

To: City of Commerce City

I occasionally work with Perry at his home and shop on Monaco – not as an employee but as a friend. I enjoy working with him and we share a common habit of wanting to breathe clean air.

At the Commerce City Planning Commission meeting on February 5, 2019 the Commission heard Case CUP-121-19 for A1 Organics. Here are some additional points that were not addressed at that meeting that have relevance to this case.

In late 2015, A1 Organics was issued a development plan for the site. The code at that time and to-date state that mulch piles were not to exceed 8 feet in height according to the I-2 zoning district. This is where it gets a little sticky – A1 states there were certain members of the Planning Commission that verbally said that A1 could pile their mulch up to 25 feet in height. However the Commission states there is no written documentation of that variance from the normal zoning standards.

July 2017 Anyway they continued to pile mulch 25 feet high until they applied for a Height Exception (Case# AH-1742-17) for 35 foot height mulch piles (a 27 foot height exception)– which was denied. At that time the existing 25 foot mulch piles were already in violation of compliance.

May 30, 2018 Neighborhood meeting was held and A1 described a proposed re-zoning to increase mulch pile height from 8 foot to 25 foot. Piles had already been at 25 foot so continued violations.

The Board of Adjustments was probably unaware of the “wind blow” issue facing the adjacent property owners as the primary focus was on sightliness issues. Since then several inches of mulch have blown into what used to be pristine spring fed ponds at 9225 Monaco Street, as well as covering other properties to the north and east of the A1 operations. As you can imagine, 25 foot mulch piles blowing all around and no dust mitigation can create quite a mess – both on your property and in your body.

Feb 5, 2019 The ongoing hearings of trying to permit 35 foot high piles of mulch are un-comprehensible! 25 foot high mulch piles are also un-comprehensible based on the close proximity to homes that have existed decades prior to A1 arriving on the scene. Dust and mulch blowing everywhere is unacceptable! Owners of the affected properties have yet to see a complete dust control and mitigation plan proposed by A1 and they still need to wear dust masks while outside of their homes when the wind is blowing.

A1 stated they would erect an 8 foot mesh fence to stop dust from a 25 foot high pile of mulch. Really? They stated that an 8 foot pile height has more dust migration than one that is 25 foot tall. The surface is what dries out and blows away in the wind NOT the moist center, and there is much more surface to a 25 foot pile of mulch than an 8 foot one.

If A1 was to truly try to mitigate the dust and be good neighbors as they stated at the February 5th meeting they would keep piles to 8 foot in height and perhaps have a 25 foot high mesh fence. That would be the neighborly thing to do.

Summary In closing, it seemed that the Commission was very concerned about the quality of life for adjacent home owners, and we pray that the City Council will be as well. But I ask you, does it seem right to punish those home-owners that have been in place for decades but reward those businesses that violate code? While it is understandable that the City would like to entice commercial businesses to the area, that must be balanced with the loss of quality of living for those nearby home owners.

Please give special consideration to the decision before you. Limiting piles to 8 foot high and providing adequate, continuous dust control and mitigation seems to be the solution.

Thank you

KEITH SABIN 303-288-8730























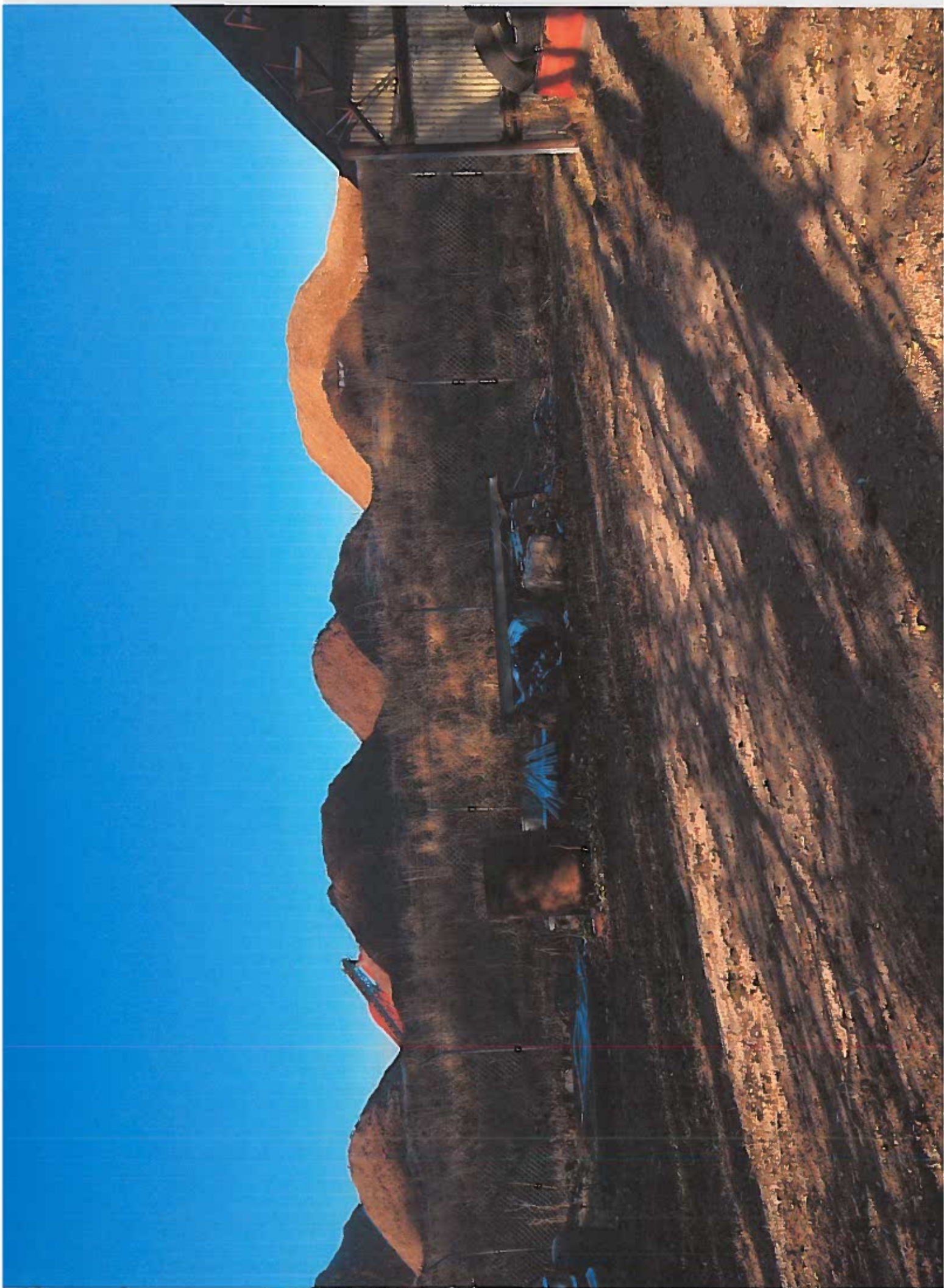
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