



Re-submittal Form

Case Name/ Number: RCU2023-00056

Case Manager: David DeBoskey

Re-submitted Items:

- ☒ Development Plan/ Site Plan
- ☐ Plat
- ☐ Parking/ Landscape Plan
- ☐ Engineering Documents
- ☐ Subdivision Improvements Agreement (Microsoft Word version)
- ☒ Other: Neighbor Letters of Support

*** All re-submittals must have this cover sheet and a cover letter addressing review comments.**

Please note the re-submittal review period is 21 days.

The cover letter must include the following information:

- Restate each comment that requires a response
- Provide a response below the comment with a description of the revisions
- Identify any additional changes made to the original document

For County Use Only:

Date Accepted:

Staff (accepting intake):

Resubmittal Active: Engineering; Planner; Right-of-Way; Addressing; Building Safety;

Neighborhood Services; Environmental; Parks; Attorney; Finance; Plan Coordination



T 303-333-9810
F 303-333-9786
360 South Garfield Street
Sixth Floor
Denver, Colorado 80209

January 17, 2025

Adams County Planning and Development Division
Attn: David DeBoskey
4430 South Adams County Parkway
Brighton, CO 80601

**Re: RCU23-00056 - FGMC Representation of Applicant and Comment #3
Response and Resubmittal**

Dear Mr. DeBoskey:

Marisa Beaver, the owner of the real property located at 33950 E 152nd Avenue, Brighton, CO 80603 (parcel #0156518100002) and the applicant for RCU23-00056 (“Application”), has engaged Foster Graham Milstein & Calisher LLP (“FGMC”) to assist with the Application. FGMC has been working with County Staff to prepare a resubmittal for the Application and clarify certain items associated with this request.

This letter contains the Applicant’s responses to the County’s Review Comments #3, as shown below. Furthermore, the materials attached to this letter are the Applicant’s revised Written Explanation of the Project, revised Site Plan, and Neighborhood Letters of Support.

PLANNING COMMENTS

PLN1: *Request to store 5 trailers and 3 over-sized vehicles. Storing them in a proposed warehouse (4,000 sq. ft).*

Response: Please see the revised Written Narrative attached to this letter, which clarifies the request for the commercial vehicle storage on the Property.

PLN2: *(summarized for convenience) A list and count of vehicles stored on site.*

Response: Please see the revised Written Narrative attached to this letter, which clarifies the request for the commercial vehicle storage on the Property and outlines the numbers and types of vehicles.

PLN3: *Based on the regulations below, the maximum amount of vehicles that can be stored outdoors is 5, no matter the size of the lot.*

This is for ALL vehicle types. You must reduce 4-03-03-02-14 STORAGE, AND PARKING OF VEHICLES

Prohibited Vehicles: No vehicle in excess of seven thousand (7,000) pounds gross vehicle weight (G.V.W.) shall be kept, stored, or parked in a residential or agricultural zone district except by Conditional Use Permit. This shall include, but is not limited to, tractor trailers, over-the-road semi-trucks, road cleaners, motor graders, tow trucks, and similar maintenance or construction equipment. This prohibition does not apply to recreational vehicles, personal non-commercial vehicles, and agricultural equipment used for agricultural purposes.

Storing and Parking Vehicles: Vehicles that are allowed to be stored or parked in agricultural and residential zone districts, include but are not limited to boats, boat trailers, trailers, campers, fifth-wheel trailers, motor homes, stock cars, ski mobiles.

The storage or parking of any vehicle in any zone district must meet the standards listed in this section.

Total Number Vehicles Stored

Lots less than 1 Acre: A total of two (2) vehicles, may be stored outdoors.

Lots of 1 Acre or More: A total of two (2) vehicles per acre, with a maximum of five (5) vehicles may be stored outdoors.

Response: **This Application is for the storage of the commercial vehicles outlined in the Written Narrative attached to this letter. As reflected in the referenced code section, these vehicles are only permitted with an approved Conditional Use Permit. The 5-vehicle maximum only applies to storage of vehicles *without* a Conditional Use Permit. The Written Narrative outlines the number and type of vehicle included in this request.**

PLN4: *The fence is 8ft tall. Where else do you plan putting fencing? To the west, like the site plan shows? Is that what the permit is for? Or is that for the northern fence? Will the fence be 8 feet all around? To the south? How far away from the future warehouse? Will the fence be 8 feet tall because some of the oversized vehicles are planned to be parked/stored outside? Why 8 feet? If it's just to hide the RV then it's not necessary. What is the estimated timeline for the creation of a warehouse and fencing?*

The regulation aforementioned, 4-03-03-02-14 details that there cannot be more than 5 vehicles stored outside. This includes ALL vehicles (no matter the size and use). The last review, it appears that I have given you a misrepresentation of the code. Note these three sentences:

(1.) "The storage or parking of any vehicle in any zone district must meet the standards listed in this section."

(2.) "Lots of 1 Acre or More: A total of two (2) vehicles per acre, with a maximum of five (5) vehicles may be stored outdoors."

(3.) “A vehicle is “stored” on a property when it is located on the same property for a period of seventy-two (72) hours or more.”

Only 5 vehicles can be stored outside. You must select those 5 and show that on the site plan.

Response: Please see response above and the Written Narrative for discussion of the number of vehicles included in this request. Please see the updated Site Plan for information on the fencing.

PLN5: *Have those 2 lights been replaced? Can you resubmit an updated site plan of the driveway with lights?*

Response: Please see the revised Site Plan included in this resubmittal.

PLN6: *Can you resubmit with an updated site plan showing the driveway and pathways with labeled material of the driveway/pathways? Are asphalt fines? Recycled asphalt? At what hours will the lights be on?*

Response: Please see the revised Site Plan included in this resubmittal.

PLN7: *Are you the drivers for all these vehicles? Or do other people who live with drive these vehicles too?*

Response: The Applicant is the primary driver of the commercial vehicles, but there are also, at times, other employees who deliver/drop off the vehicles for storage. Please see the revised Written Narrative attached to this letter for additional information.

PLN8: *The site plan shall not have photographs of parking spots. All parking spots must be drawn or generated the same way as any other parts of the site plan. What type of material will the parking surfaces be made of? If they will, then the parking spots should be demarcated in such a way that the spots stay defined. One acceptable measure for recycled asphalt surfaces are parking space stoppers.*

Response: Please see the revised Site Plan, which labels the parking area.

PLN9: *The site plan includes trees, do you intend to include more landscaping? County landscaping standards for bufferyards dictates all bufferyard landscaping is on the outside of the fencing. Proper visual buffering aides the applicant’s proposal. It might be something that you think about. Refer to 4-19-06 of the development standards and regulations for bufferyard design guidance.*

Response: Noted; the Applicant will continue to evaluate landscaping options.

PLN10: *In your 9/12 email, you mentioned a “shop”. Where is this shop on the site plan? What is the shop for? What is the timeline for the construction for the warehouse?*

Response: Please see the revised Written Narrative attached to this letter and the revised Site Plan for more information on the proposed new 4,000sf outbuilding. The Site Plan shows the location of the same. The Applicant intends to pursue building permits for this outbuilding upon approval of the Conditional Use Permit.

ENGINEERING COMMENTS

ENG1: *Applicant must submit finalized site plan including all proposed improvements to site (parking pad, new buildings, fencing, etc.). Dimensions should be included and total impervious area to be added to site clearly shown.*

Response: Please see the revised Site Plan included in this resubmittal.

This letter, along with Applicant’s revised Written Explanation of the Project, revised Site Plan, and Letters of Support, constitute the resubmittal for RCU23-00056. We look forward to working with County Staff on this Application. Please do not hesitate to contact me should you or Staff have any questions about this resubmittal.

Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Erik N. Carlson".

Erik N. Carlson
for

FOSTER GRAHAM MILSTEIN & CALISHER, LLP

WRITTEN EXPLANATION OF THE PROJECT

I. Applicant Introduction

A Mustard Seed Construction Company is a Colorado-based, woman-owned and operated construction business that specializes in construction management, demolition, utilities, excavation, and sewer work. Chris and Marisa Beaver (“Applicant”) own the real property located at 33950 E 152nd Avenue, Brighton, CO 80603 (parcel #0156518100002) (“Property”) which is a 36-acre lot in the A-3 Agricultural Zone District (“A-3 District”). Marisa is a part owner of A Mustard Seed Construction Company alongside her business partner, Kara Wasserburger. A Mustard Seed Construction Company is located and operated at 6510 E 49th Ave, Commerce City, CO 80022. This office location for A Mustard Seed Construction Company has become too small to hold all of the equipment and vehicles needed for the business. Therefore, due to the semi-rural and large lot character of the neighborhood, Chris and Marisa purchased the Property in 2022 with the primary intent of living at the Property, while also utilizing the remainder of the Property for limited storage of vehicles related to Marisa’s growing business.

The Applicant is requesting a Conditional Use Permit (“CUP” or “Application”) for special warehousing and storage to allow the storage of up to twenty-six (26) commercial vehicles on the Property (“Vehicles”). The storage of the Vehicles will be partially outdoors and partially inside a proposed new 4,000 sf outbuilding. This CUP would allow the Applicant to keep Vehicles on the Property when they are not at a job site to avoid the expense of buying or renting commercial warehouse space. The Applicant believes this dual-purpose use of the Property conforms to the character of the neighborhood. Lastly, the Applicant has significant support from surrounding property owners for this CUP.

II. Written Explanation of CUP Application

This Application is a request for a CUP that allows the storage of the Vehicles on the Property, both indoors and outdoors. Per Section 3-07 of the Adams County Standards and Regulations (“Regulations”), special warehousing and storage is a conditionally permitted use in the A-3 District. Storage is defined as “The keeping of machinery, equipment, vehicles, including recreational vehicles, parts, materials, or other goods at the same location for a period of time in excess of seventy-two (72) hours,” and warehousing is defined as “Terminal facilities for handling freight with or without maintenance facilities.”¹ This Application does not seek any warehousing, but requests the storage of the Vehicles and the construction of the new outbuilding. The Vehicles include the following:

¹ Regulations § 11-02-558; 11-02-653.

TRAILER/ EQUIPMENT/ HEAVY TRUCKS OR STANDARD VEHICLE	QUANTITY
HEAVY VEHICLE	5
TRAILERS	4
EQUIPMENT - Excavators/Skid/Tractor/Loaders	9
STANDARD VEHICLES	8

Importantly, due to the nature of A Mustard Seed Construction Company's operations, it is unlikely that all, or even most, of the Vehicles will be stored on the Property at the same time because many of the Vehicles spend most of the time at jobsites. Accordingly, twenty-six (26) is the maximum number of Vehicles, but not the daily or typical number of vehicles. The Vehicles will leave the Property for days or weeks at a time while at a jobsite, only returning to the Property intermittently in between jobs. Thus, this CUP Application is only for the storage of commercial Vehicles when they are not at a job site. Furthermore, **there will be no construction activities taking place on the Property.** The accessory outbuilding will conform with the performance and dimensional standards required in the Regulations. **Exhibit A** hereto includes the proposed site plan for the Property, which shows the location of the proposed outdoor storage area as well as the location of the proposed new outbuilding. **Exhibit B**, attached hereto, includes letters of support from neighboring property owners.

III. Applicable Regulations

This Application was filed in 2023 and the Applicant has worked with County staff to develop a CUP request that will best fit with the neighborhood as set forth by the Regulations. In September of 2024, the applicable performance standards for commercial vehicle storage were amended.² Prior to September 2024, the Regulations stated, “No vehicle in excess of seven thousand (7,000) pounds gross vehicle weight (G.V.W.) shall be kept, stored, or parked in a residential or agricultural zone district except by Conditional Use Permit.”³ The new Regulations remove this language and institute a new procedure for administrative review permits or special use permits to allow commercial vehicle storage. However, because this Application has been pending since 2023, the Regulations in place at the time of Application shall be applied to this Application. Therefore, the Applicant is seeking a CUP for the storage of commercial Vehicles on the Property pursuant to the Regulations in effect at the time of Application submittal in 2023.

IV. CUP Approval Criteria Analysis

To be approved, an application for a conditional use permit must meet all of the criteria in Section 2-02-09-06 of the Regulations. The Application meets each of the criteria in Section 2-02-09-06 as follows:

1) The conditional use is permitted in the applicable zone district.

As evidenced by the use chart in Section 3-07 of the Regulations, special warehousing and storage is permitted with a CUP on the site. The applicant’s request for the storage of the Vehicles consistent with the definition of special warehousing and storage. Storage is defined as “The keeping of machinery, equipment, vehicles, including recreational vehicles, parts, materials, or other goods at the same location for a period of time in excess of seventy-two (72) hours,” and warehousing is defined as “Terminal facilities for handling freight with or without maintenance facilities.”⁴ This request does not seek any warehousing or maintenance on the Vehicles. Therefore, the conditional use is permitted in the A-3 District.

2) The conditional use is consistent with the purposes of these standards and regulations.

The purpose and intent of the Regulations is to “assist the orderly, efficient, and integrated development of the County, in order to preserve the health, safety, and welfare of the public,

² Regulations § 4-03-03-02.

³ Regulations § 4-03-03-02-14.

⁴ Regulations § 11-02-558; 11-02-653.

in accordance with established County policies and plans.”⁵ Due to the large lot sizes and semi-rural character of the area, residents seek to utilize their properties for storage related to their businesses and occupations. The Property is located in an area where other CUPs for vehicle storage were issued, such as at 33503 East 152nd Ave for Weigert Trucking (RCU2023-00025). The Application for special warehousing and storage is appropriate for the Property and surrounding area because, in accordance with the purpose and intent of the Regulations, it will be a use that is integrated into the County that promotes the welfare of residents’ businesses.

3) The conditional use will comply with the requirements of these standards and regulations including, but not limited to, all applicable performance standards.

The conditional use complies with the requirements of the Regulations, including the performance standards for the storage and parking of vehicles as set forth in Section 4-03-03-02-14 as they existed at the time of application. The Regulations stated that “No vehicle in excess of seven thousand (7,000) pounds gross vehicle weight (G.V.W.) shall be kept, stored, or parked in a residential or agricultural zone district except by Conditional Use Permit,” which is why the Applicant is seeking the CUP.⁶ None of the Vehicles are recreational in nature, no one will be inhabiting any trailer, and no Vehicles will be stored in the right-of-way.⁷

Per Section 3-10-03 of the Regulations, accessory residential uses are permitted in the A-3 District. The Property meets the minimum lot size of 35 acres and has a width of at least 600 feet. The site plan for the proposed outbuilding shows that the structure will meet the dimensional requirements in Section 3-10-06-04 of the Regulations: 10 or more feet from the principal structure property line or 100 feet from the front property line; 10 feet or 1 foot per 2 feet of height (whichever is greater) side setback; 10 foot rear setback; 50 feet from arterial, collector, or local road right of way setback; and 120 feet from a section line.

4) The conditional use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County. In making this determination, the Planning Commission and the Board of County Commissioners shall find, at a minimum, that the conditional use will not result in excessive traffic generation, noise, vibration, dust, glare, heat, smoke, fumes, gas, odors, or inappropriate hours of operation.

⁵ Regulations § 1-01-03.

⁶ Regulations § 4-03-03-02-14.

⁷ Regulations § 4-03-03-02-14-4; § 4-03-03-02-14-5.

The conditional use of storing commercial vehicles outdoors and within a new outbuilding on the Property is harmonious with the large lot, semi-rural character of the neighborhood that is home to other similarly situated businesses. As depicted on the site plan, two fences will block the view of the outdoor storage and the new outbuilding from both the east and the west. Furthermore, and as stated above, the Property is located near 33503 East 152nd Avenue, which is a neighboring property that was issued a CUP for the storage of tractor-trailers related to a trucking business (RCU2023-00025). As a small construction business, the Applicant seeks to store the Vehicles on her property to ease the financial burden of having to either sell the Property or store the Vehicles in a third-party warehouse/storage yard. As a local small business, the Applicant, much like her neighbors, has the potential to keep her business in the area and avoid costs that will move business out of the County. Additionally, the Applicant obtained letters of support from ten (10) neighboring property owners, underscoring that the neighborhood is a place where residents support the utilization of property for business uses involving the storage of commercial vehicles.

5) The conditional use permit has addressed all off-site impacts.

Because the Vehicles will only be stored on the Property intermittently, no material off-site impacts are anticipated. The outbuilding will include all lighting required by the Regulations and will comply with all of the applicable performance standards for accessory structures. Both the outdoor storage and the new outbuilding will be screened by fencing to the east and west as shown on **Exhibit A**. Additionally, the Applicant has taken great effort to explain the need for this accessory use to their neighbors who have given their support.

6) The site is suitable for the conditional use including adequate usable space, adequate access, and absence of environmental constraints.

The site is approximately 36 acres, making it an ideal place to store the Vehicles both outdoors and within a new outbuilding. The outdoor storage area will be set back approximately 800 feet from the front property line and the new outbuilding will be set back approximately 950 feet from the front property line and will not exceed 50% of the rear lot area. There are no features on the Property that are of environmental concern.

7) The site plan for the proposed conditional use will provide convenient and functional use of the lot including the parking scheme, traffic circulation, open space, fencing, screening, landscaping, signage, and lighting.

The site plan will provide convenient and functional use of the lot. As shown on the site plan, there is a turning circle, extended driveway to reach the new outbuilding, and fencing to screen the outdoor storage area and outbuilding. Because Vehicles will only be on the Property when they are not working on a construction site, the traffic on and off of the Property will be minimal and sporadic. Additionally, because the Vehicles will not be used or operated on the Property, no additional signing or lighting will be required.

- 8) Sewer, water, storm water drainage, fire protection, police protection, and roads are to be available and adequate to serve the needs of the conditional use as designed and proposed.**

Save for the drainage features of the outbuilding, no additional sewer, water, stormwater drainage, fire protection, police protection or roads will be necessary to serve the needs of the CUP as designed and proposed.

EXHIBIT A

Proposed Site Plan

EXHIBIT B

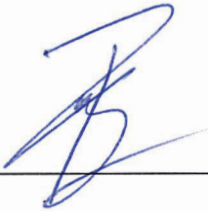
Neighborhood Letters of Support

NEIGHBOR APPROVAL

To Whom It May Concern:

I, Ricardo Venzor, am a neighbor of Chris and Marisa Beaver, located at 33555 E 152nd Ave, Brighton, CO 80603. I am in favor of them receiving a conditional use permit for their property located at 33950 E. 152nd Ave., Brighton, CO 80603. I also support them in building an additional structure on their property for them to store their equipment. If you have any questions, I can be reached by phone at 970-415-0769 or by email at rvson67@gmail.com.

Thank you,



NEIGHBOR APPROVAL

To Whom It May Concern:

I, RICHARD REIGENBORN, am a neighbor of Chris and Marisa Beaver, located at 33063 E 152ND AVE, Brighton, CO 80603. I am in favor of them receiving a conditional use permit for their property located at 33950 E. 152nd Ave., Brighton, CO 80603. I also support them in building an additional structure on their property for them to store their equipment. If you have any questions, I can be reached by phone at 720-344-3518 or by email at RAGSTHEX.NMAN@GMAIL.COM

Thank you,

A handwritten signature in cursive script, appearing to read "R. A. Reigenborn", written over a horizontal line.

NEIGHBOR APPROVAL

To Whom It May Concern:

I, Robin Skiegert, am a neighbor of Chris and Marisa Beaver, located at 33503 E 152nd Ave, Brighton, CO 80603. I am in favor of them receiving a conditional use permit for their property located at 33950 E. 152nd Ave., Brighton, CO 80603. I also support them in building an additional structure on their property for them to store their equipment. If you have any questions, I can be reached by phone at 303 637 9290 or by email at _____.

Thank you,

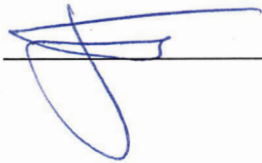
Robin Skiegert

NEIGHBOR APPROVAL

To Whom It May Concern:

I, Jason Curns, am a neighbor of Chris and Marisa Beaver, located at 15181 Prairie Red Ct., Brighton, CO 80603. I am in favor of them receiving a conditional use permit for their property located at 33950 E. 152nd Ave., Brighton, CO 80603. I also support them in building an additional structure on their property for them to store their equipment. If you have any questions, I can be reached by phone at 720-352-1030 or by email at jascurns@gmail.com.

Thank you,



NEIGHBOR APPROVAL

To Whom It May Concern:

I, Steve Unrein, am a neighbor of Chris and Marisa Beaver, located at 15121 Prairie Red Ct. Brighton, Brighton, CO 80603. I am in favor of them receiving a conditional use permit for their property located at 33950 E. 152nd Ave., Brighton, CO 80603. I also support them in building an additional structure on their property for them to store their equipment. If you have any questions, I can be reached by phone at 720-810-9595 or by email at unreinsh@gmail.com.

Thank you,

Steve Unrein

NEIGHBOR APPROVAL

To Whom It May Concern:

I, Desmond, am a neighbor of Chris and Marisa Beaver, located at 5071 Prairie Road, Brighton, CO 80603. I am in favor of them receiving a conditional use permit for their property located at 33950 E. 152nd Ave., Brighton, CO 80603. I also support them in building an additional structure on their property for them to store their equipment. If you have any questions, I can be reached by phone at 7203854375 or by email at lincife143@icloud.com

Thank you,



NEIGHBOR APPROVAL

To Whom It May Concern:

I, Rhonda Stewart, am a neighbor of Chris and Marisa Beaver, located at 14941 Prairie Red Ct, Brighton, CO 80603. I am in favor of them receiving a conditional use permit for their property located at 33950 E. 152nd Ave., Brighton, CO 80603. I also support them in building an additional structure on their property for them to store their equipment. If you have any questions, I can be reached by phone at 720-203-0938 or by email at Rhonda.stewart01@gmail.com

Thank you,

Rhonda Stewart

NEIGHBOR APPROVAL

To Whom It May Concern:

I, Matthew Dunlap, am a neighbor of Chris and Marisa Beaver, located at 34150 E 152nd Ave, Brighton, CO 80603. I am in favor of them receiving a conditional use permit for their property located at 33950 E. 152nd Ave., Brighton, CO 80603. I also support them in building an additional structure on their property for them to store their equipment. If you have any questions, I can be reached by phone at 720-251-4944 or by email at mpdunlap@gmail.com.

Thank you,

Matthew Dunlap 4/3/24

NEIGHBOR APPROVAL

To Whom It May Concern:

I, JEFF AITKEN, am a neighbor of Chris and Marisa Beaver, located at 15010 PRAIRIE REN CT., Brighton, CO 80603. I am in favor of them receiving a conditional use permit for their property located at 33950 E. 152nd Ave., Brighton, CO 80603. I also support them in building an additional structure on their property for them to store their equipment. If you have any questions, I can be reached by phone at 720-635-5326 or by email at jeffaitken2016@gmail.com 27

Thank you,

Jeff Aitken

NEIGHBOR APPROVAL

To Whom It May Concern:

I, John Fizer, am a neighbor of Chris and Marisa Beaver, located at 15170 Prairie Red Ct, Brighton, CO 80603. I am in favor of them receiving a conditional use permit for their property located at 33950 E. 152nd Ave., Brighton, CO 80603. I also support them in building an additional structure on their property for them to store their equipment. If you have any questions, I can be reached by phone at 720-560-4448 or by email at _____.

Thank you,

