



Use-by-Permit Case #AU25-0002

Board of Adjustment Date: March 10, 2026

General Information

Project Name	Vertical Bridge Use-by-Permit
Location	4304 E 60 th Ave
Site Size	4.7 acres
Current Zoning	I-3 Heavy Intensity Industrial District
Applicant	Vertical Bridge
Property Owner	Hooper Investments LLC
Case Planner	Kathleen Taylor

Request

Vertical Bridge is requesting a use-by-permit to allow for a 70-foot tall telecommunications tower and associated 2,500 square foot platform for associated equipment. The facility will allow for co-location of multiple service providers.

Background and Case History

The subject site is zoned I-3 Heavy Industrial and occupied by an existing business - Complete Fleet Services. There is room behind an onsite building for the telecommunications tower and related equipment. A new non-concealed monopole is allowed in Industrial zoning with approval of a use-by-permit, pursuant to Land Development Code (LDC) [Sec. 21-5602 Table V-5](#).

Project Analysis

Site Overview & Overall Analysis

The site takes access at the end of East 60th Avenue and backs up to the ramp of I-270 to Highway 85. The site has three buildings, and the telecommunications tower would be located just west of the front building. A floodplain runs through the site but is not located in the portion where the facilities will be located.

Comprehensive Plan Consistency

The property is located within the 270 Industrial District Character Area. Telecommunications are not called out specifically in that character area, but it fits in with the industrial properties. The telecommunication facility would be a secondary use to the business already on site. The following is a description of how the project is consistent with the Comprehensive Plan.

- Character Area Goal 4 *Utilize the land development code standards to improve the City's overall urban design, quality of life, and connectivity through strong regulations.*
 - The provision of cellular services will serve to improve quality of life and provide connectivity of service. The construction of the facility will allow for multiple companies to co-locate on the monopole.
- Character Area Goal 6 *Prioritize infill projects as well as redevelopment within the City to minimize the need for additional infrastructure improvements.*
 - The telecommunication tower and related equipment is infill development. Allowing for co-location on the monopole will minimize the need for additional monopoles.
- Public Facilities and Infrastructure Goal 2 *Maintain high-quality public safety and emergency response services.*
 - Installation of the facility will provide additional infrastructure to preserve communication during an emergency.
- Goal 5 *Ensure appropriate, high-quality infrastructure to accommodate community needs and future growth.*
 - The telecommunications facility as approved with this application will aid in accommodating future growth.

Public Comment

City Staff provided public notice per the Land Development Code Standards, including publication in the Commerce City Sentinel, posting of one sign on the site, and mailing of fliers to all property owners within 500 feet of the subject property. No letters, emails, or phone calls from the public were received regarding the proposed use-by-permit.

Application Review

The proposed variance was reviewed by all relevant Development Review Team agencies, including the City of Commerce City Planning Division, Geographic Information Systems Division, Parks, Recreation and Golf Department, Department of Economic and Community Vitality, Engineering Review Division, Traffic Division, & Energy, Equity, and the Environment Division, the South Adams County Water and Sanitation District (SACWSD) and South Adams County Fire Department with no comments or all comments addressed. At this time, there are no outstanding concerns from any of the aforementioned referral agencies related to this Use-by-Permit request.

Use-by-Permit Approval Criteria

A decision for this case must be based on the following criteria from [Sec. 21-3221\(3\)](#) of the Land Development Code. An application for a variance may be approved if:

- (a) All of the following criteria are met:**

Criteria (i): The use at the proposed location 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. Such compatibility may be expressed in appearance, architectural scale and features, site design, and the control of any adverse impacts, including noise, dust, odor, lighting, traffic, safety, and impact on property values of the surrounding area;

The adjacent properties are all industrial, so construction of a monopole will fit in with the industrial character of the area. All setback requirements have been met. The housing will be well screened by a fence. The applicant has submitted two pictorials in Figure 6 which illustrates how the monopole will look in the area. The pictorials demonstrate that it will visually fit in with the surrounding area.

Criteria (ii): The characteristics of the site are suitable for the use considering size, shape, location, topography, existence of improvements and natural features; and

The characteristics of the site appear suitable for the proposed telecommunications tower and associated equipment. The floodplain has been completely avoided and the monopole and equipment will be located behind a building. Attachment 3 also illustrates that it visually will fit in with the surrounding area.

Criteria (iii): The use at the proposed location will be adequately served by and will not impose an undue burden on any of the improvements, facilities, and services of the city, special districts, or its residents. Where any such improvements, facilities, utilities or services are not available or adequate to service the use in the proposed location, the applicant shall, as a part of the application and as a condition of approval of the use-by-permit, 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; and

The area surrounding the subject property is already developed with similar land uses and the tower itself will serve to provide better quality cellular services to the surrounding community. The proposed use will impose any undue burden on any improvements.

(b) One of the following criteria is met:

Criteria (i): The use is in harmony with the general purposes, goals, objectives, and standards of the comprehensive plan or any other plan or program adopted by the city; or

The application is consistent with the comprehensive plan goals found in both the Character Area Chapter and the Public Facilities and Infrastructure Chapter. Refer to the goals below.

- Character Area Goal 4 *Utilize the land development code standards to improve the City's overall urban design, quality of life, and connectivity through strong regulations.*
 - The provision of cellular services will serve to improve quality of life and provide connectivity of service. The construction of the facility will allow for multiple companies to co-locate on the monopole.
- Character Area Goal 6 *Prioritize infill projects as well as redevelopment within the City to minimize the need for additional infrastructure improvements.*

- The telecommunication tower and related equipment is infill development. Allowing for co-location on the monopole will minimize the need for additional monopoles.
- Public Facilities and Infrastructure Goal 2 *Maintain high-quality public safety and emergency response services.*
 - Installation of the facility will provide additional infrastructure to preserve communication during an emergency.
- Goal 5 *Ensure appropriate, high-quality infrastructure to accommodate community needs and future growth.*
 - The telecommunications facility as approved with this application will aid in accommodating future growth.

Criteria (ii): There is a proven 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 or maintain a proper mix of uses both within the city and the immediate area of the proposed use.

Cell phones are widely used and integral to the communication and emergency service needs of the community. The tower will improve services to the surrounding area.

Staff Recommendation

Planning staff found that the application meets all the approval criteria found within [Sec. 21-3221\(3\)](#) of the Land Development Code, and therefore Planning staff recommends the Board of Adjustment approve case AU25-0002.

Considerations for Discussion

1. The use-by-permit is for 70-foot high telecommunications tower.
2. The use is allowed within the I-3 zone but requires approval of a use-by-permit.
3. Neighboring property owners were notified about the use-by-permit and provided an opportunity to comment and attend the Board of Adjustment.
4. The applicant has demonstrated compliance with the approval criteria.
5. The variance was reviewed by all relevant Development Review Team (DRT) agencies and there are no outstanding comments or concerns.

Potential Motions

Approval

*I move that the Board of Adjustment enter a finding that the requested **use-by-permit**, for the property located at **4304 E 60th Ave** contained in case **AU25-0002**, meets the criteria of the Land Development Code and based upon such finding, approve the **Use-by-Permit**.*

Approval with Conditions

*I move that the Board of Adjustment enter a finding that the requested **use-by-permit**, for the property located at **4304 E 60th Ave** contained in case **AU25-0002**, meets the criteria of the Land*

*Development Code and based upon such finding, approve the **Use-by-Permit** subject to the following conditions:*

[Insert Conditions]

Denial

*I move that the Board of Adjustment enter a finding that the requested use-by-permit, for the property located at **4304 E 60th Ave** contained in case **AU25-0002**, fails to meet the criteria of the Land Development Code and based upon such finding, deny the Use-by-Permit.*

Figure 1. Aerial Map

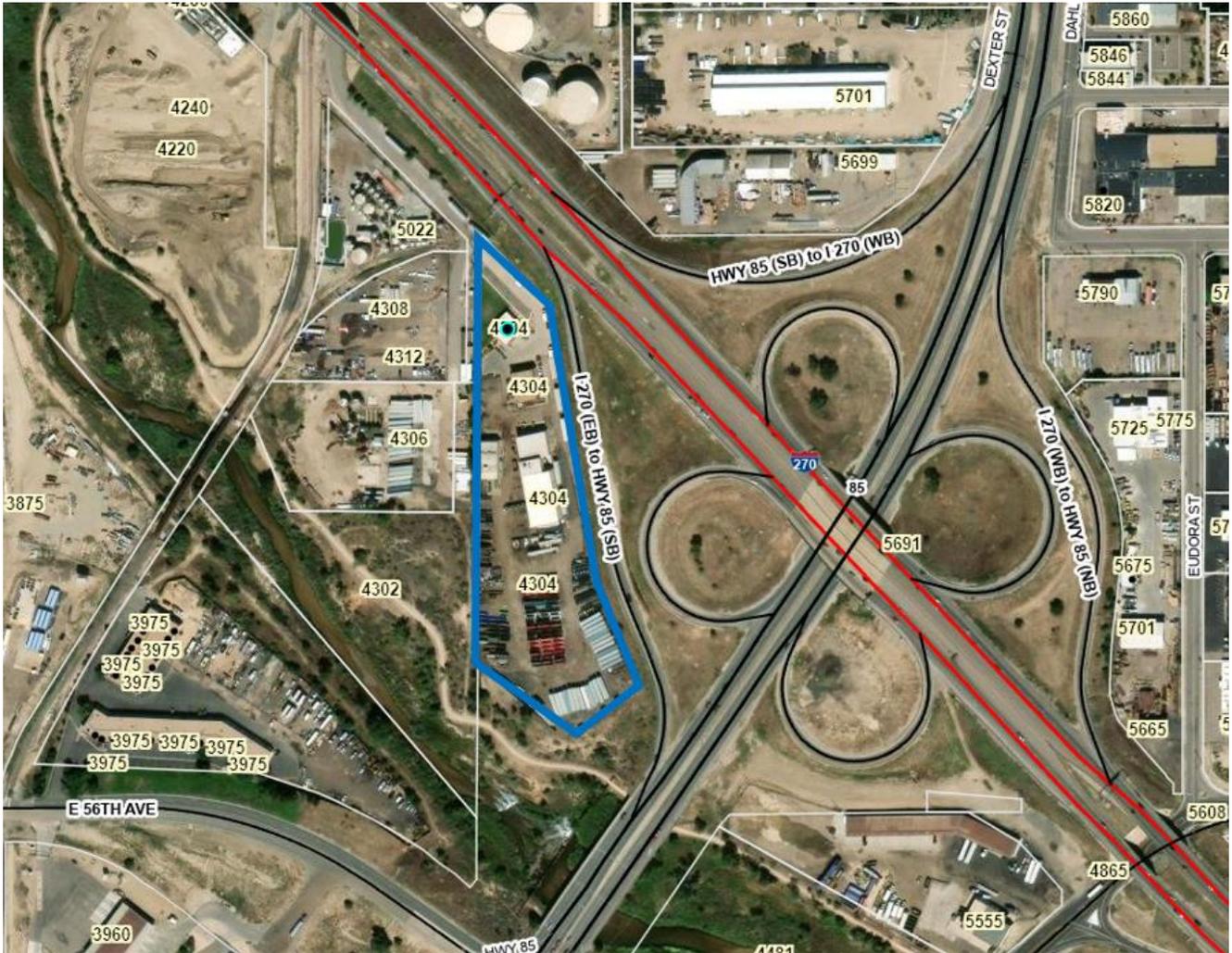
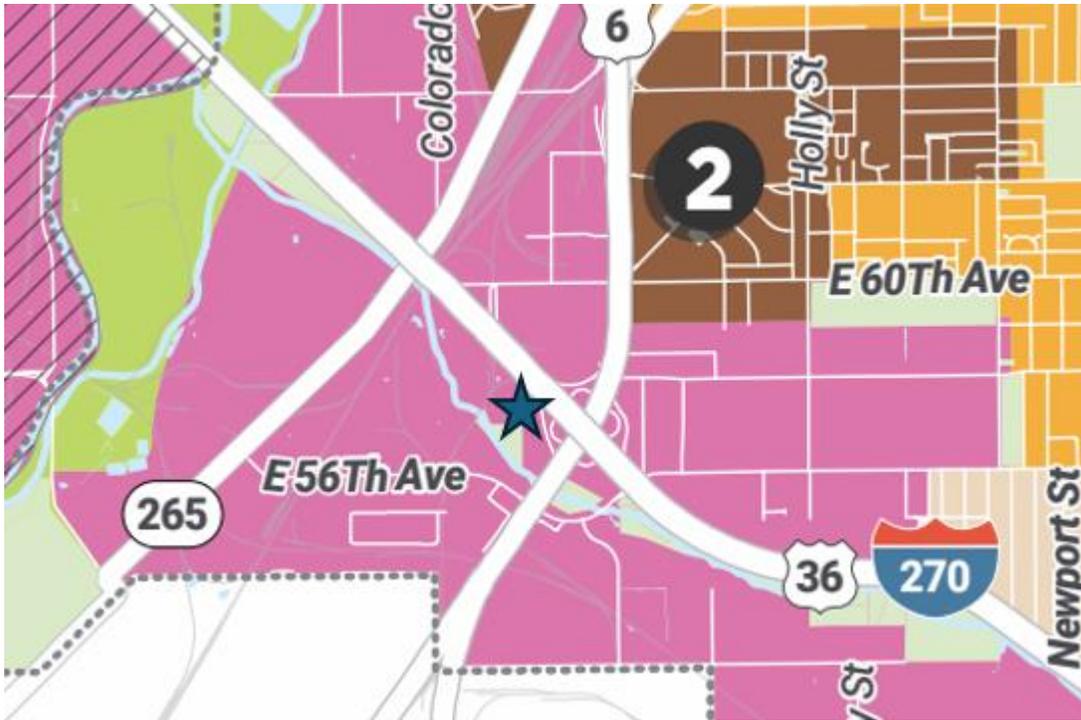


Figure 2. Character Areas Land Use Map



- 1** 270 Industrial District
- 2** Community Connection District
- 4** Central Neighborhoods



Figure 6. Photo Example of the Associated Equipment



Attachment 1: Vicinity Map

Attachment 2: Applicant's response to the criteria

Attachment 3: Pictorial