



**Legistar I.D. #15500**  
**4002 – 4058 Kipp Street**  
**Conditional Use**

**Report Prepared By:**  
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**Planning Division**

The Plan Commission referred this item to the meeting of September 14, 2009 in order for the applicant to provide a revised site plan that provides further separation between the facility and nearby residences. In response, the applicant has prepared a revised site plan and some additional supporting documents.

### **Revised Site Plan and Supporting Documentation**

The revised plan includes the following modifications:

- The parking area and building are shifted roughly 35 feet to the east and 10 feet to the south.
- A six-foot tall (35 foot-wide) berm lines the north western portion of the property.
- The berm will be planted with two rows of evergreen trees.
- An eight-foot tall solid wooden fence will sit atop the berm.

The applicant has also provided detailed section drawings of the berm and fence, depicting potential site lines between the adjacent residential properties and the facility.

The applicant has met with Planning Division staff to discuss the revised plans. The Pellitteri's and their agent indicated that several different site plan options were considered, including a complete re-orientation of the site. The proposed revision is their preferred solution. Site constraints, such as bedrock conditions and high ground water tables in other parts of the site provide challenges in locating this particular building. They note that this building essentially requires a split-level design, with a portion of the facility floor needing to be lower than the rest of the facility. The applicant has further noted that another site planning goal is to maintain areas for future expansion. Conceptual layouts for Phase II are shown and a Phase III future area is also shown, however, these phases are NOT before the Commission at this time and will require separate approval.

Planning Division staff believes that the revised site plan is a significant improvement over the original submittal, especially relating to screening. The berm, solid-wood fence, and evergreen plantings should be able to substantially visually screen activities at the facility and in particular truck movements from nearby residences, especially as the vegetation matures. The applicant proposes to plant a combination of Black Hills Spruce and Colorado Green Spruce, which would generally grow to a height between 30 and 60 feet tall. The proposed planting size would be five feet in height. Prior to the maturing of vegetation, staff note that the eight-foot tall wood fence will provide additional screening. As previously noted, any approval should be subject to staff approval of a detailed landscape plan.

Potential noise impacts were another concern raised by both the Planning Division and several testifying at the previous public hearing. The modifications to the site plan including the berm, fence, and associated landscaping may have some impact in further reducing noise impacts on surrounding properties. A revised acoustical study provided by the applicant estimates that sound levels at the property line of the closest residential lot should be between 50 and 54 dBA under the revised site plan. That study further notes that shifting the building an additional 15 feet to the east would have negligible perceived sound impacts. This one-page study is attached.

### **Applicant Requests for Amended Conditions:**

The applicant has also requested the following clarifications / amendments to previously recommended conditions:

#### *Recommended Condition #2 (Planning Division)*

The previously recommended condition states "That all trucks shall be fully enclosed or covered when on the property and outside of the building." The applicant requested that this condition be modified to not apply to empty vehicles. As this condition was primarily intended to limit the spread of debris across the site and area, staff don't object to this modification.

#### *Recommended Condition #6 (Planning Division)*

The previously recommended condition states "That the applicant conducts a daily site and area inspection which would include collecting any litter on the grounds, along fence line or on the public roadways within **one-half mile** of the site per the materials provided to the Plan Commission." This condition was included by the applicant in the original letter of intent. The applicant has sent a follow-up email requesting this "clean-up" area be reduced to the subject property along with Kipp Street and Tradesmen Parkway (please see attached email). The applicant notes that other truck traffic, including traffic from other waste companies, utilize other streets within one-half mile. Pellitteri does not wish to be responsible for the daily monitoring of debris that may result from others.

Staff acknowledge the original language provided by the applicant was fairly ambitious and unique in its scope. Staff don't necessarily object to this change, as the primary proposed truck routes serving this facility do not pass by residential properties and neighborhoods near the site. However, staff recommend that any change to this condition be finalized after input from the public hearing. Further, on-site cleanup should apply to the entire site, not just the fence line area noted in the attached email.

### **Additional Neighborhood Opposition Letters**

Since the last public hearing, the Planning Division has received two letters of objection from residents in the Lost Creek Subdivision regarding this proposal. These are attached.

### **Conclusion**

Staff believe the revised plan better addresses the conditional use standards and should lessen some of the concerns about screening this facility. The Plan Commission will need to carefully consider the new information along with public hearing testimony in finding whether or not these standards are met.

Staff recommend that should the Commission find the standards are met, approval should include the recommended conditions from the attached August 17 staff report (and any modifications, including those discussed above). Please see the original report for additional information.