

October 19, 2020

Domenic Martinelli, City Planner  
Commerce City Community Development  
7887 East 60th Avenue  
Commerce City, CO 80022

**Re: 91<sup>st</sup> & Monaco Conditional Use Permit - RENEWAL**

Dear Mr. Martinelli,

The Applicant, A1 Organics, located at 9109 Monaco Street, is requesting a renewal of the Conditional Use Permit (CUP) approved on 6/4/19 (D-255-14-15-16-19). This CUP renewal would permit the current A1 Organics business to continue to operate as currently permitted in accordance with all applicable standards for the Industrial-2 zone district as well as the previously approved Condition Use Permit.

A1 Organics is a waste recycling company that converts organic materials into mulch, composts and soils, following industry best practices, and has been in business since 1974. A1 operates four locations in Colorado (Eaton, Keenesburg, Englewood and Commerce City), and diverts more than 350,000 tons of waste per year from landfills. A1 Organics is a locally-owned business and employer and a proud member of the Commerce City community.

By this letter and narrative, A1 Organics is requesting renewal of its previously approved CUP with one modification relating to the length of time permitted before further renewal is required. A1 Organics is requesting the following:

- A 60-month (5-year) use permit rather than the 18-month existing use permit. A1 Organics has met or exceeded all conditions of the existing use permit since the CUP was issued, with no negative events or complaints, as documented in detail below. A 5-year use permit would provide A1 Organics peace of mind and allow them to invest more resources into this location, to improve operations and production.

A1 Organics' CUP renewal request complies in all respects with ALL conditions in the CUP as previously approved. In addition, A1 has gone above and beyond the CUP conditions in making additional site improvements that further reduce any potential for adverse impacts:

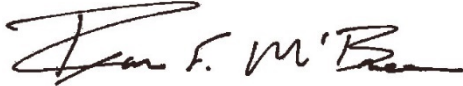
- Installed electronic load measurement system to measure truck loads in place of using heavy equipment to haul and dump each load for measurement. This \$65,000 state of the art system can quickly and noiselessly measure material volumes. This system reduces noise pollution from idling trucks, reduces greenhouse gas emissions from front loaders typically required for measurement, and reduces blowing mulch materials during transfer from front loader to truck bed. The system is more accurate than traditional methods, reducing waste for customers, A1 Organics, and the environment.

Not only has A1 Organics fully complied with all CUP conditions since its issuance, but it also provides a critical service to Commerce City and its residents by recycling organic material such as trees (particularly after storm events) and wood materials. As one example, this past spring following a major storm, A1 Organics opened its doors for City residents to discard landscape waste generated by the late winter storm.

If A1 Organics is unable to gain assurance of its ability to continue longer term operations at the site as requested in the 5-year CUP renewal request, it may be forced to relocate and invest in operations elsewhere, thus abandoning the property and the highest beneficial use thereof. This will jeopardize the recycling services available to Commerce City and its residents, will remove a strong locally-owned business and employer, and will compromise the City's advancement of its Comprehensive Plan.

The project narrative supporting the CUP renewal follows this letter. We appreciate your careful and consideration of this request. A1 Organics has worked diligently to be a great Commerce City community member and looks forward to a longer CUP approval term which will allow it to continue to invest in this property and continue operations on the site. We look forward to working with you throughout the review and renewal of this project. Please let us know if you require any additional information.

Sincerely,  
**Norris Design**



Ryan F. McBreen  
Principal

## CONDITIONAL USE PERMIT APPROVAL CRITERIA – SECTION 21-3230

A1 Organics operates with the pile heights (25'), expressly authorized by Commerce City. A1 Organics has always operated in a responsible manner that limits potential adverse impacts regardless of pile height. The Dust Control and Mitigation Plan, submitted with the previous application describes the use of wind monitoring, applied water, road improvements, and setback distances to reduce dust generation. This Dust Mitigation Plan will continue to be utilized for all operations. In addition, as shown in Exhibit A, A1 Organics installed an 8-foot screened fence along the site's eastern property line, to prevent mulch from blowing onto adjacent residential property, and a demarcation pole erected onsite denoting the maximum height that mulch/materials may be stacked. These actions, as well as the other actions included in the Dust Control and Mitigation Plan minimize air quality impacts, create an ample buffer between existing residential uses adjacent to the property, and ensure continued compliance with pile height requirements.

(a) As required by the Conditional Use Permit, all of the following criteria are met:

- (i) 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;

**A1 Organics' use is permitted as a use by right within the Commerce City Land Use Code and is encouraged by the City's Comprehensive Plan. Impacts to the greater area infrastructure are minimal and any other real or perceived adverse impacts have been more than adequately accounted for. As demonstrated in the previous CUP application and through its ongoing operations, A1 Organics has worked diligently to eliminate/extensively reduce adverse impacts to the community. Steps to address this include:**

- Implementation of a Dust Mitigation Plan (weather monitoring, regular watering, etc.);
- Honoring pile and machinery setbacks;
- Compliance with maximum permissible pile heights, with demarcation pole constructed for simple reference;
- Addition of 8' screening fencing.

- (ii) Any adverse effect has been or will be mitigated to the maximum extent feasible, including but not limited to sufficient landscaping and screening to ensure harmony for adjoining uses;

**As part of the CUP Approval in 2019, A1 Organics made significant mitigation investments to reduce/eliminate any potential adverse impacts to the surrounding uses. Steps to address this include:**

- Implementation of a Dust Mitigation Plan (weather monitoring, regular watering, etc.);
- Honoring pile and machinery setbacks;
- Compliance with maximum permissible pile heights, with demarcation pole constructed for simple reference;
- Addition of 8' screening fencing.

- (iii) The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features;

**The site's physical characteristics continue to provide natural screening and mitigation of the operations from adjacent landowners and has been proven to be an optimal location for this**

**type of operation. The aforementioned improvements have served to enhance these natural features, making the site exceptionally suitable for A1 Organics' continued operations.**

- (iv) 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;  
**As with the original application, A1 Organics continued operations are adequately served by and will not impose any undue burden on any existing improvements, facilities or services of the City or its residents. In fact, A1 Organics' operations at the site has provided a benefit to the City and its residents by opening up its collection facility for debris drop-off following a particularly destructive spring storm. A1 Organics has worked to be a good neighbor and member of the Commerce City community and wishes to continue to do so through the requested extended 5-year renewal CUP period. Please attached Exhibit B for an example summary of weekly operations.**
  - (v) The applicant has provided adequate assurances of continuing maintenance;  
**As set forth above, A1 Organics has met and exceeded its obligations for ongoing care and maintenance at the location throughout the original period of its CUP. This is evidenced by the lack of community complaints or issues identified by the City during this timeframe.**
  - (vi) There is no evidence to suggest that the use violates any federal, state, or local requirements; and  
**A1 Organics has operated and used the site in conformity with all requirements over the course of the CUP term and intends to continue to conform through the duration of the requested 5-year CUP renewal.**
- (b) One of the following criteria is met:
- (vii) 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  
**Throughout its time at this location, A1 Organics has demonstrated substantial benefit to the City and its residents though providing the services mentioned above and additional benefits by opening up its collection facility for City residents following a particularly destructive spring storm**
  - (viii) 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 use is allowed by right in the Industrial-2 zone district and, as noted within the previous Staff review; "the site meets a number of goals and objectives within the City's Comprehensive Plan, specifically in Chapter 15 regarding environmental conservation and stewardship, and conformance with the comprehensive plan designation of industrial / distribution. The site is currently conforming to all LDC regulations (aside from pile heights) and the currently approved development plan for the site."**

The Comprehensive Plan envisions the area where A1 Organics is located, i.e., the Irondale Focus Area, as remaining predominantly industrial. Approving the requested 5-year renewal of the CUP is consistent with the Comprehensive Plan's goals of retaining industrial uses and associated jobs that contribute to the City's fiscal stability. Without the requested renewal of the CUP, A1 likely would not be able to justify making further improvements and investments at the site and therefor may not be in a position to commit to extending its lease term for the site

## CONDITIONS of APPROVAL

***A1 Organics will comply with the following conditions, set forth by the Development Review Team.***

- A. This conditional use permit shall expire 18 months after the date of approval. The applicant shall be required to renew the conditional use permit prior to the expiration date in order to continue utilizing the site.  
**The original CUP was approved for 18 months in July 2019, with an expiration in January 2021. This application is submitted for CUP renewal in advance of the expiration date as requested by the condition.**
- B. The conditional use permit is granted only for the storage of dyed mulch chips, inbound recyclable wood product, soil, mulching material stackers, and raw wood chips at a height of no greater than 25'. All other outdoor storage on the property must comply with all outdoor storage requirements that apply to a property zoned I-2, as currently adopted or amended by the city. Any deviations from this condition will require an amendment to this application.  
**A1 Organics has operated only as permitted for the storage of dyed mulch chips, inbound recyclable wood product, soil, mulching material stackers, and raw wood chips at a height of no greater than 25'. A1 plans to continue to operate under these conditions and no additional requests or amendments are proposed at this time.**
- C. All mulch piles shall be a minimum of 100' from adjacent residential properties at any given time, measured from the property line.  
**A1 Organics has maintained all mulch piles at a minimum 100' distance from adjacent residential properties. A1 Organics plans to continue to meet this requirement.**
- D. A minimum setback of 500' for grinding and screening operations shall apply from adjacent residential properties, measured from the property line.  
**Grinding and screening operations take place at a minimum of 500' from adjacent residential properties as required, and A1 Organics will continue to meet this standard.**
- E. Grinding operations will not occur on the site when wind speeds exceed 15 miles per hour for a duration of at least 10 minutes.  
**This condition has been met and grinding operations have been shut down on occasion when this threshold has been reached. A1 Organics has ongoing weather monitoring that tracks weather conditions hourly, which allows operations to be adjusted, as necessary. See attached Exhibit C for a sample of the level of daily weather monitoring that occurs. A1 Organics plans to continue this monitoring practice.**
- F. The applicant shall construct and maintain a minimum of an 8' high net on the east property boundary to prevent any woodchips from blowing onto neighboring properties.

**The applicant installed and maintained an 8' high screened fence (net) along the east property boundary. See Exhibit A for images of installed screening.**

- G. The applicant shall construct and maintain a 25' demarcation pole on the subject property, in order to assist with ongoing enforcement of the 25' high pile restriction.  
**This required demarcation pole has been installed. Please see Exhibit A.**
- H. Primary drive aisles of the outdoor storage area shall be paved with recycled asphalt and maintained by the applicant, as indicated in the approved development plan for case D-255-14-15-16-19.  
**Primary drive aisles have been paved with recycled asphalt and continually maintained as required. They will continue to be maintained by A1 Organics.**
- I. Water trucks shall be kept and utilized on site during business hours for the spraying of mulch piles and drive aisles.  
**Water trucks are kept and utilized on site on a regular basis to assist in dust mitigation. See attached Exhibit A for an example of a water truck as used in mitigation efforts. Water trucks will continue to be used for dust mitigation.**
- J. The property shall act in accordance with the Dust Control and Mitigation plan, included as exhibit A.  
**A1 Organics operations have in accord with the Dust Control and Mitigation Plan previously provided. A1 Organics plans to continue to adhere to this plan.**
- K. Due to the nature of the operations, the applicant will maintain the premises to be free of garbage, trash, and excessive woodchip debris at all times.  
**A1 Organics has complied with this condition and is committed to meeting this condition. See Exhibit A, site photos evidencing a clean and well-maintained operation.**
- L. The applicant shall comply with all federal, state, and local law.  
**A1 Organics has operated the site in compliance with all applicable laws and has received no notices or complaints indicating any violation. A1 intends to continue to operate in this manner.**

**Exhibit A**  
**8' Screen Fence**



Exhibit B  
25' Demarcation Pole



**Exhibit C**

**Dust Mitigation – Water Truck**



## Exhibit D

**Premises kept free of garbage, trash, and excessive debris at all times.**



**Exhibit E**  
**Sample Weekly Summary Report**

**Weekly Report Summary**  
**A1 Organics – Commerce City**

**09/21/2020:**

Please see the daily weather report.

There was No screening ops today.

The Grinder was off site.

Operators performed, yard maintenance, site cleanup and pushed up piles.

1 Delivery to the Denver area.

38 vehicles total came into the yard. 28 were inbound and 10 were outbound.

**09/22/2020:**

Please see the daily weather report.

There was No screening ops today.

The Grinder was off site.

Operators performed, yard maintenance, site cleanup and pushed up piles.

53 vehicles total came into the yard. 45 were inbound and 8 were outbound.

**09/23/2020:**

Please see the daily weather report.

Operators screened 500 cyds.

Operators shut down screening operations from 2 to 3 pm due to high winds.

Grinder was off site.

Operators performed, yard maintenance, site cleanup and pushed up piles.

51 vehicles total came into the yard. 41 were inbound and 10 were outbound.

**09/24/2020:**

Please see the daily weather report.

The Grinder was off site.

Operators screened 145 cyds of 1x ground log.

Operators performed, yard maintenance, site cleanup and pushed up piles.

2 Deliveries today, one to the Denver area and one to the Aurora area.

32 vehicles total came into the yard. 25 were inbound and 7 were outbound.

**09/25/2020:**

Please see the daily weather report.

Operators screened 82 buckets or 410 cyds of KD Wood.

The Grinder was off site.

The Spreader was rented out.

Operators performed, yard maintenance, site cleanup and pushed up piles.

54 vehicles total came into the yard. 48 were inbound and 6 were outbound.

Exhibit F  
Sample Daily Weather Report

A1 Organics - Commerce City  
7/23/20 12:00 AM : 1 Day

Date & Time	Barometer - in Hg	Inside Temp - °F	Inside Hum - %	Inside Dew Point - °F	Inside Heat Index - °F	Inside EMC	Temp - °F	High Temp - °F	Low Temp - °F	Hum - %	Dew Point - °F	Wet Bulb - °F	Wind Speed - mph	Wind Direction	Wind Run - mi	High Wind Speed - mph	High Wind Direction	Wind Chill - °F	Heat Index - °F	THW Index - °F	Rain - in	Rain Rate - in/h	ET - in	Heating Degree Days	Cooling Degree Days
7/23/2020 0:00	29.91	77	36	48	76	7	66	66	64	75	58	60	0		0	2	NNW	66	67	67	0	0	0	0	0.05
7/23/2020 1:00	29.92	78	36	49	77	7	70	70	66	63	57	60	0		0	2	NNW	70	70	70	0	0	0	0	0.217
7/23/2020 2:00	29.92	81	36	51	79	6.9	80	80	70	42	55	60	2	WSW	2	6	W	80	79	79	0	0	0	0	0.633
7/23/2020 3:00	29.92	81	35	51	80	6.8	86	86	80	32	53	59	1	NNW	1	5	NNW	86	85	85	0	0	0	0	0.896
7/23/2020 4:00	29.91	83	36	53	81	6.8	88	88	86	29	52	58	3	NNW	3	10	N	88	86	86	0	0	0	0	0.967
7/23/2020 5:00	29.9	83	33	51	81	6.4	88	89	87	30	53	59	3	NNE	3	9	NW	88	86	86	0	0	0	0	0.975
7/23/2020 6:00	29.88	83	35	52	81	6.7	89	91	86	25	48	55	3	E	3	11	E	89	86	86	0	0	0	0	0.987
7/23/2020 7:00	29.86	82	33	50	80	6.5	91	92	87	23	48	55	3	NNE	3	12	NE	91	88	88	0	0	0	0	1.079
7/23/2020 8:00	29.84	82	34	51	81	6.6	94	94	91	20	47	54	5	NNW	5	11	N	94	91	91	0	0	0	0	1.221
7/23/2020 9:00	29.82	82	34	51	80	6.6	94	97	92	19	45	52	3	NNW	3	8	NNW	94	90	90	0	0	0	0	1.188
7/23/2020 10:00	29.81	81	32	48	79	6.3	93	94	92	21	47	54	2	SW	2	8	NNW	93	89	89	0	0	0	0	1.15
7/23/2020 11:00	29.8	81	33	49	79	6.5	91	94	91	29	54	60	2	NW	2	8	NW	91	89	89	0	0	0	0	1.083
7/23/2020 12:00	29.8	80	31	46	78	6.2	84	91	84	30	50	56	6	WNW	6	19	NW	84	82	82	0	0	0	0	0.808
7/23/2020 13:00	29.81	79	31	46	77	6.2	82	84	82	34	51	57	7	NW	7	14	NW	82	81	81	0	0	0	0	0.721
7/23/2020 14:00	29.83	78	32	46	76	6.4	80	82	80	35	50	56	3	NW	3	15	WNW	80	79	79	0	0	0	0	0.638
7/23/2020 15:00	29.85	78	33	47	77	6.6	80	80	80	39	52	58	1	SSW	1	4	SSE	80	78	78	0	0	0	0	0.608
7/23/2020 16:00	29.84	78	33	46	76	6.6	76	80	76	46	54	59	1	NW	1	5	NW	76	76	76	0	0	0	0	0.458
7/23/2020 17:00	29.83	78	31	45	77	6.2	75	76	75	47	54	59	0		0	3	N	75	75	75	0	0	0	0	0.433
7/23/2020 18:00	29.86	78	33	47	76	6.6	75	76	74	45	52	57	1	NW	1	8	ENE	75	74	74	0	0	0	0	0.417
7/23/2020 19:00	29.84	79	33	47	77	6.6	74	75	74	54	56	60	3	NW	3	8	NW	74	74	74	0	0	0	0	0.375
7/23/2020 20:00	29.84	79	33	48	78	6.6	71	74	71	62	58	61	1	NW	1	4	NW	71	71	71	0	0	0	0	0.267
7/23/2020 21:00	29.83	80	33	48	78	6.6	71	71	71	64	58	61	1	NW	1	4	NW	71	71	71	0	0	0	0	0.242
7/23/2020 22:00	29.83	80	33	48	78	6.6	70	71	70	69	59	62	0		0	1	NW	70	70	70	0	0	0	0	0.188
7/23/2020 23:00	29.84	80	33	48	78	6.6	69	70	69	75	61	63	0		0	3	NW	69	70	70	0	0	0	0	0.158
7/24/2020 0:00	29.84	80	34	49	79	6.6	70	70	69	76	62	64	0		0	3	NW	70	71	71	0	0	0	0	0.196