

CONDITIONAL USE PERMIT

FOR A METAL RECYCLING FACILITY

CASE #CU-108-15-20

WHEREAS, the City Council of the City of Commerce City, Colorado finds that a renewal of the conditional use permit for the operation of a Metal Recycling Facility (“Conditional Use Permit”) should be granted pursuant to the Land Development Code of the City of Commerce City in Case #CU-108-15-20 for that property specifically described as Marathon Subdivision Amendment No. 2 Lot 1, located at 9985 East 104th Avenue, Henderson, 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-108-15-20 is granted by the City of Commerce City subject to the following conditions:

CONDITIONS:

- A. The Conditional Use Permit will expire on December 31, 2025. A renewal of the Conditional Use Permit in accordance with the Land Development Code will be required to extend operations beyond this date.
- B. The materials accepted for recycling will be limited to those outlined in Exhibit A – Materials List.
- C. Whole crushed cars can be stored on the site for no longer than 72 hours. No vehicle crushing will be allowed to occur on the site, and no storage of inoperable vehicles will be permitted.
- D. The applicant shall notify the Community Development Department in writing if the recycling facility is ever discontinued by Recycling Connections, Inc.

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-108-15-20 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 18th day of May, 2020.

CITY OF COMMERCE CITY, COLORADO

Benjamin A. Huseman, Mayor

ATTEST

Dylan A. Gibson, Interim City Clerk