

CU-84-14

APPLICANT:

Veolia Environmental Services -
Technical Solutions

LOCATION:

9131 E. 96th Avenue

REQUESTS:

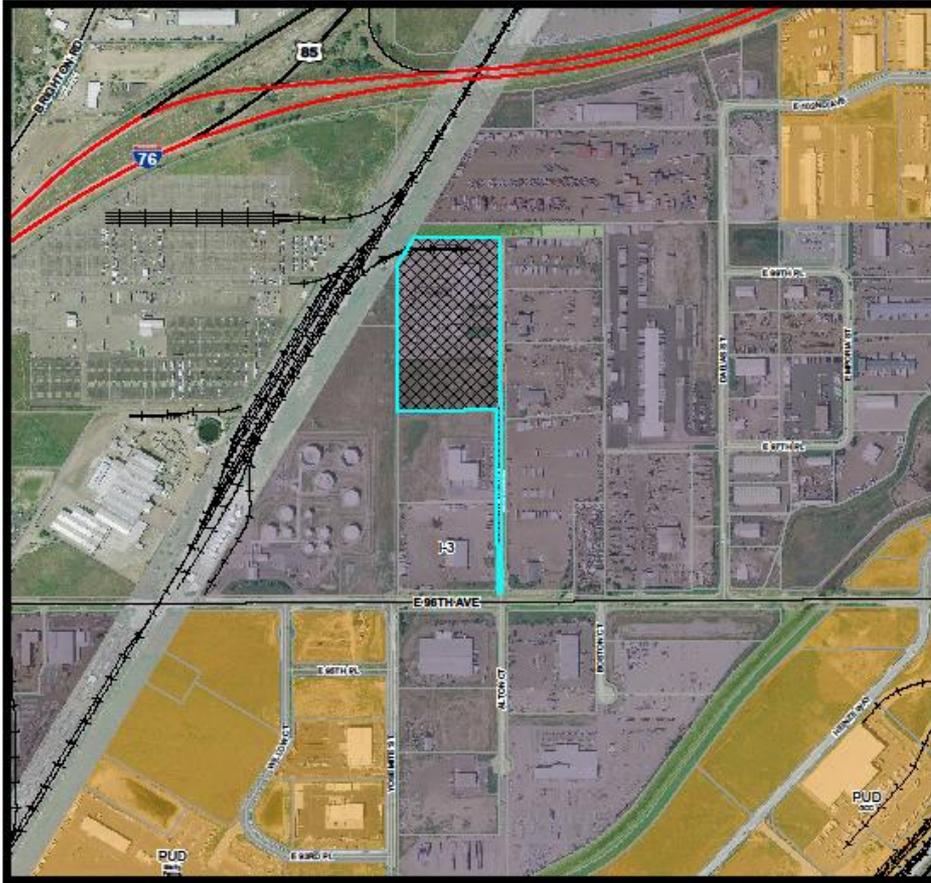
Approval of a Conditional Use Permit





Commerce City Vicinity Map

CU-84-14 & AV-1715-14



0 250 500 1,000 1,500 Feet

Area shown is approx. 1 1/4 miles square

PIN: '172115302003'



Commerce City Planning Department
Prepared By: Workman
Date Saved: December 23, 2013

Legend

Subject Property
AG - Agriculture District
I-1 - Light Intensity Industrial District
I-2 - Medium Intensity Industrial District
I-3 - Heavy Intensity Industrial District
PUD - Planned Unit Development District
ADCO - Unincorporated Adams County

Vicinity Map

Current Zoning:

I-3

Comprehensive Plan:

General Industrial



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Case History

- AN-220-07:
 - Annexed the subject property as part of the Northern Enclave Industrial Annexation.
- Z-875-08:
 - Zoned all properties annexed in AN-220-07.
 - Subject property zoned I-3.
- AV-1715-14:
 - Approval of variances to the fence and gate setback requirements to allow the existing fence and gate locations to remain where they are.

 Dedication/
Improvements

 Approximate
existing fence
location

 Approximate
existing gate
locations





Existing Right-of-Way

To be dedicated an improved

Alton Court looking south
from the northeast corner
of the subject property

Site History

- 1980 – The site is developed in Adams County.
- 1981 – The site is approved for a Conditional Use Permit by Adams County to operate solvent recycling and storage.
- 1999 – Veolia purchases the property and begins operations on site.
- 2007 – Commerce City annexes the subject property and the operations become ‘legal non-conforming’.
- 2008 – Veolia voluntarily submits an application for a Conditional Use Permit to bring the operations into legal and conforming status.
- 2008 – 2014 – Negotiations related to right-of-way dedication and improvements have been ongoing.

The Veolia Company

- Veolia Environmental is based in Paris, France.
- Operating for 150 years.
- Present in 48 countries with 220,000 employees making them the 33rd largest employer worldwide.
- Fortune Global 150 company with \$38.8 billion in revenues in 2012.

Veolia Environmental Services North America

- Based in Chicago.
- Present in the United States, Puerto Rico, and Canada with 5,400 employees.
- \$1.1 billion in revenues in 2012.
- “Deliver value-added services that protect people and improve the environment.”

Veolia Environmental Services – Technical Solutions

- Operates 24-7-365.
- 50 to 60 employees.
- Treatment and storage operations for hazardous and non-hazardous materials with fuel blending.
 - **No disposal at this facility.**
- This location is the Rocky Mountain Regional Hub.

Regulating Agencies

- Colorado Department of Public Health and Environment (CDPHE)
- Environmental Protection Agency Region VIII (EPA)
- Tri-County Health Department (TCHD)
- South Adams County Water and Sanitation District (SACWSD)
- South Adams County Fire Protection District (SACFPD)

CONDITIONAL USE PERMIT HENDERSON FACILITY FUTURE CONDITIONS

LOT 1, BLOCK 1, PECKHAM INDUSTRIAL TRACT,
CITY OF COMMERCE CITY, COUNTY OF ADAMS, STATE OF COLORADO
PAGE 4 OF 7

TIMING OF ROW IMPROVEMENTS:

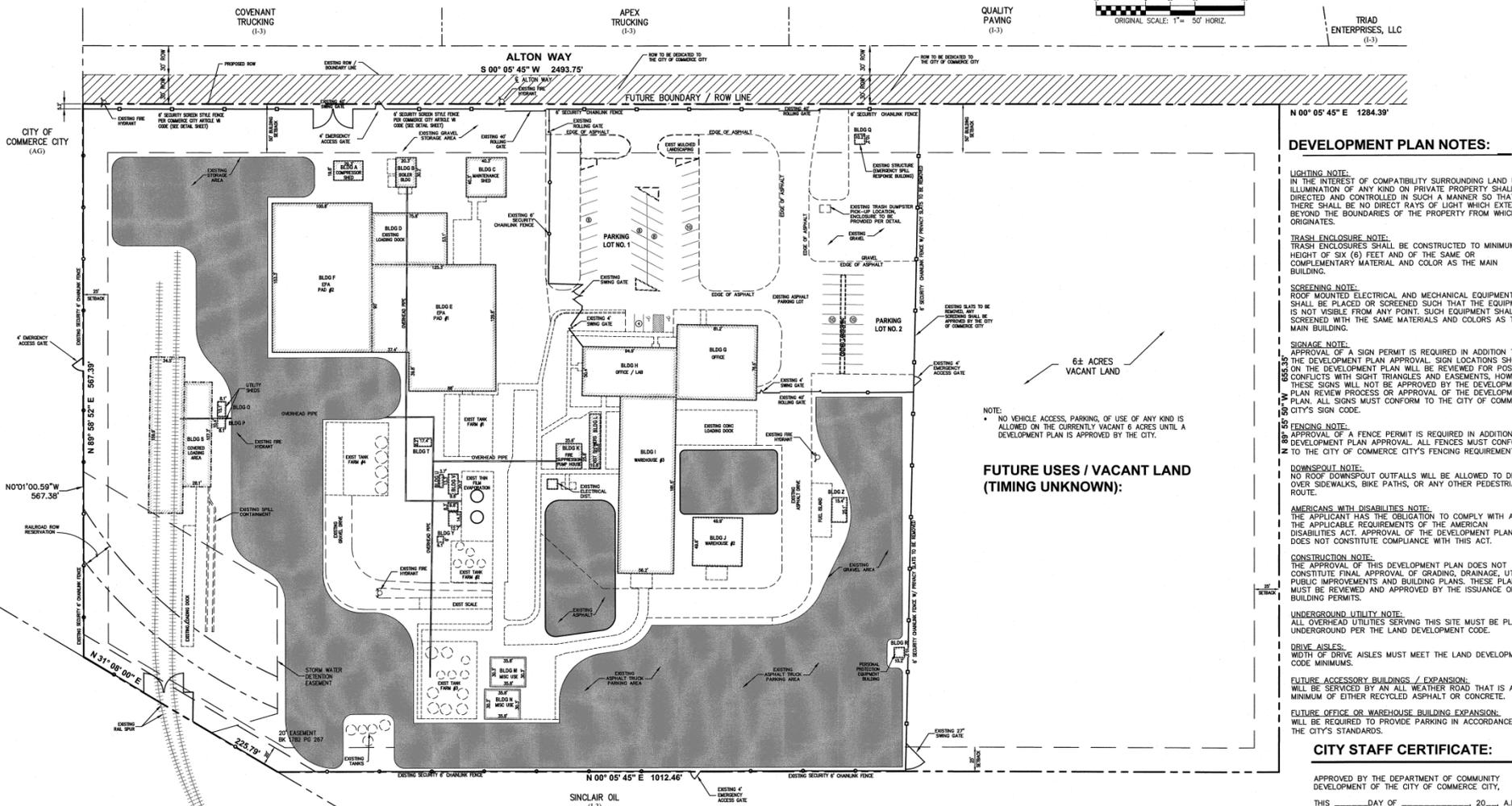
- DEDICATE 30' ALTON WAY ROW (ENTIRE FRONTAGE) AS REQUIRED BY THE PIA
- REMOVE PRIVACY SLATS IMMEDIATELY UPON ROW DEDICATION. IF SCREENING IS DESIRED IN THE FUTURE IT WILL BE INSTALLED IN ACCORDANCE W/ CITY STANDARDS.
- INSTALL FUTURE LANDSCAPING BETWEEN FUTURE ROW AND EXISTING FENCE IN CONJUNCTION W/ THE ROW IMPROVEMENTS.
- FUTURE DEVELOPMENT TO COMPLY WITH NOTES HEREIN AND ALL CITY OF COMMERCE CITY CODES.

LEGEND:

EXISTING BOUNDARY LINE	---	EXISTING EDGE OF ASPHALT	---
BUILDING PROPERTY LINE	---	EXISTING EDGE OF GRAVEL	---
BUILDING SETBACK	---	EXISTING EDGE OF CONCRETE	---
EXISTING 6" SECURITY CHAIN LINK FENCE W/ PRIVACY SLATS	○	EXISTING OVERHEAD PIPE	---
EXISTING 6" SECURITY CHAIN LINK FENCE	○	EXISTING RAILROAD TRACKS	
EXISTING BUILDING	■	EXISTING TIMBER WALL	---
EXISTING COVERED LOADING	■	EXISTING FIRE HYDRANT	○
		EXISTING TANK	○
		FUTURE CONSTRUCTION AREAS	■
		USES TO INCLUDE (BUT NOT LIMITED TO):	
		• CONTAINER STORAGE	
		• TANK FARMS	
		• WASTE WATER TREATMENT DISTILLATION	
		• PARKING	
		• EQUIPMENT STORAGE	
		• FUTURE CUTTING EDGE TECHNOLOGY	



TRIAD ENTERPRISES, LLC (E-3)



DEVELOPMENT PLAN NOTES:

- LIGHTING NOTE:** ILLUMINATION OF ANY KIND ON PRIVATE PROPERTY SHALL BE DIRECTED AND CONTROLLED IN SUCH A MANNER SO THAT THERE SHALL BE NO DIRECT RAYS OF LIGHT WHICH EXTEND BEYOND THE BOUNDARIES OF THE PROPERTY FROM WHICH IT ORIGINATES.
- TRASH ENCLOSURE NOTE:** TRASH ENCLOSURES SHALL BE CONSTRUCTED TO MINIMUM HEIGHT OF SIX (6) FEET AND OF THE SAME OR COMPLEMENTARY MATERIAL AND COLOR AS THE MAIN BUILDING.
- SCREENING NOTE:** ROOF MOUNTED ELECTRICAL AND MECHANICAL EQUIPMENT SHALL BE PLACED OR SCREENED SUCH THAT THE EQUIPMENT IS NOT VISIBLE FROM ANY POINT. SUCH EQUIPMENT SHALL BE SCREENED WITH THE SAME MATERIALS AND COLOR AS THE MAIN BUILDING.
- SIGNAGE NOTE:** APPROVAL OF A SIGN PERMIT IS REQUIRED IN ADDITION TO THE DEVELOPMENT PLAN APPROVAL. SIGN LOCATIONS SHOWN ON THE DEVELOPMENT PLAN WILL BE REVIEWED FOR POSSIBLE CONFLICTS WITH SIGHT TRIANGLES AND EASEMENTS. HOWEVER, THESE SIGNS WILL NOT BE APPROVED BY THE DEVELOPMENT PLAN REVIEW PROCESS OR APPROVAL OF THE DEVELOPMENT PLAN. ALL SIGNS MUST CONFORM TO THE CITY OF COMMERCE CITY'S SIGN CODE.
- FENCING NOTE:** APPROVAL OF A FENCE PERMIT IS REQUIRED IN ADDITION TO DEVELOPMENT PLAN APPROVAL. ALL FENCES MUST CONFORM TO THE CITY OF COMMERCE CITY'S FENCING REQUIREMENTS.
- DOWNSPOUT NOTE:** NO ROOF DOWNSPOUT OUTFALLS WILL BE ALLOWED TO DRAIN OVER SIDEWALKS, BIKE PATHS, OR ANY OTHER PEDESTRIAN ROUTE.
- AMERICANS WITH DISABILITIES NOTE:** THE APPLICANT HAS THE OBLIGATION TO COMPLY WITH ALL THE APPLICABLE REQUIREMENTS OF THE AMERICAN DISABILITIES ACT. APPROVAL OF THE DEVELOPMENT PLAN DOES NOT CONSTITUTE COMPLIANCE WITH THIS ACT.
- CONSTRUCTION NOTE:** THE APPROVAL OF THIS DEVELOPMENT PLAN DOES NOT CONSTITUTE FINAL APPROVAL OF GRADING, DRAINAGE, UTILITY, PUBLIC IMPROVEMENTS AND BUILDING PLANS. THESE PLANS MUST BE REVIEWED AND APPROVED BY THE ISSUANCE OF BUILDING PERMITS.
- UNDERGROUND UTILITY NOTE:** ALL OVERHEAD UTILITIES SERVING THIS SITE MUST BE PLACED UNDERGROUND PER THE LAND DEVELOPMENT CODE MINIMUMS.
- DRIVE AISLES:** WIDTH OF DRIVE AISLES MUST MEET THE LAND DEVELOPMENT CODE MINIMUMS.
- FUTURE ACCESSORY BUILDINGS / EXPANSION:** WILL BE SERVICED BY AN ALL WEATHER ROAD THAT IS A MINIMUM OF EITHER RECYCLED ASPHALT OR CONCRETE.
- FUTURE OFFICE OR WAREHOUSE BUILDING EXPANSION:** WILL BE REQUIRED TO PROVIDE PARKING IN ACCORDANCE W/ THE CITY'S STANDARDS.

NOTE:
• NO VEHICLE ACCESS, PARKING, OR USE OF ANY KIND IS ALLOWED ON THE CURRENTLY VACANT 6 ACRES UNTIL A DEVELOPMENT PLAN IS APPROVED BY THE CITY.

FUTURE USES / VACANT LAND (TIMING UNKNOWN):

CITY STAFF CERTIFICATE:

APPROVED BY THE DEPARTMENT OF COMMUNITY DEVELOPMENT OF THE CITY OF COMMERCE CITY,
THIS ___ DAY OF _____, 20___ A.D.

DEPARTMENT OF COMMUNITY DEVELOPMENT SIGNATURE



VEOLIA

SPEED
LIMIT
7 1/2

NO
TRUCKS

Office/Lab Building

Applicant's Operations – Receipt

- Receive bulk materials (>110 gallons) and non-bulk materials (<110 gallons).
 - Anything from aerosol cans to research chemicals.
 - Waste Information Profile (WIP) created by the generator and used to determine the treatment and/or storage of the material.





Trucks/Trailers

Applicant's Operations – Storage

- Containerized waste is placed into storage pending analysis results (within 10 days) to ensure consistency with the WIP.
 - These wastes are segregated by hazardous class and chemical compatibility.
- Bulk liquid wastes are not placed into tanks until their analysis results (same day) are complete to ensure consistency with the WIP.



Warehouse Buildings





Tank Storage/Distillation Column

Applicant's Operations – Treating

- Containerized wastes:
 - Neutralization
 - Aerosol Can Treatment
 - Solidification
 - Container Blending
- Tank wastes:
 - Thin Film and Fractional Distillation Column
 - Tank Farms
 - Phase Separation
 - Filtration
 - Solvent Extraction
 - Aqueous and Fuel Blending



Applicant's Operations – Packing and Shipping

- Approximately 50% of all wastes received by the facility are stored in order to accumulate a full truck or train load.
 - When a full load is accumulated, materials are shipped to a final disposal facility.
- Reclaimed materials and materials that can be directly used without treatment are sold to commercial businesses throughout the United States.

Site Security

- A chain-link fence with barbed wire surrounds the entire property.
- Chain-link fences surround 'active' units as required by the CDPHE.
- Gates leading to process areas are locked at all times.
- Warning signs are posted along the fence.
- 24 hour video surveillance is installed.
- **There have been no emergencies at this facility since Veolia acquired the site in 1999.**

The DRT Review

1. The Code requirements
2. Referral agency response
3. General application analysis
4. CUP approval criteria analysis

1. LDC Requirement

USES ALLOWED BY ZONING DISTRICT																	
R = ALLOWED BY RIGHT P = USE BY PERMIT C = CONDITIONAL USE OG = OIL & GAS PERMIT BLANK CELL = EXCLUDED																	
USE CLASSIFICATION	SPECIFIC USE TYPE	NAICS CODE	R-1	R-2	R-3	R-4	MHP	C-1	C-2	C-3	MU-1	I-1	I-2	I-3	AG	PUBLIC	ADDITIONAL REGULATIONS
Resource Extraction	Borrow pit	212319															21-5222
	Construction sand and gravel mining	21232															
	Minerals and earths: quarrying, extracting, grinding, mining, crushing, and processing	212															
	Ore dumps and elevators	212															
	Subsurface extraction (including oil and natural gas extraction)	211-213	OG	OG	OG	OG	OG	OG	OG								
Toxic/Hazardous Uses	The parking and storage of toxic or hazardous material																
	The manufacturing, processing, use, sale, or storage of any flammable, corrosive, explosive, or toxic substance																



2. Referral Agency Responses

- South Adams County Fire Protection District:
 - *“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.”*
- Tri-County Health Department:
 - *“The current referral includes a letter from the applicant’s consultant, Jehn Engineering, dated 10/14/13 and an email from Veolia that states 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.”*

3. DRT Application Analysis

- No issues were identified by the regulating agencies.
 - All comments were supportive of the application.
- The site was developed in 1980 and received CUP approval from the County in 1981.
- The site was annexed in 2007.
- The request is voluntary to bring the operations into compliance with city code.
- The applicant will be dedicating and constructing right-of-way.

4. Approval Criteria Analysis

- The site has been in operation since 1981 and since it's annexation no complaints have been filed with the city. The dedication of right-of-way will better the circumstances for businesses in the area.
- The applicant is pro-active in addressing any impacts and there are emergency response plans in place to mitigate any adverse scenarios.
- The site was developed in the early 1980's for this type of operation.
- The site has adequate services.
- The applicant has provided assurance of continued maintenance.
- The regulating agencies indicate compliance with all requirements.
- The use of the property for heavy industrial uses is consistent with the other uses in the area.

Notification Response

- To date, staff has not been contacted regarding the request.



Planning Commission's Recommendation

- On February 4, 2014, the Planning Commission voted 5-0 to recommend approval to City Council for the requested CUP, subject to conditions.



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Recommended Conditions

- Five conditions of approval generally related to public improvements, site operations, and compliance with regulating agencies.
- The Planning Commission felt that these conditions ensured compatibility with the area and would give City Council authority to review any changes in operations.

Questions?



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