

CONDITIONAL USE PERMIT

CASE #CU-130-23

WHEREAS, the City Council of the City of Commerce City, Colorado, having considered the report of the Director of Community Development, having adopted the findings and recommendations of the Planning Commission, and having conducted a public hearing regarding the Case #CU-130-23, has determined that the requirements of Section 21-3230 of the Land Development Code are satisfied in this case, subject to the conditions contained herein;

WHEREAS, the City Council desires to approve certain conditional uses pursuant to the Land Development Code as set forth herein for Waste Connections (“Applicant”), only for its operations on the property described as set forth in Exhibit A (“Property”), more commonly known as 4150 East 60th Avenue.

NOW THEREFORE, the conditional use permit applied for in Case #CU-130-23 is hereby approved as follows:

1. CONDITIONALLY APPROVED USES: The Applicant is permitted to conduct the following land uses at the Property, subject to the compliance with the conditions contained herein and any other applicable laws and regulations:

Recycling Facilities/Material Resource Recovery Facility pursuant to the Land Development Code Section 21-5256(2)

2. CONDITIONS: The following conditions shall apply to the conduct of the uses authorized by this conditional use permit:

- A. A Fire Mitigation and Emergency Preparedness Plan(s) shall be supplied to South Adams County Fire Department and to the Community Development Department upon approval by the South Adams County Fire Department. All fires shall immediately be reported to the South Adams County Fire Department.
- B. Copies of any applicable state or federal regulatory agency permits and inspections shall be provided to the Planning Division prior to commencement of operations.
- C. Methane detection and control devices shall be installed in all structures where and when deemed necessary by the Fire Marshal or Adams County Health Department.
- D. No outdoor storage of recyclable materials.
- E. Site shall be cleaned of debris outside of the recycling structure.
- F. All recycling processes shall be conducted indoors.

NON-COMPLIANCE: 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, it being expressly determined by the City Council that the Conditional Use Permit granted by the City of Commerce City in Case #CU-130-23 is not proper in the absence of compliance with the conditions and requirements herein contained. In the alternative, the City may proceed

with legal action for injunctive relief 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 Land Development Code. The remedies herein provided for shall be considered cumulative and not mutually exclusive.

Effective this 15TH Day of May, 2023.

CITY OF COMMERCE CITY, COLORADO

Benjamin A. Huseman, Mayor

ATTEST:

Dylan A. Gibson, City Clerk

Exhibit “A”
Case # CU-130-23

KNOW ALL MEN BY THESE PRESENTS THAT WASTE CONNECTIONS OF COLORADO INC., A DELAWARE CORPORATION BEING THE OWNER OF THAT PROPERTY DESCRIBED IN THE SPECIAL WARRANTY DEED RECORDED UNDER RECEPTION NO. 2022000045315 IN THE RECORDS OF THE ADAMS COUNTY CLERK AND RECORDER, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF COMMERCE CITY, COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE 6TH P.M. (GOVERNMENT LOT 2) BEING MONUMENTED BY A 3-1/4” ALUMINUM CAP STAMPED “LS 17488” AT THE WEST QUARTER CORNER AND A STONE WITH CROSS AT THE SOUTHWEST CORNER, SAID LINE BEARING S00°14’04”E AS REFERENCED TO COLORADO STATE PLANE CENTRAL ZONE.

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 7, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE 6TH P.M.;

THENCE ON THE WESTERLY LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 7, N00°14’04”W A DISTANCE OF 1,321.40 FEET, TO THE SOUTHWEST CORNER OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 7, SAID POINT BEING THE POINT OF BEGINNING;

THENCE CONTINUING ON SAID WEST LINE, N00°14’04”W A DISTANCE OF 1,109.75 FEET, TO THE NORTHERLY CORNER OF THAT PROPERTY RECORDED UNDER RECEPTION NO. 2022000045315 IN THE RECORDS OF THE ADAMS COUNTY CLERK AND RECORDER;

THENCE ON THE NORTHEASTERLY LINE OF SAID PROPERTY, THE FOLLOWING FOUR (4) COURSES:

1. S45°54’42”E A DISTANCE OF 583.97 FEET;
2. S00°14’04”E A DISTANCE OF 52.33 FEET;
3. N89°10’30”E A DISTANCE OF 53.02 FEET;

4. S45°54'42"E A DISTANCE OF 285.66 FEET, TO A POINT ON THE EASTERLY LINE OF SAID PROPERTY;

THENCE ON SAID EASTERLY LINE, S00°14'04"E A DISTANCE OF 443.40 FEET, TO A POINT ON THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 7;

THENCE ON SAID SOUTH LINE, N89°10'30"E A DISTANCE OF 71.28 FEET, TO A POINT ON THE EASTERLY LINE OF SAID PROPERTY, SAID POINT BEING A POINT OF NON-TANGENT CURVE;

THENCE ON SAID EASTERLY LINE, THE FOLLOWING TWO (2) COURSES:

1. ON THE ARC OF A CURVE TO THE RIGHT WHOSE CENTER BEARS N81°32'43"W, HAVING A RADIUS OF 691.70 FEET, A CENTRAL ANGLE OF 23°27'41" AND AN ARC LENGTH OF 283.24 FEET, TO A POINT OF NON-TANGENT;
2. S32°03'08"W A DISTANCE OF 330.95 FEET, TO THE SOUTHERLY CORNER OF SAID PROPERTY;

THENCE ON THE SOUTHWESTERLY LINE OF SAID PROPERTY, N41°35'26"W A DISTANCE OF 713.64 FEET, TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 736,952 SQUARE FEET OR 16.9181 ACRES.