

CU-21-91-94-96-97-17 Condition Recommendations

Exhibit 1

- A. ~~Applicant will submit a striping plan for the full length of the acceleration lane across the bridge (westbound). The applicant shall construct acceleration/deceleration lanes on the north side of E. 88th Avenue. The deceleration lane will not be required to encroach on the railroad crossing. The lanes are to be installed within 60 days of issuance of a business license.~~ **Remove, improvements completed and condition no longer applies.**
- B. ~~Landscaping shall be installed along the right of way of E. 88th Avenue in conformity with a landscape plan to be reviewed and approved by the Department of Community Development prior to final approval of the "Construction Materials Transfer Site" subdivision. The landscaping will be installed by November 1, 1991.~~ **Remove, improvements completed and condition no longer applies.**
- C. ~~To help fulfill the 5% landscape requirement, applicant shall provide a 25-foot wide landscaped area adjacent to the property line adjacent to O'Brian Canal. Landscaping will be installed by June 3, 1997 pursuant to an amended landscape plan to be reviewed and approved by the Department of Community Development, which shall include a landscape requirement of at least 5% of the gross land area.~~ **Remove, improvements completed and condition no longer applies.**
- D. Hours of operation will be 6am to 6pm Monday through Saturday. Pre-loading materials (no concrete or asphalt) and access from the property for trucks carrying bulk materials (enclosed containment) shall be allowed between 4am to 10pm. Equipment repair and off-loading activities will be conducted as needed, provided that the noise levels of the operations do not exceed 75 decibels at property line from 7am to 10pm nor 70 decibels at property line from 10pm to 7am. The noise level limitation shall be valid at any part of the property boundary which is not adjacent to property zoned I-2 or I-3. This condition shall be subject to review and reconsideration by the City Council for good cause. **No changes.**
- E. Evening hauling between the house of 6pm and 6am and Sunday hauling shall be allowed only for public projects which require low traffic hours for completion, and only for a maximum of 36 evenings/Sundays per year. The operator shall maintain a copy of the hauling schedule and construction contract and submit the documentation to the Director of Community Development upon request. **No changes.**

- F. ~~The area where the rock crusher will operate will be shielded from public view, as necessary, by berming, landscaping, or a combination. A site plan showing the area and mitigation measures will be submitted to and approved by the Department of Community Development prior to approval of the final subdivision plat by City Council. Remove, improvements completed and condition no longer applies.~~
- G. Noise and odor levels will not exceed city or state standards for industrial areas, whichever is more stringent. The applicant will employ noise monitoring devices and remedy any violations of the noise limits within 60 minutes of the violation. Complaints of frequent violations of the noise standards or odors shall be cause for revoking the Condition Use Permit. **No changes.**
- H. ~~The applicant shall obtain Air Quality and Fugitive Dust Permits from Colorado Department of Health. Dust control measures, such as sprinkling of stockpiles and sodding bare dirt areas, shall be implemented as deemed necessary by the Department of Community Development after notification to the operator. Remove. L. G. Everist has provided the most current permit (January of 2017). Since this is a state requirement that is already a condition of operations, remove.~~
- I. The stockpiles of materials shall be stored within the footprint of the area labeled "aggregate stockpile areas" on the Conditional Use Map dated 10/19/95 updated to 1/16/96. The stockpiles next to the conveyor systems shall be no higher than 50 feet. Stockpiles south of that shall be no higher than 25 feet. Complaints from neighboring properties about damage from blowing sand and gravel may result in further limits being imposed on the height of the stockpiles or mitigating measures. **No changes.**
- J. ~~At the request of the Department of Community Development, t~~The applicant shall prepare and submit a traffic study for the property based on the requirements of the Department of Public Works. ~~The traffic study will be required~~ when more than two accidents per year occur as a result of the activities of the applicant at the intersection of the vacated Quince Street and E. 88th Avenue. **Update Language.**
- K. ~~The applicant has entered into a Development Agreement with the City to participate in a Special Improvement District, or similar mechanism, to finance public improvements for roads or bridges which may be impacted by the weight and speed of hauling activities. Agreement is in place, the condition is not necessary.~~

- L. ~~The applicant shall submit for review and approval by the Department of Community Development a detailed buffer, fencing, and landscape plan for the property before any additional use of that area for off-loading and storing.~~ **Remove. The LDC has requirements for screening outdoor storage. This condition is not necessary.**
- M. The applicant shall submit a sign package for review and approval by the Department of Community Development if signage on the tower is proposed. The signage on the towers shall be limited to one identification sign 32-square feet each in size with one sign authorized for each business identity. All signage shall be of earth-tone colors. **No changes.**
- N. ~~The Conditional Use Permit is approved for the applicant only. In the event that any operation of the property, including any Use by Right or Conditional Use, is proposed to be conducted by an individual or entity that is not LG Everist Inc., or a wholly owned subsidiary thereof, application must be made to the Director of the Department of Community Development or his/her designee for specific approval of the operator. Prior to any grant of approval by the Director of the Department of Community Development or his/her designee, the application shall be referred to the City Council for review and determination as to whether the decision on the application must be made by the City Council instead of the Director of the Department of Community Development or his/her designee.~~

~~In the event that a decision on the application made by the Director of the Department of Community Development or his/her designee is denial, the applicant may appeal to the City Council for specific approval of the operator provided that such appeal is filed with the City Manager within thirty (30) days after written notification of such denial is given to the applicant.~~ **Remove. Public hearings for Uses-by-Right are not necessary and new uses requiring a CUP are required by the LDC to get them.**

- O. ~~At the option of either the Planning Commission or City Council, the applicant's Conditional Use shall be reviewed by the Planning Commission and shall be subject to modification by the City Council after the first year of operation. Staff shall submit to the Planning Commission and City Council a report of the operation after its first year.~~ **Remove. In operation for 26 years, condition not applicable.**
- P. ~~Oil spills that may occur during transfer of oil shall occur upon a concrete or asphalt pad designed with a berm to protect against ground pollution.~~ **There are now state requirements for oil related operations, condition is not necessary today.**

- Q. The uses allowed shall be stated on the Conditional Use Map submitted with the application and dated 10/19/95 and updated to 1/16/96. Only incidental railcar maintenance and repair facilities will be allowed on the property for maintenance and repair of the applicant's own railcars and equipment. **No changes.**
- R. The applicant shall ~~submit to the Department of Community Development~~ maintain a HAZMAT Policies and Procedures Manual ~~which shall be reviewed and approved by the~~ with the South Adams County Fire Protection District. ~~before any additional uses are allowed on the property. Updates to the Manual shall be submitted within seven days of their becoming a part of the Manual.~~ **Update language.**
- S. ~~The applicant shall submit to the Department of Community Development a plan detailing the type of fencing, landscaping, and buildings that will be used to mitigate outdoor storage before any additional uses are allowed on Use Area 3 of the property. When outdoor storage is proposed for the property, the applicant shall submit for review and approval by the Department of Community Development a plan detailing the method of mitigation to be used.~~ **Remove. The LDC has requirements for screening outdoor storage.**
- T. ~~The applicant shall pave all primary parking areas of the proposed use before October 31, 1997.~~ **Remove, improvements completed and condition no longer applies.**
- U. ~~The applicant shall submit a landscape plan for the proposed use for approval by the Department of Community Development before August 29, 1997. Landscaping shall be installed as per the approved plan before June 30, 1998.~~ **Remove, improvements completed and condition no longer applies.**