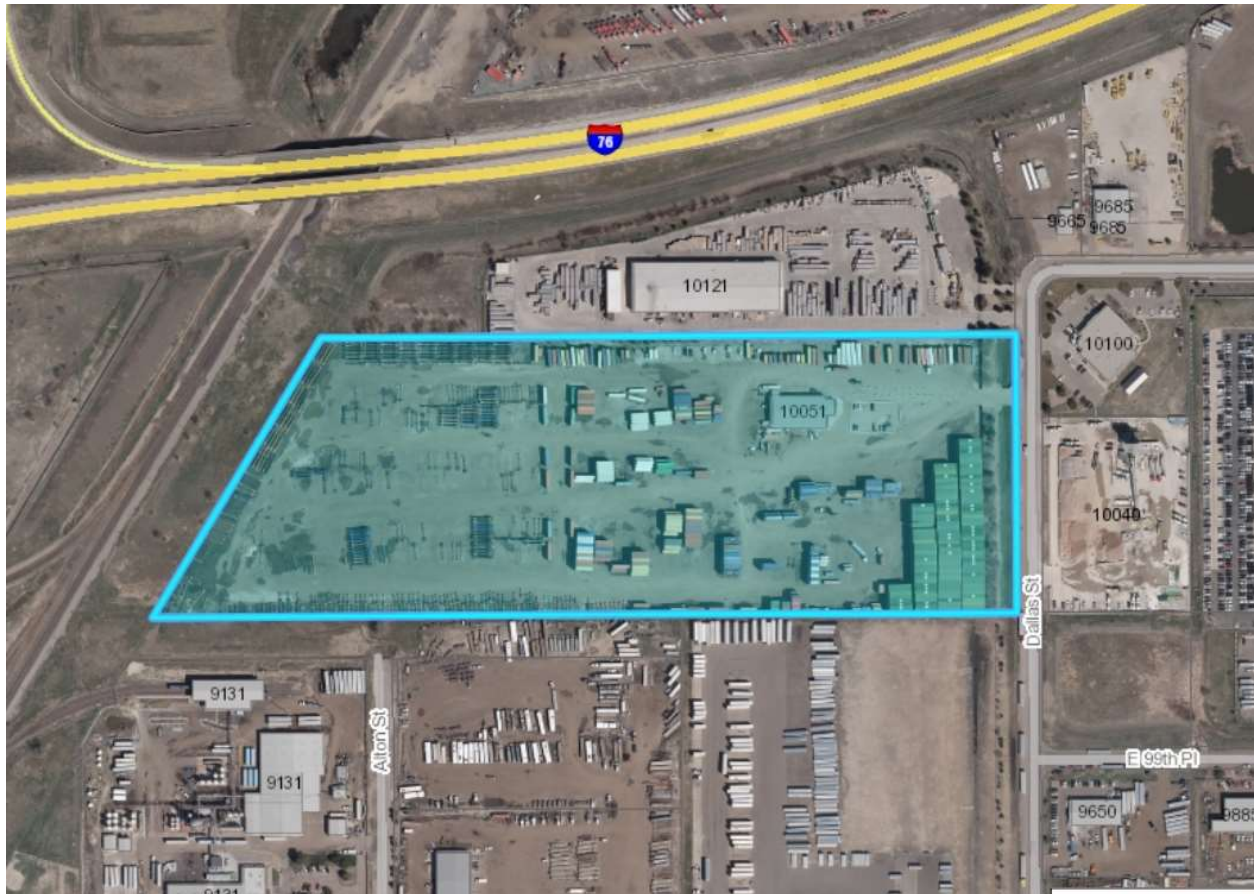
This firm represents TSL Company Holdings, LTD., and its affiliate, Crown Associates LLC (the “**Applicant**” or “**TSL**”) in connection with its application for a conditional use permit to allow stacking of intermodal shipping containers above 20 feet in height, and not to exceed 40 feet in height, and a development plan for a building addition and certain related improvements (the “**Application**”) on certain real property the Applicant owns located at 10051 Dallas Street, in Commerce City, Colorado (the “**City**”) (the “**Property**”). On June 28, 2022, the Applicant submitted to the City its application for a conditional use permit to allow stacking of shipping containers above 20 feet in height, and not to exceed 40 feet in height (the “**First Submittal**”). We are providing this Written Narrative, and attached supplemental application materials, on behalf of the Applicant in response to comments received from the City to the First Submittal, and to supplement the First Submittal with an application for a development plan. The Applicant requests that the City approve the Application for a conditional use permit, and for a development permit to allow an addition to the existing building on the Property, as well as associated improvements.

The Property and Existing Zoning

The Property is located on Lot 1 of the Phelps-Tointon Industrial Park Filing No. 3, being west of and adjacent to Dallas Street, and generally south of Interstate 76, with railroad right-of-way to the west. The Property is 28.2 acres, more or less, and is currently occupied by an existing commercial structure that is approximately 8,735 square feet that includes offices and a three-bay maintenance shop, associated employee parking, and a large storage yard used for storage of shipping containers.

The Property is zoned within the I-3 – Heavy Intensity Industrial zone district (the “**I-3 Zone**”). The properties to the north, south, and east are also zoned within the I-3 Zone, and there is railroad right-of-way to the west. There is a three-acre strip of property owned by the City that is located along the southern boundary of the Property and zoned within the AG Agricultural zone district. We understand that the adjacent properties located to the east, south and north include industrial uses, with Union Pacific Railroad right-of-way to the west. In addition, a major interstate highway, Interstate 76, is in close proximity to the Property to the north, as depicted by the Property Map below. The Property is currently used for shipping

container storage, office and maintenance shops in order to conduct its logistics services operations for the intermodal shipment of international and domestic cargo via shipping containers (the “**Operations**”). These uses are permitted by right in the I-3 District, which allows the outdoor storage, general warehousing and storage, major equipment repair, major vehicle repair, warehousing and wholesaling establishments excluding explosives and live animals (including accessory offices) as uses by right (Code § 21-5200).



Property Map

Background

The Applicant purchased the Property in 2000 in order to conduct its Operations. The existing building on the Property was permitted for office and maintenance shops with Adams County (Permit No. BDP00-02029), which is how the building continues to be used. As part of the approval of the Operations on the Property, in 2000, the Applicant also applied for a conditional use permit with the County for the storage of shipping containers above the Property fence height, and not to exceed 40 feet, and this application was approved by Adams County on June 22, 2000 (Case No. RCU2000-00016) (the “**County Permit**”).¹

Since the approval of the County Permit, the Property has been annexed into the City, and therefore further development of the Property is subject to the City’s Land Development Code (the “**Code**”). The Applicant now intends to consolidate its Operations from two other locations to this Property, which include a TSL

¹ Information on the conditional use permit can be accessed on the Adams County E Permit Center at <https://permits.adcogov.org/CitizenAccess/Default.aspx>.

terminal located at 9180 Boston Street in Commerce City and a TSL maintenance shop at 9685 Brighton Road in Henderson. As a result of this consolidation of businesses, it is anticipated that approximately 25 additional employees will be relocated to the Property. While contemplating the continued use of the Property for outdoor storage and stacking of shipping containers, the Applicant has determined that stacking of storage containers on site up to 40 feet in height is necessary to support the region's growing import and export market, which relies on intermodal shipping containers. The Applicant is also requesting a development permit in order to construct an addition to the existing commercial structure located on the Property. The building currently consists of offices utilized by shop managers and dispatchers, and a maintenance shop that includes three enclosed drive-through bays and one canopy bay. The proposed addition would add an additional eight enclosed drive-through bays and one wash bay to the maintenance shop, and renovate and expand the existing offices in order to accommodate the additional employees. In addition, the Applicant is proposing to pave the drive aisles with concrete. Additional information on the proposed building expansion and improvements to the site is included with the Development Plan and Conditional Use Permit Map (the "**Development Plan Map**") submitted with the Application, as well as the revised statement of operations, which is attached hereto as Exhibit A.²

The Application

While Section 21-5200 of the Code permits outside storage as a use-by-right in the I-3 Zone, the stacking of shipping containers higher than 20 feet is subject to approval of a conditional use permit (Code § 21-5254(7)(ii)). The Application proposes approval of a conditional use permit to allow stacking of shipping containers higher than 20 feet, but not to exceed 40 feet in height. The Applicant intends to continue using the Property for its Operations, and as originally intended and permitted by the County Permit, which is for storage and stacking of shipping containers, as well as for offices and a maintenance shop.

The City recognizes the stacking of shipping containers on the Property as a legal non-conforming use according to the October 26, 2021 pre-application meeting notes related to this Application, which state that "being that the storage and stacking of shipping containers has been occurring on this property for over 20 years, staff does not have an issue with the use of the property." However, while the County Permit originally approved stacking of shipping containers above the height of the fence, and not to exceed 40 feet, the Code limits the stacking of shipping containers to 20 feet in the I-3 Zone pursuant to Section 21-5254(7)(a)(ii). For shipping containers to be stacked higher than 20 feet, approval of a conditional use permit is required (Code § 21-5254(7)(a)(ii)). Therefore, the Applicant requests that the City grant a conditional use permit to allow the stacking of storage containers in excess of 20 feet in height, and not to exceed 40 feet in height.

The Applicant is also requesting approval of a development plan in conformance with Section 21-3212 of the Code to construct an addition to the existing commercial structure on the site to expand its current Operations. The current use of the structure for offices and maintenance shop will remain the same as it has since its construction. See Exhibit A for additional information on the Operations.

Conditional Use Permit

Pursuant to § 21-3230 of the Code, conditional use permits are considered by the Planning Commission and City Council at public hearings. After receiving a recommendation from the Planning Commission,

² The revised statement of operations has been updated to include information related to the addition of the development plan to the Application since the First Submittal.

the City Council is authorized to approve, approve with conditions, or deny the Application based on approval criteria set forth below.

Approval Criteria for a Conditional Use Permit (Code § 21-3230(3)(a) and (b)).

1. **The Application complies with the approval criteria for a conditional use permit set forth under Section 21-3230(3)(a) of the Code, as described below:**

The proposed use will not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, either as they presently exist or as they may exist in the future as a result of the implementation of provisions and policies of the comprehensive plan, this land development code, or any other plan, program or ordinance adopted by the city.

The current use of the Property will remain in place and is consistent with the surrounding area and uses. As stated earlier, the zoning of the Property, as well as many of the surrounding properties, is the I-3 Zone. Outdoor storage, as well as major equipment repair, is a use by right in the I-3 Zone, as listed on Table V-1 under Section 21-5200 of the Code. The surrounding properties consist of uses that are of similar, or of a more intensive nature, than what is being proposed under the Application, including industrial uses to the east, south and north, Union Pacific right-of-way directly adjacent on the west, and Interstate 76 in close proximity to the north. Based upon these surrounding uses, the proposed Application is compatible with the surrounding area and will not result in an undue adverse effect on the neighborhood.

In addition, the Property, as well as surrounding properties, are designated as the General Industrial future land use category (the “**General Industrial Category**”) under the City’s 2010 Comprehensive Plan, known as “C3 Vision” (the “**Comprehensive Plan**”). The Comprehensive Plan acknowledges that properties within the General Industrial Category should allow for a mix of medium and heavy industrial uses and production, and that primary uses include medium intensive and heavy industrial uses, with secondary uses that include warehousing and outdoor storage (p. 30). Goal LU4 of the Comprehensive Plan seeks to “retain existing industrial areas and land for future jobs” (p. 53). Therefore, by retaining and expanding the current use of the Property, the Application is achieving the vision for the future plans of the area under the Comprehensive Plan by maintaining and improving an industrial use and providing additional jobs in the area.

The building addition and additional stacking of shipping containers will not adversely affect parking or traffic in the area. All parking will be onsite, and comply with the Code, and will therefore not affect the surrounding area. In addition, the updated Traffic Impact Analysis prepared by Fox Tuttle Transportation Group (the “**Traffic Analysis**”), which has been provided with this Application, found that the current full movement access on Dallas Street can service the additional trips associated with the Application. The Traffic Analysis also indicates that the future planned improvements to widen 96th Avenue pursuant to the City’s Transportation Plan, which are not related to the Application, will further ensure that future traffic in the area is mitigated.

Any adverse effect has been or will be mitigated to the maximum extent feasible, including but not limited to sufficient landscaping and screening to ensure harmony for adjoining uses.

The Property frontage has a significant amount of mature landscaping that screens the Property from Dallas Street. In addition, there is existing fencing that surrounds the perimeter of the Property. Additional screening in the form of 8-foot vinyl screening fence is proposed along the

first 300 linear feet of the southern boundary of the Property. This will mitigate visual impacts of the use, as requested by City staff in its comment responses to the First Submittal (the “**Comments**”). The Applicant will restore any landscaping that is disturbed by development related to the Application, as required by Section 21-7520 of the Code.

The Applicant also intends to limit the stacking of shipping containers along the north and south property lines to three containers high, with stacking of containers four containers high limited to the interior of the Property in order to further mitigate impacts to adjacent properties. Although the proposed use is compatible with the surrounding area, this additional screening and buffering further mitigates any externalities within the area resulting in a more efficient pattern of industrial land uses. Finally, no stacking of shipping containers will occur in the front yard of the Property, further ensuring that visual impacts will not impact the surrounding area.

The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features.

The Property is currently being used for shipping container storage, as well as offices and a maintenance bay, and will continue to be used for that purpose. The proposed additional stacking of storage containers will not impact existing drainage on the site because stacking will occur within the storage yard where outdoor storage currently occurs on the Property. However, in order to address the additional paved drive aisles and proposed building addition, a drainage report has been provided with the Application, as requested by the Comments. In addition, stacking of shipping will not occur in the existing storm detention area. The Applicant will ensure that the detention pond is kept free of any storage within the boundary of the pond, as required by the Comments.

The proposed use will be adequately serviced by and will not impose an undue burden on any of the existing improvements, facilities, and services of the city or its residents. Where any such improvements, facilities, utilities or services are not available or are not adequate to service the proposed use in the proposed location, the applicant shall, as a part of the application and as a condition of approval, be responsible for establishing an ability, a willingness, and a binding commitment to provide such improvements, facilities, utilities and services in sufficient time to serve the proposed use.

The Property will continue to be utilized for the Operations, as it has been since the approval of the County Permit, which includes the storage of shipping containers. In addition, the use of the existing commercial structure on the Property will remain as it has been since its construction in 2000, which is for offices, as well as a maintenance shop. Because the Application does not propose to change the existing use of the Property, and improvements, services and utilities already exist and an undue burden will not be placed upon the City or its residents.

In addition, the Traffic Analysis found that the current road conditions are able to accommodate additional traffic proposed as part of this Application, and therefore improvements are adequate to service the proposed expansion of the existing use.

The applicant has provided adequate assurances of continuing maintenance.

The Applicant plans to occupy and continuously maintain the Property in accordance with federal, state and local regulations.

- 2. In addition, the conditional use permit must show that one of the following criteria under § 21-3230(3)(b) of the Code are met. The Application in fact meets both of these review criteria, as further described below.**

There is a community need for the use at the proposed location, given existing and proposed uses of a similar nature in the area and of the need to provide and maintain a proper mix of uses both within the city and the immediate area of the proposed use.

The expansion of the current Operations at the Property is appropriate given the surrounding businesses that are industrial in nature, as well as its proximity to the Union Pacific Railroad right-of-way and Interstate 76. Given the designation of the area within the General Industrial Category under the Comprehensive Plan, and the vision for this area, the expansion of Operations at this location meets a community need by maintaining industry and providing jobs for the City. It will also ensure that industrial uses remain in an area of the City that has been determined appropriate for such uses, rather than potentially expanding to areas that are not suitable for such uses. Further, the proposed use for stacking of shipping containers is a less intense use than may be otherwise permitted under the I-3 Zone, and of other existing surrounding industrial uses in the area, therefore ensuring a proper mix of uses within the area.

The proposed renovations will add value to the Property, increase efficiency of the Operations, and reduce greenhouse gas emissions and other environmental impacts through specific facility and fleet upgrades. This will be achieved by allowing the Applicant to implement a number of environmental stewardship efforts by streamlining support services for the Operations, and reducing gas emissions through specific upgrades to the existing facility. This will include a focus on reducing the use of fossil fuels from the Operations through efforts such as improving fuel efficiency of semi-tractors. The Applicant's environmental stewardship improvements are further described in the Revised Statement of Operations, attached hereto as **Exhibit A**.

The use complies with the general purposes, goals, objectives, policies, and standards of the comprehensive plan and all other plans or programs adopted by the city.

The Property is designated as the General Industrial Category under the Comprehensive Plan. The Comprehensive Plan acknowledges that properties within the General Industrial Category should allow for a mix of medium and heavy industrial uses and production, and that primary uses include medium intensive and heavy industrial uses. In addition, the Property is located within what is known as the Industrial Enclave Focus Area of the Comprehensive Plan, which provides policy direction that the area retain the industrial uses and jobs focus (p. 80). Goal LU4 of the Comprehensive Plan also intends to "retain existing industrial areas and land for future jobs" (p. 53). Therefore, the Property conforms to the General Industrial Category and future plans of the area under the Comprehensive Plan by maintaining an industrial use and providing additional jobs in the area by consolidating the Applicant's operations onto the Property.

Development Plan

Unless specifically allowed by the Director of Community Development (the "**Director**"), no building permit shall be issued, and therefore no development, excavation, site preparation, or construction activity shall occur until a development plan has been approved in accordance with Section 21-3212 of the Code. Pursuant to Section 21-3212(4) of the Code, the Director is authorized to approve, approve with conditions, or deny development plans based upon the criteria listed below. Therefore, a development plan is required for the addition to the existing commercial structure and related improvements on the Property.

Approval Criteria for Development Plans (Code § 21-3212(5)).

- Pursuant to Section § 21-3212(5) of the Code, a development plan may be approved if it meets the following criteria:

Complies with city standards.

As stated in further detail earlier in this Written Narrative, the Application conforms to City standards, including the requirements for a development plan and conditional use permit. The proposed use for the Property, is a use allowed by right, as listed by the City’s land use table under Section 21-5200 of the Code. In addition to the conformance standards previously discussed, the Application also conforms to the permitted uses under the I-3 District, which allows the outdoor storage, general warehousing and storage, major equipment repair, major vehicle repair, warehousing and wholesaling establishments excluding explosives and live animals (including accessory offices) as uses by right.³ In addition, the proposed building expansion complies with the applicable bulk standards for the I-3 Zone, which are identified under Table IV-15 of Section 21-4355 of the Code, and set forth as described below:

Bulk Standards for the I-3 Zone (As set forth under Table IV-15 of Section 21-4355 of the Code)		
Bulk Standard	Code Requirement	Property Compliance
Minimum Floor Area Ratio	0.05	The proposed addition to the existing building complies with this requirements as shown on the Development Plan Map. The total building area is proposed to be 31,223 square feet, with a Floor Area Ratio of 0.025.
Minimum Lot Area	50,000 square feet	The Property is approximately 28.2 acres, or 1,228,392 square feet and therefore complies with the minimum lot area requirements.
Minimum Lot Frontage	80 feet	The lot frontage is approximately 663 feet and therefore complies with the minimum lot frontage of 80 feet.
Building Setbacks	Front: 20 feet (minimum) / 100 feet (maximum) Side (interior lot): 25 feet (minimum) / no maximum Rear: 25 feet (minimum)	The building complies with all building setback requirements, except the 100 foot front building setback maximum. Section 21-5510(1) of the Code states that an expansion of a nonconforming structure is permitted if such alteration or expansion complies with the provisions of the Code. The Application proposes to add an addition to the front of the building, thus bringing the structure further into compliance than it currently exists, and therefore complies with Section 21-5510(1) of the Code.
Building Height	15 feet (minimum) / 50 feet (maximum)	The existing structure, and proposed addition, do not exceed 50 feet, and therefore comply with this requirement as shown on the Development Plan Map.

³ Note that additional uses are permitted in the I-3 District, however this Written Narrative has only included uses that are applicable to the Application.

Bulk Standards for the I-3 Zone (As set forth under Table IV-15 of Section 21-4355 of the Code)		
Bulk Standard	Code Requirement	Property Compliance
Open Space	No minimum.	Complies.
Building Location	No building shall be located less than 50 feet from the boundary of any residential zone district.	Complies. The Property and building are not within 50 feet of a residential zone district boundary.

Parking. The proposed parking for the Property complies with applicable use type under Table VII-3 of Section 21-7233 of the Code, being the Intense Industrial and Manufacturing use type, which states that 1 space/1000 square feet of warehouse and 1 space/300 square feet of office is required. This would require approximately 48.334 spaces to be provided based on the 7,668 square feet of office space, and 22,774 square feet of maintenance bays (or warehouse) proposed. The Application proposes 49 parking spaces, which includes accessible parking spaces. In addition, 1 bicycle parking space for every 20 vehicle parking spots is required, with a minimum of two spaces required (Table VII-4, Code § 21-7234). Two bicycle parking spaces have been provided.

Landscaping and Screening. The Comments acknowledge that the front landscaping does a good job screening the Property from the street, however requested additional screening along the southern boundary of the Property, and indicate that “screening of 8 – 10 feet may help.” The Application complies with the Comments related to landscaping and screening by proposing an 8-foot vinyl fence that extends along the approximately the first 300 linear feet of the southern boundary of the Property.

Lighting. A photometric study has been provided with the Application materials. Lighting is limited to the building, as well as the ingress and egress canopy at the southern portion of the Property. Lighting will be building mounted, and shielded, as shown on the photometric plan.

Is consistent with any previously approved subdivision plat, rezoning concept plan, or other plans or land use approvals.

As stated earlier, the use of the Property for storage of shipping containers above the fence height, not to exceed 40 feet, was approved by the County Permit. The Application is consistent with this previous land use approval. There are no other previously approved plans with the City that apply to the Application or Property. Development of the Property will comply with the approved Phelps-Tointon Industrial Park Filing No. 3 subdivision plat.

Provides adequate mitigation for any significant adverse impacts resulting from the use; and

The Property frontage has a significant amount of mature landscaping that screens the Property from Dallas Street. The adjacent properties are also industrial uses, and therefore will not be adversely impacted by the proposed expansion of the Operations. Nonetheless, the Application proposes an additional screened 8-foot vinyl fencing along the first 300 linear feet of the southern boundary of the Property to mitigate visual impacts of the use, as requested by City staff in its Comments. Although the proposed use is compatible with the surrounding area, this additional screening and buffering further mitigates any externalities within the area resulting in a more efficient pattern of industrial land uses. Additional concrete paving will also be added to drive aisles, which will eliminate dust and improve overall air quality.

Creates a positive precedent for the future cumulative development of the immediate area.

The Application proposes improvements that will enhance the Property and the surrounding area. TSL is committed to environmental stewardship and limiting its impacts on our planet, as evidenced by its voluntary membership with the United States Environmental Protection Agency's SmartWay Transport Partnership ("**SmartWay**"), which is a program that "helps companies advance supply chain sustainability by measuring, benchmarking, and improving freight transportation efficiency," according to the SmartWay website.⁴ The proposed improvements to the Property will allow the Applicant to achieve a number of sustainability efforts by streamlining support services for the area's burgeoning warehousing and logistics industry, and reduce gas emissions through specific upgrades to the existing facility, as discussed further by the revised statement of operations, attached hereto as **Exhibit A**. This will set a positive precedent for the area and the Property's neighboring businesses.

In addition, by allowing the additional stacking of shipping containers on the Property, the amount of land needed to accommodate this use is reduced or eliminated. This proposed use also allows an easy transition of the Property in the future to a commercial or other use, should the character of the area change in the future. The proposed additional screening and paving of the Property will provide additional positive impacts to the surrounding area.

Conclusion

In summary, the proposed conditional use permit meets the criteria set forth under §§ 21-3230(3)(a) and (b) of the Code, and the criteria set forth for a development plan in § 21-3212(5) of the Code. The Applicant is not proposing any changes to the current uses on the Property, and this Application is being submitted solely for the purpose of allowing stacking of shipping containers in excess of 20 feet in height, as expressly permitted by the Code, subject to approval of a conditional use permit, and to allow an addition to the existing structure and related improvements on the Property, subject to approval of a development plan.

We appreciate your consideration of this Application, and respectfully request the City's approval of the same. We look forward to working with you to successfully complete this process.

Sincerely,



Brian J. Connolly
For the Firm

BJC/alk

⁴ Find more information on SmartWay at <https://www.epa.gov/smartway>.

EXHIBIT A
TSL COMPANY HOLDINGS, LTD. RENOVATIONS AND EXPANSION

Drafted June 28, 2022
Revised March 16, 2023

Statement of Operations

TSL Company Holdings, LTD., and its affiliate, Crown Associates LLC (“Crown”, and collectively “TSL”) operates a container freight station at 10051 Dallas Street, Commerce City, Colorado (the “Property”). Operations at the facility include the management of intermodal container and chassis pool inventories for domestic and international shippers, container and chassis repairs, and storage of in-bound and out-bound shipments via semi-tractor. The site is approximately twenty-eight (28) acres in size. There is an 8,735 square foot three bay maintenance shop and office facility, where chassis, containers and refrigeration equipment are repaired. The offices are utilized by shop managers and dispatchers who are employed by TSL. The remainder of the site is utilized for storage of intermodal chassis and ISO containers. ISO containers are stored in stacks of up to three high, and at a maximum height of twenty-nine (29) feet.

In an effort to centralize operations, the decision was made in late 2021 to close the TSL container storage yard located at 9180 Boston Street in Commerce City, and the TSL maintenance shop located at 9196 Brighton Road in Henderson. Crown will continue to manage container storage services for steamship lines and chassis pools, while TSL will oversee maintenance and dispatch operations for both companies.

The proposed renovations will add value to the Property, streamline support services for the warehousing/logistics industry, and reduce greenhouse gas emissions through specific facility and fleet upgrades. The following is a synopsis of the improvements that TSL has proposed.

I. Yard Operations and Improvements

Container Storage. The project site has a current container storage capacity of approximately 1,200 containers, with stacking limited to a maximum height of 3 containers high, or twenty-nine (29) feet. TSL proposes to increase capacity to 3,900 containers at a maximum height of 4 containers, or thirty-eight (38) feet per stacking position within the interior of the Property. Stacking along the edges of the Property will be limited to a maximum height of 3 containers, or thirty (30) feet, in order to limit impacts on adjacent properties. The circulation drive aisles will be paved with concrete in order to demarcate how tractor traffic is to circulate through the site. This will eliminate dust on the site and improve air quality by eliminating airborne particulates.

Traffic Circulation. Semi-tractors, and employee and visitor traffic, currently enters and leaves the site through a single entrance located at the northern edge of the Property. There are three primary safety concerns with the Property’s current traffic circulation plan: 1) the site entrance is a point of conflict between personal vehicles and semi-tractors which may lead to a motor vehicle accident; 2) as employees and visitors leave the parking lot in front of the office/maintenance facility, there is an additional point of conflict as vehicular traffic exiting the site begins to merge towards the exit; and 3) semi-tractors check into the freight station at the main office, and then must proceed west past the maintenance bays. This creates a third point of conflict where equipment leaving a maintenance bay could collide with an inbound semi-tractor.

TSL is proposing to install a second entrance onto Dallas Street at the south end of the Property, along with a new check-in/dispatch structure, as shown on the Development Plan and Conditional Use Permit Map (the "Development Plan Map"). Semi-tractor traffic will enter and exit the site through this new entrance and then follow signage directing them through the site. The north entrance will become an employee only entrance. This will eliminate many of the points of conflict that now exist around the maintenance/office building.

On Site Fueling. Fueling operations, are to be upgraded to two 12,000 gallon on road diesel fuel tanks and one 12,000 gallon off road fuel tank. Fuel tanks will be double walled in order to protect against leaks, and sited so to protect against damage from semi-tractors and yard equipment, as shown on the Site Plan. The facility has in place a Stormwater Pollution Prevention Plan (SWP2) and Spill Prevention and Containment and Countermeasures Plan to ensure the risk of a spill is minimized. These plans are updated on a periodic basis to account for changes in operations

At present, TSL has on-site fueling only available for off-road equipment. Through this proposed expansion project, support equipment will be upgraded to utilize alternative fuels. However, the over-the-road fleet will continue to utilize diesel fuel. This is due to the scarcity of alternative fuel options in tertiary markets where our fleet often travels to. TSL, which manages and operates the semi-tractor fleet, is a SmartWay Transport Partner. The fleet is continually upgraded to take advantage of the latest advances in fuel efficiency and emission controls. To this end the fleet has an average unit age of 3 years.

II. Building Renovations and Expansion

Expanded Maintenance Operations

TSL proposes to expand the existing 8,735 square foot building to a total of 31,223 square feet, to include both expanded office space and maintenance bays. The existing maintenance shop that was constructed in 2000, which currently includes three enclosed drive-through bays and one canopy bay will be expanded to a total of eleven drive-through maintenance bays plus one wash bay. The maintenance shop will be utilized to repair container chassis, trailers, refrigeration equipment, yard equipment, and semi-tractors. This will eliminate the need to have semi-tractors and yard equipment ferried to a maintenance shop at 9680 Brighton Road for scheduled maintenance, a distance of 4.2 miles round trip. Furthermore, industrial waste is captured, recycled and/or disposed of per State and Federal guidance for industrial waste best practices.

Office Improvement and Expansion

The existing offices will be renovated to serve as the operations center for the maintenance facility. Features of the operations center will include parts and fluid departments, shop foreman offices, break room, and men's and women's locker rooms. Additional office space will be constructed at the east end of the facility. Expansion of offices are for existing personnel related to terminal operation and customer service. TSL plans on future expansion of these operations and will at a later time build out the offices. Wherever possible efforts will be made to utilize green building techniques, and materials that are sourced from producers that are carbon neutral.

III. Environmental Stewardship Improvements

TSL is committed to environmental stewardship and limiting its impacts on our planet. As part of this commitment, the company is focused on eliminating fossil fuels from its operations and has been a member of the United States Environmental Protection Agency's SmartWay Transport Partnership for more than a decade. Most of these efforts have focused on improving fuel efficiency of semi tractors. TSL is committed to taking these efforts further by reducing greenhouse gas emissions from our terminal facility operations.

Shore Power. Temperature sensitive exports such as meats, dairy products, and shelf stable consumer staples comprise a major portion of the exports from the High Plains Region. The refrigerated containers that are needed to keep these shipments fresh though are also a major source of greenhouse gas emissions. TSL will be installing fourteen (14) Electric Trailer Refrigeration Unit (eTRU) docking stations with capability to charge up to 42 trailers. These docking stations will allow for the refrigeration units on containers to connect to the power grid and bypass the eTRUs onboard diesel generator. This will eliminate the use of an estimated 56,940 gallons of diesel fuel, or 1,355 barrels of oil a year.

Semi-Tractor Plugins. Semi-tractors idling while drivers are on breaks is a major source of vehicle emissions in the trucking industry. To counter-act this, many of the units in the company's fleet are fitted with Auxiliary Power Units ("APU(s)"). APUs provide heating and cooling to the tractor cabin and power to the tractors auxiliary systems. The APU can also be connected to the local power supply when parked. This eliminates the need for the APU to run its generator.

Electric Semi-tractors and EV Charging. By the end of this year TSL will begin to introduce electric semi-tractors in select markets throughout the United States. These tractors will be used to make deliveries in urban areas near the terminal where they are domiciled. In addition, electric yard hostlers will also be introduced, leading to a further reduction in vehicle emissions.

Solar Energy Improvements. As part of the proposed expansion to the office and maintenance building, TSL is considering the installation of solar panels across the roof of the building. The energy generated by these panels will be used to power the building, shore power stations, and EV charging stations. Excess power will be stored in battery packs or sold back to the local power grid.

Cargo Container Stacking Standards and Safety Measures

TSL Company Holdings, LTD., and its affiliate, Crown Associates LLC (“TSL”), intends to store international and domestic shipping cargo containers (“containers”) at 10051 Dallas Street in Commerce City, Colorado (“Property”). There are a number of safety regulations and measures that that will be taken in order to ensure the safe stacking of the containers on the Property.

The type of containers that will be stored on the Property are steel boxes that are designed to be incredibly secure against water, wind, residue, and a variety of other environmental factors. Their frames are comprised of square beams that distribute the weight of the container and the load towards the corners of the box. This ensures that the load is evenly distributed whether the container is hooked to a chassis, or stacked on a vessel, or in a terminal yard. These containers are used in international and domestic shipping and therefore must adhere to strict design standards. The standards are outlined by the International Organization for Standardization (“ISO”) regarding their size and stability, and every cargo container must also be certified by the International Convention for Safe Containers (“CSC”).

The CSC affixes a stainless-steel certification plate to each container after it passes certification. The plate contains information on the manufacturer's model number, container serial number, manufacturer name and address, maximum operating gross mass, allowable stacking weight, racking test weight, steamship line container number, fumigation details, and date of manufacture. Containers are certified for a period of five years, and must be inspected at 30 months, and again at 60 months for recertification.

When containers are stored at a terminal yard (or container storage yard), there are standards that terminal operators must follow to ensure containers are stored safely and securely.

Terminal Yard Surface. The ground in the terminal yard must be stable in order to prevent container lift issues when maneuvering containers. The Property will be comprised of either a compacted rock or concrete surface with nominal (i.e., 0.5% to 1%) change in elevation in any areas where container storage will take place. Container lift on-board safety equipment prevents the lift from releasing a container unless it is “level,” meaning the deviation in elevation is not greater than 2%. If there is greater than a 2% deviation in elevation, lift programming assumes that 1) the container is hanging in the air and not resting on a solid surface, 2) the container itself contains an unstable load, or 3) the container stack the container is resting on is unstable.

Therefore, the planned compacted rock and paving of the site and limited elevation change of the Property will provide additional safety measures to prevent containers from falling.

Container Inspections. Upon entering the terminal yard, the doors of the container are opened (with the exception of loaded containers) to check that the container is indeed empty and cleared of any trash or packing materials. Damage to the floors, walls, ceiling, doors and frame are also documented for repair. If a container is deemed to require significant repairs, it is placed in a hold area away from the container stacks. If upon further inspection, the container is deemed unsuitable for cargo it is scraped per the instructions of the container’s owner.

Loaded Container Stacking. Containers containing freight will be stacked no higher than two containers high, which is consistent with industry standards and the need to quickly access the containers for delivery.

For this reason, loaded containers will be stacked along the perimeter of a container yard. This will provide an additional protective wall that prevents empty containers from falling and rolling into fence line or into neighboring properties.

Empty Container Stacking. Containers will be stacked no higher than four containers high within the interior of the Property and no higher than three containers high along the perimeter of the Property. A stacking height of four containers high is consistent with industry standards. This limit on stacking of containers ensures maximized stability by providing for corner posts alignment that is one on top of the other. In addition, containers will be stacked in boxed groups, with every level of containers added to a stack being widened by the same number. This ensures a shared mass that adds additional stability to the stack and reduces the risk of containers falling due to a high wind or other event.