



# STAFF REPORT

## Planning Commission

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### CASE #CU-100-12

<b>PC Date:</b>	October 2, 2012	<b>Case Planner:</b>	Jenny Axmacher
<b>CC Date:</b>	November 5, 2012		
<b>Location:</b>	6510 Brighton Blvd, Commerce City, CO 80022		
<b>Applicant:</b>	Rocky Mountain Recycling	<b>Owner:</b>	Same as applicant
<b>Address:</b>	6510 Brighton Blvd	<b>Address:</b>	Same as applicant

### Case Summary

<b>Request:</b>	The applicant is requesting a Conditional Use Permit to bring an existing rail spur into compliance and to add a second spur.
<b>Project Description:</b>	Rocky Mountain Recycling is proposing to add an additional rail spur on their property to expand the storage of rail cars on site and to increase the operational flexibility of the existing scrapyards business.
<b>Issues/Concerns:</b>	Whether adding a second rail spur is appropriate on this site.
<b>Key Approval Criteria:</b>	<ul style="list-style-type: none"><li>The characteristics of the site are suitable for the proposed use</li></ul>
<b>Staff Recommendation:</b>	Approval
<b>Current Zone District:</b>	I-3 (Heavy Intensity Industrial District)
<b>Comp Plan Designation:</b>	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 type="checkbox"/> Development Review Team Recommendation   | <input type="checkbox"/> Neighborhood Meeting Notes |
| <input checked="" type="checkbox"/> Site Plan                     | <input type="checkbox"/>                            |

## Background Information

### Site Information

<b>Site Size:</b>	7.5 acres
<b>Current Conditions:</b>	Developed as Scrap yard
<b>Existing Right-of-Way:</b>	Brighton Blvd and 64th Ave
<b>Existing Roads:</b>	Brighton Blvd and 64th Ave
<b>Existing Buildings:</b>	Office and House
<b>Buildings to Remain?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Site in Floodplain</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

### Surrounding Properties

<u>Existing Land Use</u>		<u>Occupant</u>	<u>Zoning</u>
<b>North</b>	Industrial	Salvage Yard with Nightwatchman's Quarters	I-3
<b>South</b>	Industrial	Storage	I-3
<b>East</b>	Industrial	ConAgra Foods	I-3
<b>West</b>	Industrial	Rocky Mountain Recycling Non-Ferrous Operations	I-3

### Case History

<u>Case</u>	<u>Date</u>	<u>Request</u>	<u>Action</u>
A-137-74	6/74	Conditional use for scrap yard	<b>Withdrawn</b>
A-187-75	6/17/75	Conditional use for scrap yard	<b>Approval with Conditions</b>
A-1514-01	3/21/01	Two-foot fence height variance	<b>Withdrawn</b>
A-1664-08	5/13/08	6-foot fence height variance, 20 foot fence setback variance and landscape variance	<b>Approval with Conditions</b>

## Applicant's Request

Rocky Mountain Recycling currently operates a salvage yard at 6510 Brighton Blvd. Ferrous (steel) material is brought on site by truck, or passenger vehicle, weighed and then stored in a pile on site. The material in the piles is then bailed and loaded on to a railcar for shipping off site.

Rocky Mountain Recycling is looking to install an additional rail spur at their facility at 6510 Brighton Boulevard. The rail spur will be completely contained within the property boundaries and will run parallel to the existing rail spur. The addition of this rail spur will require minor alterations to the existing rail spur.

The purpose of the rail spur is to increase operational flexibility and reduce bottlenecks. The addition of this rail spur will allow for the storage of more than one day's worth of railcars on site, which will increase the operational flexibility. It will also allow the railcars to be split among two tracks allowing for shuttling of railcars to the appropriate area within the yard. While Rocky Mountain Recycling will theoretically be able to increase the number of railcars it ships every day, it is not the reason for the additional rail spur.

## Development Review Team Analysis

The DRT carefully reviewed whether this proposal would have impacts to the neighborhood and does not believe there will be any negative impacts. In fact, the DRT is encouraged that Rocky Mountain Recycling is improving the efficiency of their scrapyards operations which could result in less materials being stored on site and improve the overall site aesthetics. There will be no additional impacts to the city right-of-way or public services as the spur utilizes an existing right-of-way crossing. The DRT supports this proposal.

Criteria Met?	Sec. 21-3230. Conditional Use Permits	Rationale
<input checked="" type="checkbox"/>	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 second rail spur will not have any additional impact on the adjacent properties. There is already an existing rail spur onsite and the proposed rail spur is nearly identical to the existing rail spur. The immediately adjacent property that would be most impacted is Union Pacific Railroad ROW. The operations of the site will not change in any significant way.
<input checked="" type="checkbox"/>	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 existing screening and landscaping adequately buffer adjacent uses.
<input checked="" type="checkbox"/>	The characteristics of the site are suitable for the proposed use;	The applicant has sufficient space to conduct the operations at this site without needing any further variances.
<input checked="" type="checkbox"/>	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 addition will have no effect on Public Improvements because the project is entirely contained within the property boundaries and is interior to the existing rail spur.
<input checked="" type="checkbox"/>	The applicant has provided adequate assurances of continuing maintenance;	The applicant's site is adequately maintained and there have been no issues with the applicant maintaining their site.
<input checked="" type="checkbox"/>	No evidence suggests that the use violates any federal, state, or local requirements.	Staff did not receive any comments to suggest that the applicant is anything other than compliant with all federal, state, and local requirements.
<input checked="" type="checkbox"/>	The proposed use complies with the general purposes, goals, objectives, policies, and standards of all City plans, programs, and ordinances	The applicant is requesting add the spur in an area zoned I-3 and designated in the Comprehensive Plan as general Industrial.

### Comprehensive Plan

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

<u>Section</u>	<u>Goal</u>	<u>Description</u>
Land Use and Growth Strategies	LU 1a	Future Land Use Plan as Guide - Use the Future Land Use Plan (FLUP) (in Chapter 3) to guide development patterns and mix of uses and amendments to the Land Development Code (LDC).
<b>Analysis:</b>	This development is in conformance with the future land use plan.	
<u>Section</u>	<u>Goal</u>	<u>Description</u>
Fiscal Stability Strategies	FS 2a	FLUP Consistency - Retain, support, and expand the community's industrial base by approving development that is consistent with the Future Land Use Plan and Economic Development Strategic Plan and modifying the LDC to reflect the FLUP.
<b>Analysis:</b>	The project retains and supports an existing industrial business that is in conformance with the FLUP.	

## 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.

### \*Recommended Motion\*

#### ***To recommend approval:***

I move that the Planning Commission enter a finding that the requested Conditional Use Permit for the property located at **6510 Brighton Blvd** contained in case **CU-100-12** meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Conditional Use Permit.

### Alternative Motions

#### ***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 **6510 Brighton Blvd** contained in case **CU-100-12** 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:

*Insert Condition(s)*

#### ***To recommend denial:***

I move that the Planning Commission enter a finding that the requested Conditional Use Permit for the property located at **6510 Brighton Blvd** contained in case **CU-100-12** 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.