

CONDITIONAL USE PERMIT
**FOR A SAND AND GRAVEL OPERATION, ROCK CRUSHING OPERATION, CONCRETE
BATCH PLANT, AND ASPHALT BATCH PLANT**
CASE NO. CU-21-91-94-96-97-17

WHEREAS, the City Council of the City of Commerce City, Colorado finds that a conditional use permit for a Sand and Gravel Operation, Rock Crushing Operation, Concrete Batch Plant, and Asphalt Batch Operation (“Conditional Use Permit”) should be granted pursuant to the Land Development Code of the City of Commerce City in Case No. CU-21-91-94-96-97-17 for that property described in exhibit “A” attached hereto and made a part hereof, located at 7321 East 88th Avenue, Commerce City, 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 No. CU-21-91-94-96-97-17 is granted by the City of Commerce City subject to the following conditions:

CONDITIONS:

- A. 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.
- B. Evening hauling between the hours 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.
- C. 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 Conditional Use Permit.
- D. 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.

- E. The applicant shall prepare and submit a traffic study for the property based on the requirements of the Department of Public Works 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.
- F. 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.
- G. 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.
- H. The applicant shall maintain a HAZMAT Policies and Procedures Manual with the South Adams County Fire Protection District.

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 No. CU-21-91-94-96-97-17 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 conditions 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 3rd day of April, 2017.

CITY OF COMMERCE CITY, COLORADO

By: _____
Sean Ford, Mayor

ATTEST:

Laura J. Bauer, City Clerk

Exhibit "A"
Legal Description
Case No. CU- CU-21-91-94-96-97-17

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 2 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, ADAMS COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 21;
THENCE N00°09'10"E ALONG THE WESTERLY LINE OF SAID SOUTHWEST QUARTER OF SECTION 21 A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING;
THENCE CONTINUING N00°09'10"E ALONG THE WESTERLY LINE OF SAID SOUTHWEST QUARTER OF SECTION 21 A DISTANCE OF 1,336.00 FEET;
THENCE ALONG A LINE PARALLEL WITH AND 60' FEET SOUTHEASTERLY OF THE MEANED CENTERLINE OF THE O'BRIEN CANAL THE FOLLOWING EIGHTEEN (18) COURSES:

1. N24°00'09"E A DISTANCE OF 132.38 FEET;
2. THENCE N27°54'02"E A DISTANCE OF 83.89 FEET;
3. THENCE N32°51'32"E A DISTANCE OF 106.44 FEET;
4. THENCE N34°45'07"E A DISTANCE OF 92.57 FEET;
5. THENCE N40°16'00"E A DISTANCE OF 95.51' FEET;
6. THENCE N42°06'32"E A DISTANCE OF 180.39 FEET;
7. THENCE N48°04'08"E A DISTANCE OF 135.99 FEET;
8. THENCE N53°48'57"E A DISTANCE OF 93.95 FEET;
9. THENCE N61°48'24"E A DISTANCE OF 87.45 FEET;
10. THENCE N68°46'44"E A DISTANCE OF 113.80 FEET;
11. THENCE N76°08'19"E A DISTANCE OF 81.16 FEET;
12. THENCE N82°04'56"E A DISTANCE OF 81.87 FEET;
13. THENCE N88°05'14"E A DISTANCE OF 92.42 FEET;
14. THENCE S85°27'09"E A DISTANCE OF 87.16 FEET;
15. THENCE S77°51'56"E A DISTANCE OF 91.28 FEET;
16. THENCE S69°16'01"E A DISTANCE OF 90.60 FEET;
17. THENCE S66°14'39"E A DISTANCE OF 65.91 FEET;
18. THENCE S60°01'17"E A DISTANCE OF 144.68 FEET;

THENCE S31°04'32"W ALONG THE NORTHWESTERLY RIGHT OF WAY LINE OF UNION PACIFIC RAILROAD BEING 200.00 FEET NORTHWESTERLY OF AND PARALLEL WITH THE CENTERLINE OF TRACKS A DISTANCE OF 2345.47 FEET;
THENCE S89°59'59"W ALONG A LINE PARALLEL WITH AND 30.00 FEET NORTHERLY OF THE SOUTHERLY LINE OF SAID SOUTHWEST QUARTER OF SECTION 21 A DISTANCE OF 238.13 FEET TO THE POINT OF BEGINNING;

COUNTY OF ADAMS,
STATE OF COLORADO.