

# **CONDITIONAL USE PERMIT**

## **TO ALLOW FOR A CONSTRUCTION DEBRIS RECYCLING & SOLID WASTE TRANSFER FACILITY**

### **CASE #CU-128-20**

**WHEREAS**, the City Council of the City of Commerce City, Colorado finds that a conditional use permit to allow for a Construction Debris Recycling & Solid Waste Transfer Facility should be granted pursuant to the Land Development Code of the City of Commerce City in Case CU-127-20 for that property described in exhibit "A" attached hereto and made a part hereof, located at 5400 Monroe Street, Denver, 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-128-20 is granted by the City of Commerce City subject to the following conditions:

#### **CONDITIONS:**

- A. This approval applies to the Development Plan dated 8/28/20 associated with this Conditional Use Permit.
- B. Building permit issuance shall be restricted until a Request For Ordinance (RFO) is approved by the City and County of Denver for sanitary sewer connection at this site.
- C. All non-recyclable wastes shall be contained within the transfer facility, and all waste accepted onto the premises shall be transferred into a transfer trailer within 24 hours of receipt.
- D. The facility shall not accept hazardous materials, including but not limited to asbestos or Freon for processing, unless an amendment is made to this Conditional Use Permit.
- E. The property shall be kept clean and free of debris and dust, outside of the designated outdoor storage areas and beyond the perimeter of the screening fence.
- F. The applicant shall obtain and provide copies of any applicable state or federal regulatory agency permits to the Community Development Department, prior to commencement of operations on site.

- G. The applicant shall notify the Community Development Department in writing in the event the use as described in this Conditional Use Permit is discontinued by Monroe Partners East, LLC
- H. Between January 1 and January 31, 2022, the applicant will provide the director with a report detailing all complaints the applicant has received from adjoining landowners during the preceding calendar year, as well as the manner in which the applicant disposed of those complaints. Subsequent reports will be due on or before January 31 of every year thereafter.

On or after January 1, 2026, the director will review the applicant's reports, as well as any violations reported to the city. If the reports and reported violations, if any, indicate that the use is not compliant with the Conditional Use Permit approval criteria, the director may submit the Conditional Use Permit to the Planning Commission and City Council for review at duly noticed public hearings. This review will be for the limited purpose of identifying and imposing conditions reasonably necessary to address the complaints demonstrating noncompliance with the Conditional Use Permit approval criteria and will be rationally related to the Conditional Use Permit approval criteria.

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-128-20 is not proper in the absence of compliance with the conditions 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.

**IN WITNESS WHEREOF**, the undersigned have set their hands effective the 2<sup>nd</sup> day of November, 2020.

CITY OF COMMERCE CITY, COLORADO

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Benjamin A. Huseman, Mayor

ATTEST

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Dylan A. Gibson, City Clerk

***Exhibit “A”***  
***Case # CU-128-20***

**Legal Description**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF ADAMS,  
STATE OF COLORADO, AND IS DESCRIBED AS FOLLOWS:

LOT 2,  
BLOCK 1,  
MCGUIRE SUBDIVISION FIRST REPLAT  
COUNTY OF ADAMS,  
STATE OF COLORADO.