

## derby review process

1. All improvements, construction, or demolition within the Derby Sub-Area may be subject to these design guidelines.
2. The City of Commerce City staff shall have joint authority with the Derby Review Board (DRB) in the review of applications within the Derby Sub-Area.
3. Prior to issuing a building permit for any work, city staff may require a review of any application by the Derby Review Board.
4. All relevant approvals and permits must be obtained prior to undertaking any improvements, construction, or demolition in Derby.
5. Design standards contained within the Derby Design Guidelines shall supersede those contained within the City of Commerce City's Land Development Code (LDC) in instances where the same issue is addressed in both documents. Items that are not addressed by these design guidelines shall default to standards contained within the city's Land Development Code.
6. Review authority:

The Derby Review Board and city staff will work in coordination to review potential applications in Derby. City staff will be charged with reviewing applications to ensure that they meet the minimum standards for Derby as well as any other relevant city requirements, while the Derby Review Board will be charged with determining if applications meet the intent of the Derby Design Guidelines. The following lists identify potential applications in Derby and which entity will review them. These lists are not intended to be exhaustive or all inclusive. There may be special circumstances that would require a deviation from the lists below.

### **Derby Review Board**

- Signage
- Exterior Remodel
- Exterior Lighting
- Material Upgrades
- Additions

### **Board of Adjustment**

- Variances
- Height Exception

### **Planning Commission/City Council**

- Conditional Use Permit
- Zone Change

### **City Staff**

- PUD Development Permit
- Building Permit Review
- Staff may determine that any permit requires Derby Review Board approval.
- Temporary Use Permit/Organized Event

## timeline

The Derby Review Board process usually takes about one to three months for complete staff review and board decision. However, this timeframe is based on the city receiving all of the requested application materials in a timely manner.

### process

The applicant will contact the Commerce City Planning Division for a pre-application meeting. This meeting provides the applicant with an opportunity to discuss the proposal and help identify the requirements and process for the application. Planning staff will determine if the proposal requires review by the Derby Review Board. If the project does not require DRB review, the applicant may apply for the appropriate permits. If the project requires review, the following steps apply.

1. The applicant prepares the review board application requirements.
2. A completed application and associated materials are submitted for city review. The application is reviewed by the Planning Division for completeness and then sent out to various departments and outside agencies for comment. After an initial two-to three-week period, the case may be discussed at the Development Review Team (DRT) meeting. The DRT is an advisory committee, composed of city staff and other outside agencies, which reviews projects for compliance with existing codes and standards. After the DRT meeting, staff will send the applicant a comment letter explaining additional items that must be addressed or clarified.
3. The applicant will address staff's comments and resubmit the information to the city. This process will continue until all of the comments have been successfully addressed by the applicant, and the application is ready for the Board meeting. The Derby Review Board meets the 3rd Tuesday of each month at the Derby Resource Center, 7270 Monaco Street, Commerce City, Colorado at 5:30 p.m.
4. Occasionally, the city may require a neighborhood meeting when it appears that an application may have significant neighborhood impacts, including without limitation, impacts related to: traffic; provision of public services such as safety, schools, or parks; compatibility of building design or scale; or operational compatibility such as hours of operation, noise, dust, or glare. Please check with the Planning Division staff to see if a neighborhood meeting will be required as a part of the review board application.
5. Based on results of those reviews, the Derby Review Board will take final action on the application and either approve, approve with conditions, or deny such application.

### general

1. A request for a Derby Review Board application is usually initiated by the property owner, his representative, or an authorized agent having a legal interest in the property such as power of attorney, lease, or purchase contract. The property owner must approve of the proposal and sign the application form.



## facts-to-know

2. A Derby Design Review application shall be approved by the Derby Review Board if the application conforms to (1) the Derby PUD Zoning; (2) the Derby Sub-Area Plan; and (3) the Derby Design Guidelines and Standards.
3. The Board's action is the final decision of the city. Denials of a Derby Design Review application may be appealed to district court.
4. The city shall be authorized to impose on a development approval any conditions deemed necessary to carry out the general purpose and intent of the land development code or the comprehensive plan including, but not limited to, a time limit for the operation of such use; a definite time limit to meet such conditions; provisions for setbacks greater than minimum dimensional standards; suitable landscaping; off-street parking; and any other reasonable restriction, condition, or safeguard to mitigate adverse impacts upon neighboring properties, including without limitation, requiring the applicant to submit to and pay for ongoing compliance oversight.
5. An approval shall only authorize the use and/or development described in the approved application. Any development that occurs beyond what is described in the application is prohibited and shall be deemed a violation of the land development code and subject to the enforcement provisions set forth in article X of the code.
6. The right to develop in accordance with an approved application shall automatically lapse and be null and void if any development shown on the approved application is not commenced within 6 months from the date of final approval, or if the work is ceased for a period of 180 days or more at any time after work is commenced.

## submittal requirements

1. One copy of the land use application.
2. One copy of general warranty deed, with a complete legal description (often times in the form of Exhibit "A," attached to the warranty deed) for the property or properties for which the application is made.
3. Three copies of a site plan that shows the location of all existing and proposed buildings, including their distance to the property lines and from buildings on adjacent properties; other structural features, proposed or existing signage, proposed or existing improvements and landscaping. The site plan shall be drawn on 8 ½" by 11" paper, to scale (e.g., 1" = 20') with a straight edge (ruler), using a dark ink pen. An example of a site plan may be obtained from the Community Development Department. Oversized plans shall be folded to a standard size. Non-folded oversized plans will not be accepted.
4. One copy of a material/color board for any building being constructed. The material/color board is intended to provide a fair representation of the major exterior materials to be used on the project together with colors and stains. The color and material board shall be used in conjunction with the schedule on the elevations, in order to determine the specific location and use of colors and materials. The board should consist of rigid materials (foam board, not wood) and have small samples or photo- graphs of the materials. Color samples should be accompanied with manufacturer's name and identification number and should correspond to the materials. At the applicant's request, material boards will be returned after final approval of the project.



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## facts-to-know

5. One copy of a material/color board for any building being constructed. The material/color board is intended to provide a fair representation of the major exterior materials to be used on the project, together with colors and stains. The color and material board shall be used in conjunction with the schedule on the elevations, in order to determine the specific location and use of colors and materials. The board should be constructed of rigid materials (foam board, not wood) and contain small samples or photographs of the materials. Color samples should be accompanied with manufacturer's name and identification number and should correspond to the materials. At the applicant's request, material boards will be returned after final approval of the project.
6. Three copies of an operations narrative letter that describes the following aspects of the project: (1) Use and scope of project; (2) budget for the proposed project; and (3) timeline for completion.
7. City staff may require additional information or technical studies. To assure that your application is complete, please check with city staff prior to submitting your application.

## additional information

1. *Complete Application.* Be sure to include with your application all of the requested information. An incomplete application will not be referred out for review until such time as all information has been submitted.
2. *Building Permit.* If the Derby Design Review application is approved, the applicant may proceed with the building permit process through the Building Division. No building permit will be allowed, reviewed, or approved without a Board approved application in place.
3. *Certificate of Occupancy.* The certificate of occupancy or completion shall not be issued until the final inspection shows that the project has been completed in accordance with the approved application.
4. *Maintenance.* Maintenance of the property in conformance with the approved application shall thereafter be a condition of valid certificate of occupancy. Failure to maintain the property in conformance with an approved application shall be a violation.

*For additional information, call the Community Development Department at 303.289.3683.*

