



STAFF REPORT

Planning Commission

CASE #CU-127-20

PC Date:	October 6, 2020	Case Planner:	Domenic Martinelli
CC Date:	November 2, 2020		
Location:	5400 Monroe Street Denver, CO 80216 <i>West property to be re-addressed as 3601 E 54th Avenue</i>		
Applicant:	Monroe Street Partners West, LLC - Ed Dolan	Owner:	JRL Monroe, LLC Joe Henry
Address:	2801 W Mansfield Ave Sheridan, CO 80110	Address:	510 E 51 st Avenue Denver, CO 80216

Case Summary

Request:	Conditional Use Permit for a Metal Recycling Facility with associated Development Plan
Project Description:	The applicant is requesting a Conditional Use Permit and associated Development Plan in order to construct and operate a metal recycling facility. The facility will include one office and maintenance facility, and one non-ferrous metals storage facility totaling 14,860 of building square footage proposed on the roughly 6-acre site. The site will include an outdoor storage area, fencing, landscaping, and typical site improvements.
Issues/Concerns:	<ul style="list-style-type: none">• Compliance with the Land Development Code• Nuisance Mitigation
Key Approval Criteria:	<ul style="list-style-type: none">• Compliance with the Comprehensive Plan• Conditional Use Permit Approval Criteria• Development Plan Approval Criteria
Staff Recommendation:	Approval with Conditions
Current Zone District:	I-3 (Heavy Intensity Industrial District)
Comp Plan Designation:	General Industrial

Attachments for Review: *Checked if applicable to case.*

- | | |
|---|--|
| <input checked="" type="checkbox"/> Applicant's Narrative | <input checked="" type="checkbox"/> Vicinity Map |
| <input checked="" type="checkbox"/> Development Plan | |

Background Information

Site Information

Site Size:	5.83 Acres
Current Conditions:	Vacant / Outdoor Storage
Existing Right-of-Way:	54 th Avenue to the south
Neighborhood:	Riverside
Existing Structures:	N/A
Structures to Remain?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A

Surrounding Properties

Existing Land Use		Occupant	Zoning
North	ROW Industrial	Colorado & Eastern Railroad ROW Phillips Pipeline Company	N/A I-3
South	Industrial	Denver Intermodal Express Container Yard Old Yeller Auto Boot Hill Truck Auto Parts Store Rocky Mountain Construction Equipment	Denver
East	Industrial	Colorado Chassis Services – Truck Repair	Denver
West	ROW	Union Pacific Railroad ROW	N/A

Case History

There are ten relevant cases in the history of the subject property, as shown below:

<u>Case</u>	<u>Date</u>	<u>Request</u>	<u>Action</u>
CU-85-09	N/A	Conditional Use Permit for a Salvage Yard	Withdrawn
D-175-10	February 11, 2010	Development Plan for Outdoor Storage Area	Approved
S-548-10	January 2010	Subdivision to consolidate two lots into one	Approved
D-280-15	December 2015	Development Plan for 4 marijuana warehouses / greenhouses totaling 200,000 square feet	Lapsed
S-648-15	December 2015	Subdivision to split one existing lot into four	Lapsed
MM-60-16	January 2016	Minor Modification to reduce minimum parking requirement by 5%	Lapsed
CU-127-20	TBD	Conditional Use Permit for a Metal Recycling Facility	Under Review
CU-128-20	TBD	Conditional Use Permit for a Construction Debris Recycling Facility	Under Review
S-768-20	TBD	Subdivision to split one existing lot into two	Under Review
MM-138-20	TBD	Minor Modification to reduce minimum landscape depth along front of property from 20' to 16'	Under Review

The subject property was annexed in conjunction with the original city limit boundaries defined at the time of Commerce City's incorporation as a municipality in 1962. Historic maps and documentation show the property being zoned I-3 upon incorporation of the city. The property was developed originally by the Woodbury Chemical Company, which operated a pesticide formulation facility. The property was designated by the US Environmental Protection Agency (EPA) as a superfund site and placed on the National Priority List (NPL) in September 1983 due to high prevalence of pesticides and metals in both surface and subsurface soils. Remediation of the contamination occurred in 1992, and deletion of the Woodbury Chemical Site from the National Priority List occurred on March 22, 1993.

Following the delisting of the subject property as an EPA Superfund site, the property remained mostly vacant until around 2007, when the property began being utilized as a salvage yard in an unapproved manner. An application for a CUP for salvage operations was submitted to the city for review in 2009, but never approved. A subdivision and development plan was approved 2010 to legalize the site as an outdoor storage area. In 2015, a subdivision, development plan, and minor modification were approved for a facility containing 4 marijuana warehouses / greenhouses, but development never occurred, and all three approvals lapsed.

Applicant's Request

Proposed Operation Overview:

The applicant is proposing a facility to recycle ferrous and non-ferrous metals on property. Ferrous metals are any type of metal that contain iron, and subject to rusting through oxidation. Ferrous metals are also typically magnetic, which leads to easier sorting processes. The metals will be purchased from both the public and other business. The purchased materials will be graded, sorted, shredded, bailed or otherwise prepared to be sold to end users such as steel mills and metal refiners. These customers will be both domestic and foreign. Additionally, the facility will create approximately 60 jobs.



Figure 1 – Shredding equipment

The applicant has stated that metals, steel and iron, will be weighed in on two 70 foot truck scales then unloaded in the designated areas depending on the type of material. Most will go directly to a holding area near the shredder. Auto bodies will be unloaded in an area so that the bodies can be prepared for shredding. This preparation process involves draining any liquids such as gasoline, motor oil and coolant into approved above ground holding tanks. This process will take place in an area surrounded by a containment structure that also includes the holding tanks. Once the auto bodies are properly prepared, they will be moved to the shredding operation.

The applicant has stated that incoming material for shredding will be inspected by trained inspectors. Non-acceptable loads, such as asbestos or appliances with freon, will be rejected and the customer will not be allowed to unload the material and will be required to remove the material from the property. Material handlers will feed the shredder. The shredder separates the ferrous metals (steel & iron) from the non-ferrous and nonmetallic materials. The ferrous material will be sold to steel mills. The non-ferrous and non-metallic material will be shipped to a secondary processor to separate the non-ferrous

metals for recycling. Non-ferrous metals delivered by customers will be inspected and weighed for purchase in the building on the east side of the property. The commodities will be separated into bins, palletized for shipping or possibly bailed for shipping. All non-ferrous metals will be stored inside the building until shipped to buyers. Commodities and waste will be shipped off site via truck and railroad cars. No hazardous or toxic waste substances shall be accepted at the facility, and trained inspectors will be present during customer drop-off to ensure such facilities aren't present or processed on the site.

Monroe Street Partners (MSP) is a newly formed entity that is focused on the development and growth of the proposed uses in Commerce City. The two founding members of MSP, Craig Uhrig and Edward Dolan, have over 45 years of combined experience in the recycling and waste industry through businesses they've owned and currently operate. Craig Uhrig founded and ran All Recycling, Inc. in Englewood, CO. For over twenty years, Craig ran the day-to-day operations of All Recycling, the Rocky Mountain region's largest scrap facility with 200+ employees. Craig also founded and currently owns Specialty Metals Company in Englewood, CO which also provides metal recycling services. This facility processes over 10,000 tons of automotive shredder residue monthly. Edward Dolan permitted and owned Frontier Waste Transfer, (currently All Recycling North) in Adams County. He also was part owner of a company that recycled wood and he currently he owns a construction and demolition hauling company in Denver called RCI Disposal. In total, he has 20+ years of experience in the industry.

The applicant anticipates this facility will be open to customers from 7am to 5pm Monday through Friday and 8am to 12pm on Saturday. Processing materials and maintenance will occur before and after these hours depending on the level of business activity and volume of material to be recycled.

Development Review Team Analysis

Scrap metal collection and transfer facilities are identified as a conditional use in I-3 zone districts by the City's Land Development Code. Therefore, approval of this Conditional Use Permit is required in order for the proposed development to occur. The proposed development has been reviewed by DRT and has found the proposal to be compliant with all other standards and requirements of the I-3 zone district. As part of any CUP, the proposed development is presented to the City's Planning Commission for a formal recommendation. The proposed recommendation is taken by City Council who further reviews the project and can choose to approve, approve with conditions, or deny the proposed development.

Comprehensive Plan:

The Development Review Team (DRT) began by reviewing the Conditional Use Permit (CUP) request against the goals found in the City's Comprehensive Plan. That analysis is provided below:

Comprehensive Plan

The DRT recommendation for this case is supported by the following Comprehensive Plan Goals:

Section	Goal	Description
Environmental Conservation and Stewardship	EC 5.1	Waste Reduction, Recycling, and Re-Use: Support programs for city and community facilities (in key locations) that focus on source reduction, recycling, composting, and construction materials waste diversion for reuse and exchange of materials.
Analysis:	The proposed operation of a metal recycling facility fulfills a need in the community by providing opportunities for large scale commercial business and members of the general public to effectively recycle metal wastes for future uses in recycled products, and divert additional unnecessary waste streams away	

Section	Goal	Description
		from landfills. Limited opportunities currently exist in the Denver Metro area for recycling of such materials.
Land Use	LU 1a	Future Land Use Plan as Guide: Use the Future Land Use Plan (FLUP) to guide development patterns and mix of uses and amendments to the Land Development Code (LDC).
Analysis:		The Future Land Use Plan identifies the subject property for General Industrial uses, which allows a mix of medium and heavy intensity industrial uses, and generally correlates with the I-2 and I-3 zone districts. The proposed metal recycling facility will conform to the existing neighborhood character, and conform to the existing adopted Comprehensive Land Use Map.
Section	Goal	Description
Land Use	LU 2.1	Infill Development Promoted Promote infill development and redevelopment to use utilities and services efficiency, to support multi-modal transportation, to revitalize neighborhoods, and to maintain prosperous businesses. Infill means development of vacant unplatted parcels scattered throughout the city, or in county enclave areas.
Analysis:		Due to the size and shape of this particular lot, the history of an EPA superfund site, and visibility and access issues, the property has remained either undeveloped or underutilized for much of its history. By utilizing this relatively difficult development parcel as an infill site, the applicant is bringing a use with a demonstrated community need that conforms to the existing neighborhood characteristics, brings employment opportunity to the city, and provides the opportunity for public improvements that would have not otherwise occurred in this area.

Neighborhood Context:



Figure 2 – Subject Property and Aerial Imagery

The subject property (including both the proposed west and east halves of the site) is approximately 10.08 acres and spans the length of East 54th Avenue from Adams Street to Harrison Street. The property is directly adjacent to the City's border with the City and County of Denver. The property is incredibly long and narrow in size compared to similar properties of its size and zoning classification, being roughly 1,700' in length and 180' wide, with a height to width ratio of 1:9.4.

The site is located in one of the most heavily industrialized, and historically industrial areas within the city and the surrounding area. The city's comprehensive plan designates all of the properties abutting the subject property as "General Industrial", and are all currently zoned I-3. Properties bordering the subject property to the south and east within the City and County of Denver are primarily industrial in use, and include a variety of outdoor storage and salvage uses, auto repair uses, and a shipping container yard. The northern edge of the Elyria-Swansea neighborhood is roughly 1,500' to the south of the property. The north edge of the property borders the Colorado & Eastern Railroad right of way and a Phillips 66 pipeline terminal facility. The subject property is relatively flat, with 1' in elevation gain from the west side of the property to the east. The site is relatively concealed by surrounding land uses, and is generally not visible from Vazquez Boulevard, E 56th Avenue, or Brighton Boulevard. Both the topography of the site, as well as the surrounding industrial uses, make this site appropriate for the proposed metal recycling facility.

Site Layout:

The metal recycling facility hosted on the proposed Lot 1 will contain two buildings – one being a 7,660 square foot Non-Ferrous Metal Storage Facility, and a 7,200 square foot office and maintenance facility. Both buildings will be located towards the east end of lot 1. Additionally, the metal recycling facility will include an outdoor shredder roughly 300' in length on the west half of lot 1. An outdoor storage area of crushed and shredded recycling material will be present between the shredder and the two buildings, not exceeding the maximum outdoor storage height limits. Along the southern edge of the property, the applicant is proposing an 8' high metal fence, in addition to the required landscape buffer along the right of way. Public access to the facility will be limited to the specific drop-off times Monday – Saturday, and security cameras will be present on site. Adequate circulation and fire access is proposed on the site, with routes between the outdoor storage area and the fence to the south, and the outdoor storage area and rail spur to the north. As shown in the Development Plan, the proposed facility complies with all Development and Design standards contained within Article VII of the Land Development Code.



Figure 3 – Facilities Location Diagram

Metal Recycling Operations:

The applicant has proposed to organize their operations into two main segments – Ferrous Metal Recycling, and Non-Ferrous metal Recycling. Ferrous metals are any type of metal that contain iron, and subject to rusting through oxidation. Ferrous metals are also typically magnetic, which leads to easier sorting processes.

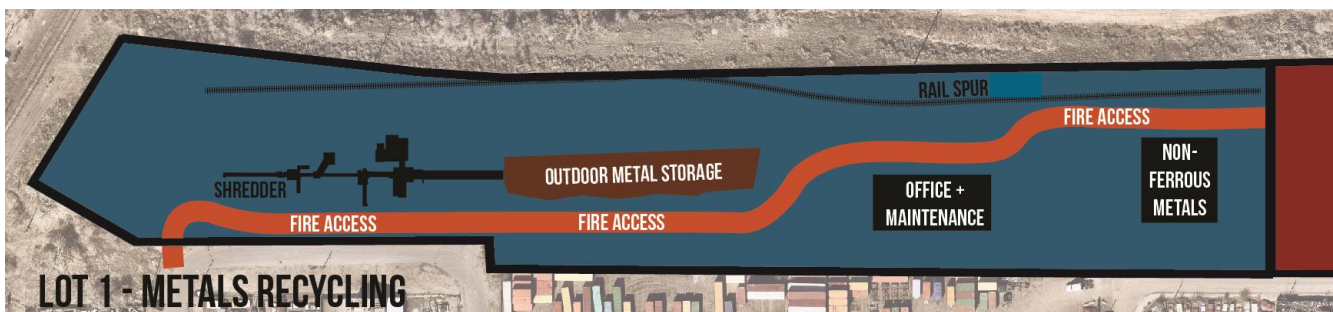


Figure 4 – Metals Recycling Diagram

Ferrous customers would enter at the east of the property and proceed over one of the 70' weighing scales. The customers would be weighed in for the ferrous metals delivered. Customers would then proceed to the center of the yard and unload their ferrous metals. They would proceed to go back over another truck scale to record the empty weight and determine the amount for metal delivered. The customer would then stop in the office to receive payment, then exit the property. Trained spotters would inspect the loads for any non-allowed material and have customers remove any non-allowed materials. Wheel loaders will push the metals to a shredder for processing. The resulting commodities

are steel, non-ferrous metals and auto shredder residue. Commodities and waste would then be shipped off site via truck and railroad cars.

Non-Ferrous customers would enter at the east of the property and proceed directly east to the Non-ferrous Building. Customers would unload the metals into the building to be weighed then proceed to the office for payment, then exit the property. Non-ferrous commodities will be stored within the building before being loaded into containers to be shipped off via semi-truck.

Minor Modification (MM-138-20):

As part of this conditional permit, the applicant has also applied for a minor modification for a 20% reduction in the minimum landscape buffer of 20' described in 21-7510, Table VII-13 to 16', and the minimum fence setback of 20' described in 21-7732, Table VII-21 to 16'. Given the extraordinary site constraints and dimensions, the minimum landscape buffer in this specific instance would take up an extraordinary amount of developable space and room for internal circulation, compared to properties of a similar acreage, but more normalized width to length ratio. The applicant argues that the additional 4' would give them much need internal site circulation, specifically as it relates to the location of the outdoor shredding equipment. The DRT believes that due to the unique size and configuration of this parcel, this request is warranted, and would meet the approval criteria for a Minor Modification, as described in 21-3215(3)(b).

Phases of the Project:

The applicant has stated that they intend to develop lot 2 (solid waste transfer and construction debris recycling facility) as phase I, then the metal recycling facility as phase II. According to the applicant, the construction debris recycling building located on lot 2 would be constructed as an additional phase, at the time market conditions allow for it.

Traffic Conditions:

The impact to the existing truck traffic in this area is expected to be minimal. The applicant will receive a maximum of five truck deliveries per day. The proposed use is estimated to generate around 317 vehicle trips per day. Due to the nature of the industrial uses surrounding this site, the proposed use is not expected to heavily impact the existing traffic conditions. A Public Improvement Agreement (PIA) will be required for this project. Improvements in the PIA include widening (pavement, curb, gutter and sidewalk) of E 54th Avenue and associated landscaping in order to adhere to the standard cross section for a local industrial road in Commerce City.

Public Improvements:

The applicant will be required to finalize a Public Improvements Agreement (PIA) prior to approval of the subdivision. As part of this development, the applicant is proposing to dedicate an additional 32' of right of way along the south end of the subject property, and construct the north ½ of right-of-way section of 54th Avenue from Harrison Street to Adams Street, excluding the portion between Cook Street and Monroe Street. Only the south ½ of the right-of-way section is built under the City and County of Denver from Harrison Street to Monroe Street, and the north ½ of right of way section is built between Adams and Cook Street.

PUBLIC IMPROVEMENTS

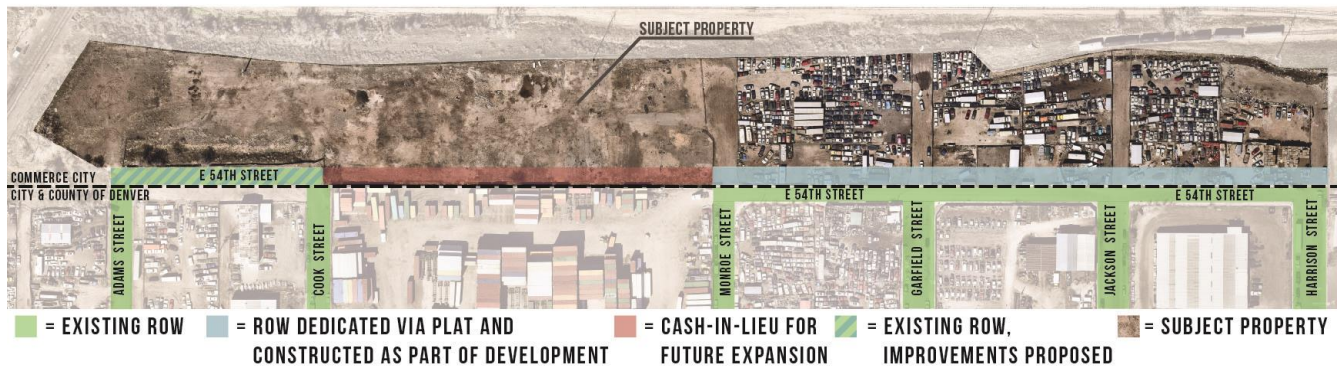


Figure 5 – Public Improvements

The alignment between Cook Street and Monroe Street is currently unbuilt, and lies partially within Commerce City on the subject property, and partially on the Denver Intermodal Express property within the jurisdiction of the City and County of Denver. The applicant will be responsible for providing cash-in-lieu for this specific portion of the alignment, which will be utilized at the time this right-of-way is constructed in the future.

Performance Standards:

All land uses within the city are required to comply with performance standard regulations defined in 21-5120, including reducing excessive vibrations, noise, air pollution, odor, or dust impacts. Dust could be generated and sent into the air in the property and potentially blown off the site if not managed properly. Paving the entire property is the primary dust mitigation solution proposed by the applicant. In addition to having a paved property, dust mitigation will be achieved by street sweeping daily by employees with a company owned sweeping machine. Also, the metal shredding operation could emit dust, so the shredding equipment will be outfitted with a water misting system to significantly reduce or eliminate any fugitive dust. The applicant is proposing to install a 1 ½" water line to the shredder to provide adequate water to the misting system. Noise generated by the operation would come from three sources: truck traffic on site, equipment operation on site and from the shredding system. The primary mitigation solution for noise is the location of the property and the associated operations within the property. The applicant has designed the site to have noise generating activities to the south and west side of the property and furthest away from any streets or neighbors that could be impacted by noise. Additional mitigation is achieved by the solid fencing of the property and noise from the shredding operation will be reduced through the installation of rubber curtains surrounding the shredding mill.

Existing Rail Spur:

An existing rail spur exists on the north side of the property, connecting to the Colorado & Eastern Railroad Right of Way (now known as the Rock Island Railroad). The applicant intends on utilizing this existing rail spur for exporting both recycled material and waste material from the site, in addition to doing so by truck. Since the applicant is planning to utilize the existing rail spur, and not adding additional rail spurs, a Conditional Use Permit is not required under LDC Section 21-5200, Table V-1. The existing rail spur would be expanded further west into the site to serve the metals recycling facility.

Licenses and Permits:

The process for any vehicles delivered to the site will involve dismantling in a specific area, where any vehicle fluids such as gasoline, motor oil, and coolant into an area surrounded by a containment

structure that includes an approved above ground holding tank. Once the auto bodies are properly prepared, they will be moved to the shredding operation. While most vehicle fluids would be drained and placed in specific tanks, some of the processed oil will end up on the sand/oil interceptor that separates the remaining oil from water. In order to assure that water leaving the site does not contaminate water supply, the applicant would need to obtain a Storm Water permit from the Environmental Protection Agency (EPA) through South Adams Water and Sanitation District, as required by the Clean Water Act in order to limit the level of pollutants that can be discharged into the sewer.

This facility will be required to comply with all applicable solid waste regulations from the Environmental Protection Agency (EPA), Colorado Department of Public Health and Environment (CDPHE), and Tri-County Health Department (TCHD).

Under Title 40 of the Code of Federal Regulations, the EPA would regulate this location as a Non-Hazardous Solid Waste Transfer facility. The facility would be required to comply with applicable provisions of the Resource Conservation and Recovery Act (RCRA).

Based on the Colorado Department of Public Health & Environment's review, the facility would be classified and regulated as an Industrial Recycling Operation subject to Section 8.5 of the Regulations Pertaining to Solid Waste Sites and Facilities, 6 CCR, 1007-2, Part 1 ("the Solid Waste Regulations"). The facility would also be classified and regulated as a solid waste Transfer Station and subject to Section 7 of the solid waste regulations. The applicant will also need approval of an Industrial Recycling Facility Operations Plan from CDPHE to address all requirements of Section 8.5.5 and Section 7.2 to demonstrate how the facility will be able to qualify for the exemption from having to obtain a certificate of designation as a solid waste disposal site and facility as provided in § 30-20-102(5) Colorado Revised Statutes.

Environmental Benefits:

Recycling scrap metal reduces the amount of harmful materials in our waste stream that is diverted to landfills, reduces greenhouse gas emissions and uses less energy than making metal from virgin ore. Metals like aluminum cans, tin cans, copper wiring and pipes, steel products, and more can all be recycled and transformed into new materials. When left to waste away in a landfill, they release methane and contribute to air and groundwater pollution. The production of new metal releases a far greater amount of greenhouse gas emissions compared with making products from recycled metal. Recycling steel requires 60% less energy than producing steel from iron ore and results in 58% less CO₂ emissions. More than 60% of the Iron and Steel made in the United States is manufactured using Ferrous scrap metal produced at facilities like the one proposed at the subject property.

Goals EC 5.1 and 5.2 within the city's comprehensive plan call for the support of programs for city and community facilities that focus on source reduction, recycling, composting, and construction material waste diversion, as well as supporting partnerships with private companies to execute this goal. This proposed facility directly furthers that goal, and would further a number of environmental goals and benefits for the Denver Metro region overall.

Other Agency Comments:

Commerce City police, Mile High Flood District, South Adams County Water and Sanitation District, XCEL, CDPHE, and Tri-County Health Department were provided copies of the application for their review. No objections were received from any agency. South Adams County Fire Protection District

(SACFPD) had a number of standard comments on fire access, premises identification, and hydrant locations, which have been addressed by the applicant.

The applicant is proposing sanitary sewer connections that would be served by City and County of Denver. This requires that a "Request for Ordinance" be approved by Denver City Council to serve the property. In response, the DRT is recommending "Condition B", which states that in the event a sanitary sewer connection is not approved by the City and County of Denver, issuance of a building permit will be restricted by the City.

Summary:

Monroe Street Partners West is requesting the approval of this Conditional Use Permit in order to construct a metal recycling facility on the west half of the property located at 5400 Monroe Street. The subject property is located in one of the most heavily industrialized and historically industrial areas within the city, and has had a significant set of challenges that has limited its use. This includes its history as an EPA superfund site, low visibility and access from Vazquez Boulevard and E 56th Avenue, and the challenging proportions and dimensions of the site. The proposed development at this location would provide a development opportunity for this historically underutilized parcel with the potential to add significant jobs, and provide significant public improvements.

The property has a zoning designation of I-3 and it is surrounded by other properties with the same I-3 zoning designation, which complies with the intent of the General Industrial Future Land Use designation that the City envisioned through the Comprehensive Plan in 2010. Along with the administrative approval of the Minor Modification, the site has met all standards and is compliant with the Conditional Use Permit and Development Plan approval criteria below. Therefore, based on the information provided above and the detailed analysis related to the Conditional Use Permit criteria listed below, DRT recommends that the Planning Commission forward a recommendation of approval with conditions to City Council.

Approval Criteria:

Criteria Met?	Sec. 21-3230 Conditional Use Permits	Rationale
(3) Approval Criteria. A conditional use permit may be granted if: (a) All of the following criteria are met:		
<input checked="" type="checkbox"/>	The proposed use will not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, either as they presently exist or as they may exist in the future as a result of the implementation of provisions and policies of the comprehensive plan, this land development code, or any other plan, program or ordinance adopted by the city;	The character of this area is heavy industrial in nature and the existing surrounding uses are considered heavy industrial uses.
<input checked="" type="checkbox"/>	Any adverse effect has been or will be mitigated to the maximum extent feasible, including but	The applicant has provided additional site management practices to mitigate noise and dust concerns that may result from operations,

Criteria Met?	Sec. 21-3230 Conditional Use Permits	Rationale
	not limited to sufficient landscaping and screening to ensure harmony for adjoining uses;	including the installation of a water line for dust suppression purposes.
<input checked="" type="checkbox"/>	The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features;	The site is long and narrow and generally in a non-visible area from major right of ways, and the proposed fencing will screen the outdoor storage yard.
<input checked="" type="checkbox"/>	The proposed use will be adequately served by and will not impose an undue burden on any of the existing improvements, facilities, and services of the city or its residents. Where any such improvements, facilities, utilities, or services are not available or are not adequate to service the proposed use in the proposed location, the applicant shall, as a part of the application and as a condition of approval, be responsible for establishing an ability, a willingness, and a binding commitment to provide such improvements, facilities, utilities and services in sufficient time to serve the proposed use;	The requested use will be adequately served by the necessary utilities and infrastructure. The applicant has committed to making the required roadway improvements.
<input checked="" type="checkbox"/>	The applicant has provided adequate assurances of continuing maintenance;	The applicant has agreed to a number of assurances, such as maintenance of the site for trash and debris, and site landscaping in perpetuity
<input checked="" type="checkbox"/>	There is no evidence suggests that the use violates any federal, state, or local requirements; and	There is no indication that the use violates any federal, state, or local requirements.
(b) One of the following criteria is met:		
<input type="checkbox"/>	There is a community need for the use at the proposed location, given existing and proposed uses of a similar nature in the area and of the need to provide and maintain a proper mix of uses both within the city and the immediate area of the proposed use; or	
<input checked="" type="checkbox"/>	The use complies with the general purposes, goals, objectives, policies, and standards of the comprehensive plan and all other plans or programs adopted by the City.	The request is compliant with the purpose, goals, and objectives of the comprehensive plan as outlined above.

Criteria Met?	Sec. 21-3212 Development Plans	Rationale
(5) Approval Criteria. A development plan may be approved if it:		
<input checked="" type="checkbox"/>	Complies with city standards;	The proposed metal recycling facilities complies with all applicable requirements under 21-5256 and 21-5258 regulations pertaining to recycling facilities and transfer facilities, as well as all applicable development and design standards contained within Article VII.
<input checked="" type="checkbox"/>	Is consistent with any previously approved subdivision plat, rezoning concept plan, or other plans or land use approvals;	The proposed facility will be consistent with the existing I-3 zoning upon approval of a Conditional Use Permit, and is consistent with the proposed subdivision for the site
<input checked="" type="checkbox"/>	Provides adequate mitigation for any significant adverse impacts resulting from the use; and	The applicant has provided additional site management practices to mitigate noise and dust concerns that may result from operations, including the installation of a water line for dust suppression purposes.
<input checked="" type="checkbox"/>	Creates a positive precedent for the future cumulative development of the immediate area.	The proposed facility would blend in well with the character of the existing neighborhood, would provide a development property for an underutilized parcel with the potential to add significant jobs, and provide significant public improvements in the area.

Development Review Team Recommendation

Based upon the previous analysis, the Development Review Team believes that the application meets the criteria for both a Conditional Use Permit and a Development Plan as set forth in the Land Development Code and recommends that the Planning Commission forward the requests to the City Council with a recommendation of **approval with conditions**.

Recommended Motion

To recommend approval with conditions:

I move that the Planning Commission enter a finding that, subject to conditions, the requested Conditional Use Permit, and associated Development Plan for the property located at 5400 Monroe Street, contained in case CU-127-20, meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Conditional Use Permit and Development Plan subject to the following 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. This Conditional Use Permit shall be allowed for metal recycling operations, and storage and dismantle of passenger cars, single axle trucks, one-ton trucks, vans, delivery vans, class C RV's and small type shuttle buses; all such vehicles not to exceed 22 feet in length. No other types of vehicles, including but not limited to tractor trailers, semi-trucks, full size buses, boats, heavy construction vehicles, or mobile homes as defined in the LDC, are permitted. The storage of inoperable vehicles or salvage of any other type of vehicle requires an amendment to this CUP.
- D. Whole crushed cars may be stored on site for no more than 72 hours. No vehicle crushing shall be permitted on site.
- E. All work performed on vehicles, including repair, draining of fluids, and dismantling, shall occur entirely within a defined containment area on an approved concrete surface. All materials shall be contained within an approved above ground holding tank, and disposed of at an appropriate hazardous waste disposal facility. Vehicle fluids shall not be discharged to any municipal storm system or within any public water supply source or surface water feature, or sent to a municipal landfill.
- F. 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.
- G. 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.
- H. 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.
- I. 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 West, LLC
- J. 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.

Alternative Motions

To recommend approval (without conditions):

I move that the Planning Commission enter a finding that, the requested Conditional Use Permit and associated Development Plan for the property located at 5400 Monroe Street, contained in case CU-

127-20, meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Conditional Use Permit and Development Plan.

To recommend denial:

I move that the Planning Commission enter a finding that the requested Conditional Use Permit and associated Development Plan for the property located at 5400 Monroe Street, contained in case CU-127-20, fails to meet the following criteria of the Land Development Code:

List the criteria not met

I further move that, based upon this finding, the Planning Commission recommend that the City Council deny the Conditional Use Permit and Development Plan.