

CONDITIONAL USE PERMIT

FOR A HAZARDOUS WASTE TREATMENT STORAGE AND RECYCLING FACILITY

CASE #CU-84-14

WHEREAS, the City Council of the City of Commerce City, Colorado finds that a conditional use permit to allow a hazardous waste treatment storage and recycling facility (“Conditional Use Permit”) should be granted pursuant to the Land Development Code of the City of Commerce City in Case #CU-84-14 for that property described in exhibit “A” attached hereto and made a part hereof, located at 9131 East 96th Avenue, Henderson, Colorado; and

WHEREAS, the City of Commerce City believes that this Conditional Use Permit is only appropriate if certain conditions are met; and

WHEREAS, the City of Commerce City desires to set to writing the conditions of the Conditional Use Permit.

NOW THEREFORE, the Conditional Use Permit applied for in Case #CU-84-14 is granted by the City of Commerce City 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.

Failure to comply with the above conditions shall constitute basis for revocation by the City of Commerce City, after public hearing, of the Conditional Use Permit authorized for the above-described property, it being expressly determined by the City Council that the Conditional Use Permit granted by the City of Commerce City in Case #CU-84-14 is not proper in the absence of compliance with the conditions herein contained. The City may proceed with legal action in a civil court to enforce the conditions herein imposed or issue a summons and complaint in the Commerce City municipal court for violation of the aforesaid conditions, and in the event a summons and complaint is issued in the Commerce City municipal court, and upon finding a violation of the condition set forth in this Conditional Use Permit, the municipal court may impose any penalty authorized by the Municipal Code. The remedies herein provided for shall be considered cumulative and not mutually exclusive.

IN WITNESS WHEREOF, the undersigned have set their hands effective the 3rd day of March 2014.

CITY OF COMMERCE CITY, COLORADO

By: _____
Sean Ford, Mayor

ATTEST:

Laura J. Bauer, City Clerk

Exhibit "A"
Legal Description
Case #CU-84-14

Lot 1, Block 1, Peckham Industrial Tract, a subdivision of a part of the Southwest one-quarter of Section 15, Township 2 South, Range 67 west of the 6th Principal Meridian, Adams County, Colorado.

Also known by street and number as: 9131 East 96th Avenue, Henderson, CO 80022
Assessor's parcel number: 172115302003