



STAFF REPORT

Planning Commission

CASE #: CU-84-14			
PC Date:	February 4, 2014	Case Planner:	Paul Workman
CC Date:	March 3, 2014		
Location:	9131 E. 96 th Avenue, Henderson, CO 80640		
Applicant:	Veolia Environmental Services Technical Solutions	Owner:	Same as Applicant
Address:	9131 E. 96 th Avenue Henderson, CO 80640	Address:	Same as Applicant

Case Summary	
Request:	Veolia Environmental Services Technical Solutions (VES-TS) requests the approval of a Conditional Use Permit (CUP).
Project Description:	<p>The applicant is requesting the approval of a Conditional Use Permit (CUP) in order to bring their existing operations into legal and conforming status. The legal and conforming status will bring the property into compliance with the land use requirements of the Land Development Code (LDC).</p> <p>The subject property is located in an area that is dominated by heavy industrial users and is called out for General Industrial uses on the Future Land Use Plan. There are no residential zone districts in close proximity to this facility.</p>
Issues/Concerns:	<ul style="list-style-type: none"> ▶ Site history. ▶ Referral agency responses.
Key Approval Criteria:	<ul style="list-style-type: none"> ▶ Compliance with the Comprehensive Plan. ▶ Compliance with the approval criteria for a Conditional Use Permit.
Staff Recommendation:	Approval, subject to conditions
Current Zone District:	I-3 (Heavy-Intensity Industrial Zone District)
Comp Plan Designation:	General Industrial

Attachments for Review: *Checked if applicable to case.*

- | | |
|---|--|
| <input checked="" type="checkbox"/> Applicant's Narrative Summary | <input checked="" type="checkbox"/> Vicinity Map |
| <input checked="" type="checkbox"/> Development Plan | |

Background Information

Site Information

Site Size:	20.72 acres +/-
Current Conditions:	The site is currently developed for the storage, recycling, and processing of hazardous and non-hazardous materials.
Existing Right-of-Way:	Alton Court to the east.
Neighborhood:	Phelps - Tointon
Existing Buildings:	There is one primary office building and multiple accessory structures located on the property.
Buildings to Remain?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Site in Floodplain	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Surrounding Properties

<u>Existing Land Use</u>		<u>Occupant</u>	<u>Zoning</u>
North	Drainage	City of Commerce City	AG
South	Industrial	Rocky Mountain Natural Meats	I-3
East	Industrial	Multiple Industrial Businesses	I-3
West	Industrial	Sinclair Oil	I-3

Case History

The following list represents the case history for the subject property since it was annexed by the city. The history of the property when it was in Unincorporated Adams County is outlined later in the staff report:

<u>Case</u>	<u>Date</u>	<u>Request</u>	<u>Action</u>
AN-220-07	12/17/2007	The city annexed the subject property and the surrounding area.	Approval
Z-875-08	3/3/2008	The city approved zoning designations for all properties annexed in AN-220-07.	Approval
AV-1715-14	1/14/2014	The applicant requested variances to the fence and gate setback requirements in order to leave their existing fence and gate locations in their current locations.	Approved with one condition

AN-220-07:

In December of 2007, the City Council approved the annexation of the subject property along with the surrounding area.

Z-875-08:

In March of 2008, the City Council approved zoning designations for all properties that were annexed in AN-220-07. The subject property of this case was zoned I-3 (Heavy-Intensity Industrial Zone District).

AV-1715-14:

In January of 2014, the Board of Adjustment approved several requested variances to the fence and gate setback requirements in the industrial zone district so that the existing fence and gate locations on the subject property could remain in their existing locations. The variances were approved with the condition that if the request in CU-84-14 is not approved, the variances would become null and void.

Applicant's Request

General Information:

The applicant begins their request by providing a brief overview of their business.

“Veolia Environmental Services Technical Solutions (VES-TS) provides a complete range of services for industrial and municipal customers needing to dispose of hazardous and non-hazardous waste. VES-TS offers comprehensive hazardous waste services that are built upon a support structure of transportation, processing facilities and customer service field offices located throughout the United States, Puerto Rico, and Canada. VES-TS owns and operates an integrated, nationwide network of facilities providing thermal destruction, fuels blending, solvent recovery, and technical services. VES-TS also utilizes VES-TS audited and approved subcontract facilities for these services. The VES-TS Henderson location provides these services to its customers, however, not all of the services result in waste being received and managed at the facility. Many of the services involve work being performed at the customers site, providing consulting services and direct waste shipments to other disposal facilities located within and outside of Colorado”.

The Henderson facility overview:

The applicant states that the Henderson facility operations are regulated, in part, by the Colorado Department of Health and Environment (CDPHE). Certain activities performed at the facility are also regulated by the Environmental Protection Agency (EPA), Department of Transportation, and the South Adams County Fire District. The EPA and the CDPHE classify this facility as a Treatment, Storage, Disposal, Facility (TSDF), however, no disposal occurs at this facility. Additionally, the CDPHE has issued the operations on the property a Resource Conservation and Recovery Act (RCRA) Part B Permit, which specifies the administrative and operational requirements for managing hazardous and non-hazardous wastes at the facility. Per the requirements of this permit, most wastes may be stored at the facility for up to one year from the date of receipt.

The applicant operates the facility 24-7-365. There is an average of 50 employees on site during their normal business hours with fewer employees (generally 7) on site during the nights and weekends. The facility generates approximately 5 -10 hazardous waste outbound truck shipments a day, 5 – 10 hazardous waste inbound truck shipments per day, and 10 – 20 hazardous material inbound truck shipments per day. In an average year, the facility only receives 3 – 7 train deliveries a year. Generally speaking, the rail spur is used to load trains for delivery of treated materials to a final disposal facility.

The facility receives waste in both bulk totes or tankers (more than 110 gallons) and non-bulk containers (less than 110 gallons). The bulk materials may be solid, semi-solid or liquids and the non-bulk containers may be solid, semi-solid, liquids, lab packed containers, or gases. The site is constructed in compliance with Federal and State hazardous waste regulations for tanks (and their containment systems), container storage, and treatment systems (distillation, liquid – liquid extraction). The facility has a cryogenic vapor recovery system to recover a minimum of 95% of all emissions from all permitted hazardous waste tanks, distillation, and liquid – liquid extraction systems.

Facility Process:

The Veolia facility accepts and manages a variety of hazardous and non-hazardous wastes. Anything from an aerosol can to research chemicals can be treated and/or stored at this facility. As part of the application, Veolia has provided the following detailed analysis about their processes.

Receiving the waste –

Prior to receiving hazardous or non-hazardous wastes, the customer/generator is required to complete a Waste Information Profile (WIP) that describes the detailed chemical and physical properties of the waste. Professionally trained and educated personnel review the WIP for accuracy and assess the information to determine if the waste is acceptable under the facility's permits. This assessment also includes a determination of the methods for storage/treatment the facility will use to manage the waste. If necessary to meet the needs of the customer/generator, the facility has a staff of licensed DOT hazardous materials trained drivers and a fleet of vehicles for transporting waste. Upon arrival at the facility, all of the containers are unloaded and inspected by hazardous waste trained operations personnel. Bulk liquids and containers that are approved for storage in tanks and other treatment methods will be sampled and submitted to the on-site laboratory for analysis as specified in the Waste Analysis Plan (WAP) of the permit. Containerized and bulk wastes are placed on hold until the laboratory completes the analysis and clears the waste for further processing.

Storing the waste –

Containerized wastes are placed into storage pending analysis results (within 10 days) and bulk liquid wastes are not placed into tank storage until the analysis is completed (same day). Containerized wastes are stored in the permitted areas of the facility and segregated by hazardous class and chemical compatibility. These containers may be re-packaged in new containers to meet disposal requirements. The containerized storage areas and tank farms are constructed with dike walls and coated with an impervious epoxy coating. This construction enables segregation of incompatible waste types and ensures materials are contained in the event of a leaking container or tank. Storages are inspected daily.

Treating the waste in containers –

Neutralization. The facility may perform neutralization of corrosive hazardous waste (acids and bases) in containers with capacities of 110 gallons or less. The treatment occurs in a specific, designated area within any of the container storage areas, except the rail storage/transfer area.

Aerosol Can Treatment. Aerosol can treatment will eliminate the reactive and/or flammable hazards associated with the aerosol cans. This treatment unit is a piece of equipment that punctures the aerosol can and collects the liquid in a drum. Gases, if present are routed through a carbon canister for proper emission control.

Solidification. The facility may perform solidification of hazardous waste containers. This treatment occurs by adding absorbent materials to containers for the sole purpose of removing free liquids.

Container blending. The facility may perform blending of hazardous waste from container to container. This treatment occurs in a specific, designated area.

Treating the waste in tanks –

Thin Film and Fractional Distillation Column. In this unit, waste solvents are reclaimed by heating liquid waste to a gaseous phase, followed by condensation and accumulation of clean solvent. This unit may also be used to recover metals and other fractions from the solids left after distillation.

Tank Farms #1, #2, and #3. The facility is permitted to treat corrosive hazardous waste (acids and bases) by neutralization. The neutralization process converts hazardous, corrosive wastes to non-hazardous or less hazardous waste and salts.

Phase Separation. The facility is permitted to treat hazardous waste by phase separation as a standalone treatment process or as a pre-treatment process. The phase separation process uses gravimetric settling of higher density materials to produce separation.

Filtration. The facility is permitted to treat hazardous waste by filtration as a treatment process. Filtration reduces the amount of unwanted solids such as particulates, foreign objects, and sludges in the waste.

Solvent Extraction. The facility is permitted to treat hazardous waste by liquid/liquid and solid/liquid extraction as a treatment process. The liquid/liquid and solid/liquid extraction process utilizes the introduction of an insoluble phase, typically water, into waste, agitating the mixture, and the agitated solution proceeds to the phase separation process.

Aqueous and Fuels Blending. The facility is permitted to treat hazardous waste by blending. Containerized and bulk aqueous wastes, solvents, still bottoms, solids, sludges, paint pigments and other wastes are transferred to a tank. The tank contents are blended and the composition adjusted to meet the specifications of the disposal facility.

Packaging and the outbound transport of the waste –

This facility consolidates solids into roll-off containers for subsequent shipment to offsite disposal facilities. Containers are dumped manually into roll-offs using forklifts designed to overturn a container without spillage. Approximately 50% of all wastes received by the facility are stored for the purposes of accumulating full truck or rail volumes for shipment to an off-site disposal facility. When full truck quantities are accumulated, trucks are loaded in compliance with DOT standards, manifested, and shipped to final disposal facilities. Reclaimed materials and materials that can be directly used without treatment are sold to commercial businesses throughout the United States.

Regulating Agencies:

The following is a list of regulating agencies for the existing use. To date, there have been no reports of any violations or reports of non-compliance from these agencies.

Colorado Department of Public Health and Environment (CDPHE) –

- Resource Conservation and Recovery Act (RCRA) Permit
- Stormwater Permit
- Air Emissions Permit

Environmental Protection Agency Region VIII –

- Resource Conservation and Recovery Act (RCRA) Permit

Tri-County Health Department –

- Coordinated review with other regulating bodies.

South Adams County Water and Sanitation District –

- Industrial Wastewater Zero Discharge Permit
- Stormwater Permit

South Adams County Fire Protection District –

- Enforcement of the adopted fire code

Site Security:

VES-TS states that their overall policy related to safety is that; *“It is the policy of Veolia ES Technical Solutions to conduct all operations in a safe and healthy manner. The health and safety of every employee is a fundamental consideration in every business decision and plan, and all reasonable precautions will be taken to protect employees from injury and illness. We are equally committed to protect the public, company property, and our customers from incidents that could cause harm or economic losses due to our operations.”*

A chain-link fence with barbed wire surrounds the property boundaries and chain-link fences surround the “active units” as required by the RCRA and CDPHE. Each gate leading into the “process areas” of the facility are locked at all times. Warning signs are mounted at specified intervals along the fence preventing people from unknowingly entering the “active areas”. Additionally, 24-hour video surveillance has been installed to monitor the warehouse container storage area, the drum storage pads, and the front gate.

Emergency Response Plan:

“Each employee serving as an Emergency Coordinator (EC) receives thorough emergency response training. This training includes, but is not limited to, topics such and emergency alarm systems, evacuation, and spill and fire prevention. Evacuation and contingency implementation drills are conducted at a minimum of once a year. In addition, local outside response agencies and medical providers routinely tour the facility and discuss our contingency plan.”

The implementation of the contingency plan requires the notification of the follow agencies:

- The Adams County Sherriff’s Department
- The City of Commerce City Police Department
- The South Adams County Fire Protection District
- The Adams County Emergency Preparedness Department
- St. Anthony Hospital (if injuries occur)
- The Colorado Department of Health
- The Tri-County Health Department
- The National Response Center

The following emergency equipment is available on-site:

- First Aid Stations
- Telephones
- 2-way radios
- Site-wide alarm system

- Fire Extinguishers
- Foam producing equipment
- Automatic sprinklers
- Water spray systems
- Decontamination equipment
- Trained first-aid and CPR personnel
- Self-contained breathing apparatus

There have been no emergencies at the facility since VES-TS acquired the facility in 1999.

Development Review Team Analysis

The DRT recommendation for this case is supported by the following Comprehensive Planning Goals:

<u>Section</u>	<u>Goal</u>	<u>Description</u>
Land Use	LU 1a	<u>Future Land Use Plan (FLUP) as a Guide</u> Use the FLUP to guide development patterns and mix of uses and amendments to the Land Development Code (LDC).
<u>Analysis:</u>		The subject property is identified for General Industrial uses, which is consistent with the existing use.

<u>Section</u>	<u>Goal</u>	<u>Description</u>
Land Use	LU 4a	<u>FLUP as a Guide for Employment</u> Use the FLUP to guide industrial and employment land patterns.
<u>Analysis:</u>		The existing use of the property is industrial in nature, which is consistent with the FLUP.

<u>Section</u>	<u>Goal</u>	<u>Description</u>
Economic Development Strategies	ED 2	<u>Retain and increase a strong employment base</u> The city will retain and expand its existing industrial base, and attract and recruit new businesses that contribute positively to city revenues.
<u>Analysis:</u>		The Conditional Use Permit request is being made by an existing business. The approval of the request will help to retain a business that positively contributes to city revenues.

<u>Section</u>	<u>Goal</u>	<u>Description</u>
Fiscal Stability	FS 2a	<u>FLUP Consistency</u> Retain, support, and expand the community's industrial base by approving development that is consistent with the FLUP and Economic Development Strategic Plan and modifying the LDC to reflect the FLUP.
<u>Analysis:</u>		The existing use of the property is industrial in nature, which is consistent with the FLUP.

<u>Section</u>	<u>Goal</u>	<u>Description</u>
Public Facilities and Infrastructure	PF 1e	<u>Transportation Coordination</u> Work with developers, RTD, CDOT, and other transportation entities to meet the travel needs of the community as growth occurs.
<u>Analysis:</u>		The applicant will be dedicating 30-feet of right-of-way on their eastern border and will be paying for the construction of the additional right-of-way.

The Veolia Company:

In order to help get context about the applicant and the nature of their operations, staff visited the Veolia website (www.veoliaes.com). The Veolia website states:

“Veolia Environment (NYSE:VE), is the market leader for environmental services worldwide. Veolia Environment is based in Paris, France, as a publicly-owned company with over 150 years of experience delivering sustainable environmental solutions in three complementary areas – water solutions, waste services, and energy management. Veolia Environment has operations in 48 countries with 220,000 dedicated employees, is a Fortune Global 150 company with \$38.8 billion in revenues in 2012, and is the 33rd largest corporate employer worldwide. Veolia Environmental Services is one of the largest waste services companies in the world and the only global

manager of liquid, solid, non-hazardous and hazardous waste; on-site waste processing; industrial cleaning and process maintenance; and recycling, recovery and disposal for both the public and private sectors.

Veolia Environmental Services North America (VESNA) helps customers in the industrial, commercial, and governmental sectors safely manage waste, ensure compliance, and maintain efficient operating processes. The company's national service offering includes turn-key industrial cleaning and maintenance, and the treatment, recycling and disposal of hazardous and regulated wastes. Headquartered in Chicago, Illinois, VESNA reported annual revenues of \$1.1 billion in 2012, and has approximately 5,400 employees across the United States, Puerto Rico and parts of Canada (British Columbia and Ontario). The company's mission is to deliver value-added services that protect people and improve the environment. It does so through its best-in-class team, unmatched knowledge and experience, and industry-leading technologies and services. Customers trust in Veolia's long-standing safety performance and compliance ratings, including our multiple VPP-certified operations and ISO certifications."

Current Application and Site Layout:

Veolia Environmental Services Technical Solutions (VES-TS) has voluntarily submitted an application for the approval of a Conditional Use Permit (CUP) in order to bring their existing facility that stores, processes, and transfers hazardous and non-hazardous waste into legal and conforming status. This status will bring the operations on the property into compliance with the land use requirements in the Land Development Code (LDC).

The site is currently developed with a primary office and laboratory located in the center of the property. In the sides and rear of the property there are numerous warehouse buildings and a variety of associated process equipment that is related to the site's operations. Employees park in the front of the facility, which is accessed off of Alton Court. The applicant has indicated a desire to expand the operations on the property in the future, but no formal timelines or projects have been shared with staff to date.

Specific Request:

The specific requirement for the applicant to obtain a CUP is found in Table V-1 of the Land Development Code (LDC). Within Table V-1, properties that primarily "manufacture, process, use, sale, or storage any flammable, corrosive, explosive or toxic substances" are required to obtain a CUP. The subject property was developed in Unincorporated Adams County 33 years ago and until it was unilaterally annexed in 2007, it operated under a Conditional Use Permit issued by Adams County in 1981 for a solvent storage and recycling facility. Knowing that their operations require a CUP issued by the city, the applicant has voluntarily submitted this CUP request.

Site History:

In reviewing the requested CUP, it was important for the Development Review Team (DRT) to understand the case history related to this property. This was important because the case history directly corresponds to the circumstances which have created the requested CUP. Specifically, it was important for the DRT to understand that the site was originally developed in 1980 in unincorporated Adams County. Additionally, the operation was issued a Conditional Use Permit by Adams County in 1981. Prior to the city's annexation of the property during the "Northern Enclave Industrial

Annexation” in 2007, the property operated with legal and conforming status to Adams County requirements.

It was also important for the DRT to understand the current configuration of the property. This was important due to the unique lot configuration and the requirement to dedicate right-of-way. As was previously stated, this site was developed in Adams County. In addition to this site being developed in Adams County, all of the other properties that surround the subject property were developed in Adams County at various times. In order to service the businesses in the area, the right-of-way on the east side of Alton Court was dedicated and improved, but the right-of-way on the west side was neither dedicated nor improved. To this day, the west side of Alton Court is unimproved in this area. Part of the reason for this set of circumstances is due to the fact that the VES-TS property extends south to E. 96th Avenue from their site and fronts all of the businesses on the west side of Alton Court. Understanding the unique configuration of the subject property allowed the DRT to understand the request for the dedication of additional right-of-way for Alton Court and the construction of the western half of Alton Court.

Current Property Configuration (in blue):



Right-of-Way Dedication and Improvements:

VES-TS has applied for their Conditional Use Permit (CUP) on a voluntary basis in order to bring their existing operations into legal and conforming status with the city’s zoning requirements. As part of

the original review of the CUP request, the city's Public Works Department informed the applicant that they would need to dedicate additional right-of-way for Alton Court and that there would be certain financial obligations for VES-TS to construct the additional right-of-way that fronts their property. The city and the applicant have been discussing the specific requirements for dedication and improvements to Alton Court. At this time, a Public Improvement Agreement (PIA) has been agreed to and will be executed subsequent to the outcome of the CUP request.

Right-of-Way Dedication and Improvement Area (in red):



Timing of Right-of-Way Dedication and Improvements:

Per the Public Improvement Agreement (PIA), the dedication and improvements related to Alton Court along the frontage of the subject property will not occur until VES-TS constructs and/or installs new improvements on their active site that are greater than or equal to a cumulative value of \$4,000,000 (four million dollars). Therefore, the timing of the dedication and construction of improvements is unknown.

Referral Agency Responses:

In response to the request, the DRT received only supportive comments of VES-TS and their operations. The two most critical referral agencies for this request were the Fire District and the Health Department. The responses provided below, allowed the DRT to remain comfortable with the existing operations.

South Adams County Fire Protection District (SACFPD) –

“We have worked very closely with Veolia in the past and have no issues with their facility. We are well aware of the hazardous materials operation. They did update their fire protection devices about a year ago.”

The Tri-County Health Department –

“The current referral includes a letter from the applicant’s consultant, Jehn Engineering, dated October 14, 2013 and an email from Veolia stating that the Air Pollutant Emission Notices with the Colorado Department of Public Health and Environment are current. Based on that information, TCHD’s comment regarding the APEN is satisfactorily addressed.”

DRT Summary:

The DRT determined that the request is compliant with the adopted Comprehensive Plan. Additionally, the DRT concluded that the applicant is compliant with all requirements of their regulating agencies. Given the analysis provided above and the request’s compliance with the Conditional Use Permit approval criteria listed below, staff is recommending approval of the requested Conditional Use Permit, subject to conditions. The five recommended conditions of approval will ensure the appropriate right-of-way dedication and improvements, they will ensure that the applicant maintains compliance with the regulating agencies, they will ensure that any operations beyond those currently occurring on the property are reviewed and evaluated by City Council, and they will ensure that in the unlikely event of an emergency the appropriate organizations are notified.

Criteria Met?	Sec. 21-3230. Conditional Use Permits	Rationale
☒	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 are envisioned to exist in any adopted City plan, program or ordinance;	The site has operated in basically the same way since 1981. Since it was annexed by the City in 2007, there have been no complaints about the operations from surrounding property owners. Additionally, the dedication of right-of-way to the south of their existing site to E. 96 th Avenue will improve circumstances for the other businesses on the west side of Alton Court.
☒	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 applicant has emergency response plans in place to mitigate any unforeseen impacts and the future improvements to the right-of-way in front of the developed portion of the site will improve circumstances for the businesses at the northern end of Alton Court.
☒	The characteristics of the site are suitable for the proposed use;	The site was developed in the early 1980’s for this type of operation and has been used similarly ever since.
☒	The proposed use will be adequately served by and will not impose an undue burden on any of the existing improvements, facilities, and services of the city or its residents or the applicant has committed to provide such improvements, facilities, utilities and services in sufficient time to serve the proposed use;	The site is currently developed and has adequate services.
☒	The applicant has provided adequate assurances of continuing maintenance;	The applicant has assured staff that the site will be continually maintained. The operations are also heavily regulated by other agencies and are required to

Criteria Met?	Sec. 21-3230. Conditional Use Permits	Rationale
		maintain compliance with several outside agencies' regulations.
☒	No evidence suggests that the use violates any federal, state, or local requirements.	All regulating agencies indicate that the applicant is compliant with all requirements.
☒	The proposed use complies with the general purposes, goals, objectives, policies, and standards of all City plans, programs, and ordinances	This operation is a heavy industrial use, which is consistent with the Future Land Use Plan. The approval of the CUP will bring the operation into compliance with the LDC.
☒	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.	As provided in detail above, the request is consistent with the adopted Comprehensive Plan.

Development Review Team Recommendation

Based upon the analysis above, the Development Review Team believes that the application meets the criteria for a Conditional Use Permit set forth in the Land Development Code and recommends that the Planning Commission forward the Conditional Use Permit request to the City Council with a favorable recommendation , subject to the following conditions:

CONDITIONS:

1. Within 90 days of CUP issuance, two signed copies of the Public Improvement Agreement must be submitted to the Public Works Department to be executed.
2. If at any time the operation on the property changes so that the facility accepts any of the following materials, the operator shall receive Planning Commission review and City Council approval to amend this Conditional Use Permit prior to accepting these materials:
 - a. Radioactive material above background levels.
 - b. Infectious materials as defined by the Colorado Code of Regulations.
 - c. Explosives as defined by the US Department of Transportation.
 - d. Garbage or refuse.
 - e. Medical waste.
3. If at any time the property changes so that the facility operates any of the following, the operator shall receive Planning Commission review City Council approval to amend this Conditional Use Permit prior to performing any of these services:
 - a. Incineration operations.
 - b. Land treatment operations.
 - c. Landfill operations.
4. The applicant shall be required to provide copies of all new and/or updated permits from all regulating agencies as they are required to the City's Planning Division.
5. Any changes to the Emergency Response Plan shall be provided to the City's Police Department no later than 90 days after a change is made.

Development Review Team (DRT) Recommended Motion

To recommend approval subject to condition(s):

I move that the Planning Commission enter a finding that, subject to certain conditions, the requested Conditional Use Permit for the property located at 9131 E. 96th Avenue contained in case CU-84-14 meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Conditional Use Permit subject to the following conditions:

1. Within 30 days of CUP issuance, two signed copies of the Public Improvement Agreement must be submitted to the Public Works Department to be executed.
2. If at any time the operation on the property changes so that the facility accepts any of the following materials, the operator shall receive Planning Commission review and City Council approval to amend this Conditional Use Permit prior to accepting these materials:
 - f. Radioactive material above background levels.
 - g. Infectious materials as defined by the Colorado Code of Regulations.
 - h. Explosives as defined by the US Department of Transportation.
 - i. Garbage or refuse.
 - j. Medical waste.
3. If at any time the property changes so that the facility operates any of the following, the operator shall receive Planning Commission review City Council approval to amend this Conditional Use Permit prior to performing any of these services:
 - a. Incineration operations.
 - b. Land treatment operations.
 - c. Landfill operations.
4. The applicant shall be required to provide copies of all new and/or updated permits from all regulating agencies as they are required to the City's Planning Division.
5. Any changes to the Emergency Response Plan shall be provided to the City's Police Department no later than 90 days after a change is made.

Alternative Motions

To recommend approval:

I move that the Planning Commission enter a finding that the requested Conditional Use Permit for the property located at 9131 E. 96th Avenue contained in case CU-84-14 meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Conditional Use Permit.

To recommend denial:

I move that the Planning Commission enter a finding that the requested Conditional Use Permit for the property located at 9131 E. 96th Avenue contained in case CU-84-14 fails to meet the following criteria of the Land Development Code:

List the criteria not met

I further move that, based upon this finding, the Planning Commission recommend that the City Council deny the Conditional Use Permit.