



## Case # CU-121-19-21

Renewal of a conditional use permit to allow material pile storage up to 25' in height.

Applicant: A1 Organics  
Address: 9109 Monaco Street



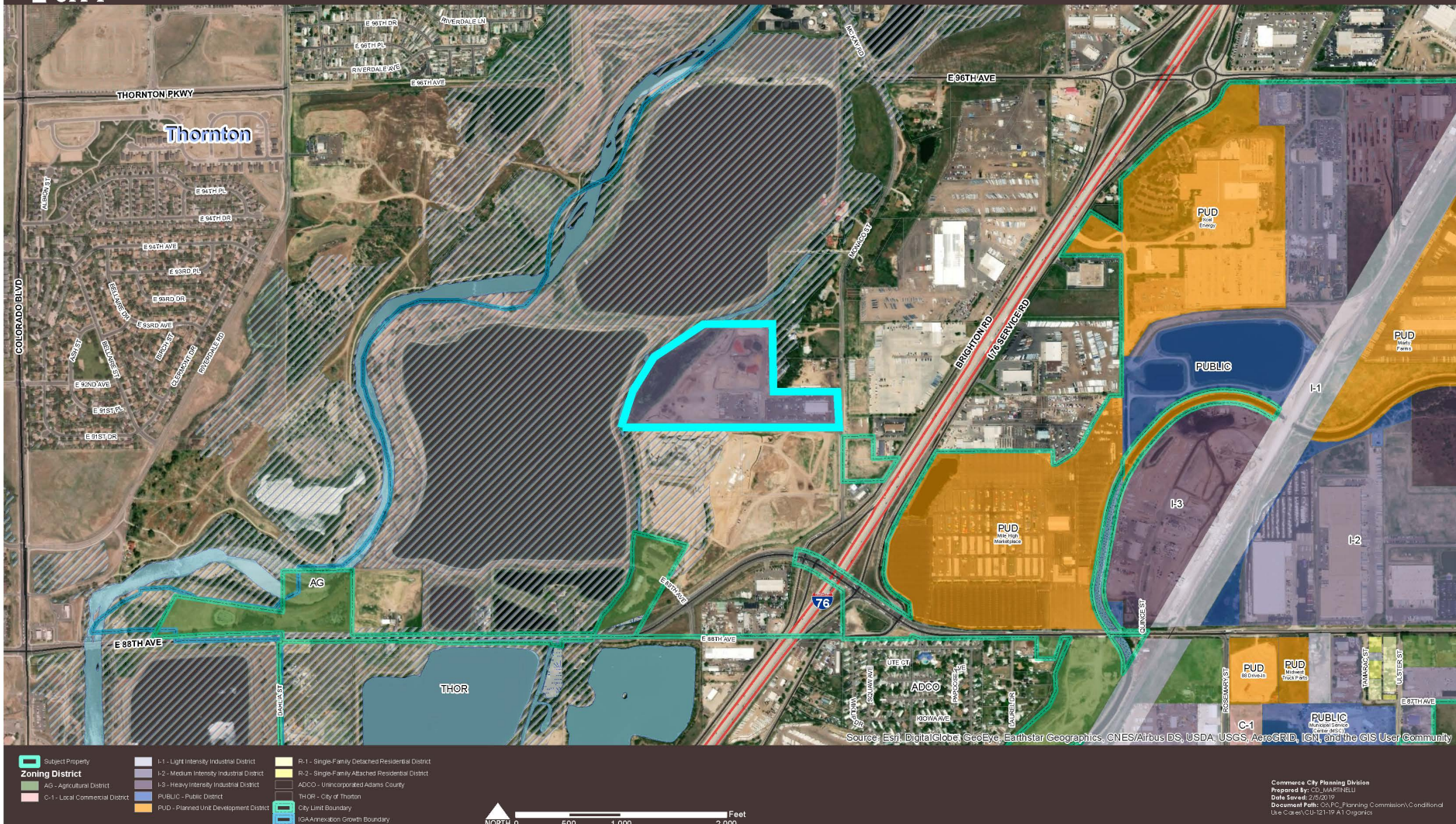


# Subject Property: Zoned I-2



### Vicinity Map

Case: CU-121-19, D-255-14-15-16-19



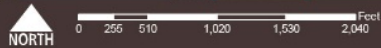
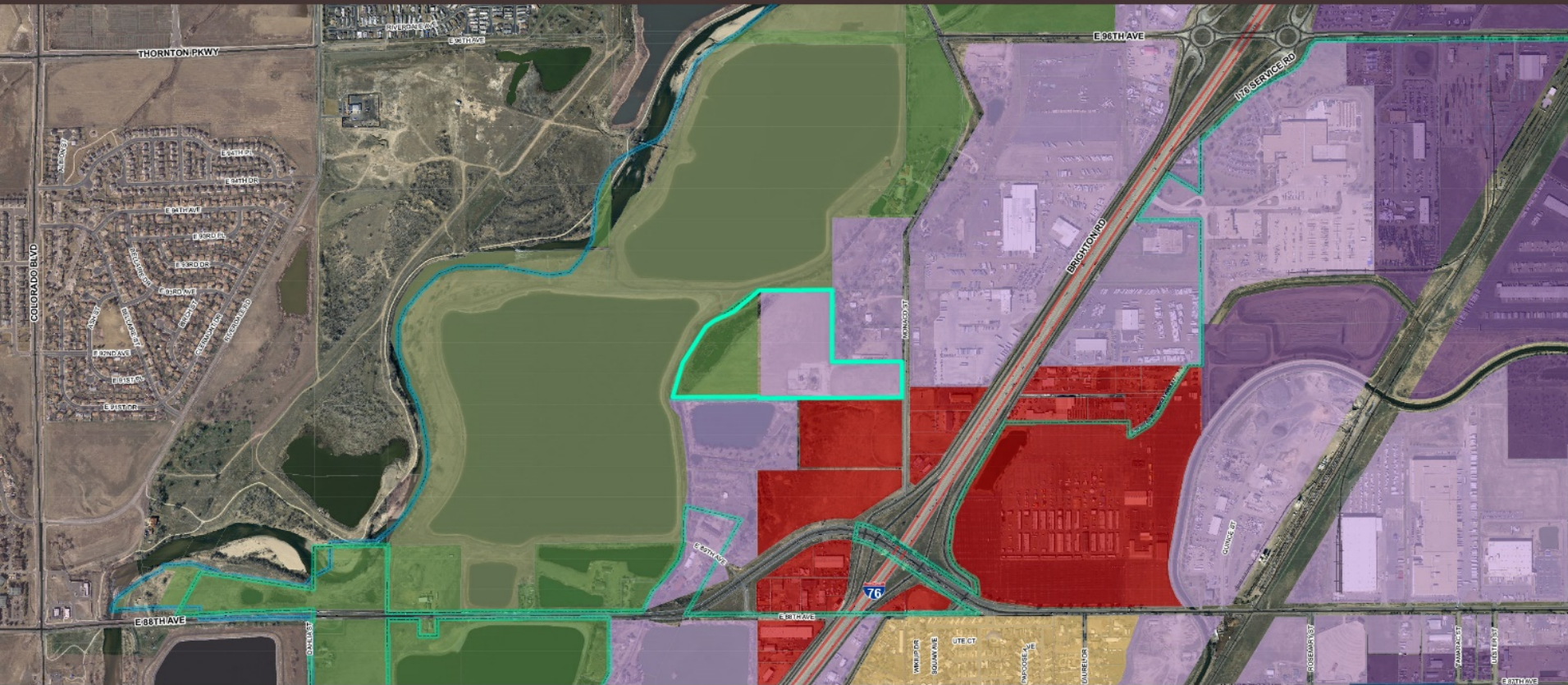


# Future Land Use



## Future Land Use Map

Case: CU-121-19



### Legend

- |                                |                           |                         |
|--------------------------------|---------------------------|-------------------------|
| Subject Property               | Residential - Medium      | General Industrial      |
| IGA Annexation Growth Boundary | Commercial                | Public                  |
| City Limit Boundary            | Industrial / Distribution | Open Space / Recreation |

Commerce City Planning Division  
Prepared By: CD\_MARTINELLI  
Date Saved: 7/11/2017  
Document Path: O:\BODA\_BOARD OF ADJUSTMENT\Cases\VAH-1742-  
17 Flore & Sons (DM)\11x17 FLUP Map.mxd

PIN: 172120301005



# Aerial Imagery – September 2020





# Site Characteristics

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- Zoning: I-2
- Site Size: 31 acres
- Frontage: Monaco Street (ADCO)
- Floodplain: West property boundary
- Surrounded by ADCO properties
- Significant drop-off of around 30' - 35' from the front (Monaco) to the back (Towards South Platte)
- Aggregate mining facility to the south





# Site History

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- Annexed into Commerce City in 1993 (Zoned AG)
- 1995 – 2002: Cooley Gravel Company (Gravel Mining)
- 2002 – 2013: Broda Landfill (Inert landfill)
- 2014 – 2015: Various land use approvals granted for the following:
  - Eastern site removed from 100 year FEMA floodplain
  - Development Plan & subdivision approval for Brown Brothers Trucking, and RV storage and parking
- Late 2015: Development Plan amendment to allow A1 Organics to operate on lower portion of site
  - Pile heights were not indicated on the approved development plan
- 2016 – Present: Brown Brother's trucking & A1 Organics in operation on site.
- 2017: Height Exception case denied by BOA for mulch pile storage
- 2019: Conditional Use Permit and Development Plan approved





# Applicant Request

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- A1 Organics is a waste recycling company that converts organic materials into mulch, composts, soils, and mulches for sale to the public, and has been in business since 1974.
- A1 operates four locations in Colorado (Eaton, Keenesburg, Englewood & Commerce City), and diverts around 350,000 tons of waste per year from landfills.
- According to the applicant, the height is necessary to “efficiently, effectively, and safely conduct business.”
- Increased pile heights also allow more efficient use of space. Shorter piles create a greater need for land area and greater exposure of the materials to the environment, making them more likely to dry out, erode and blow away.





# Site Operations + Layout

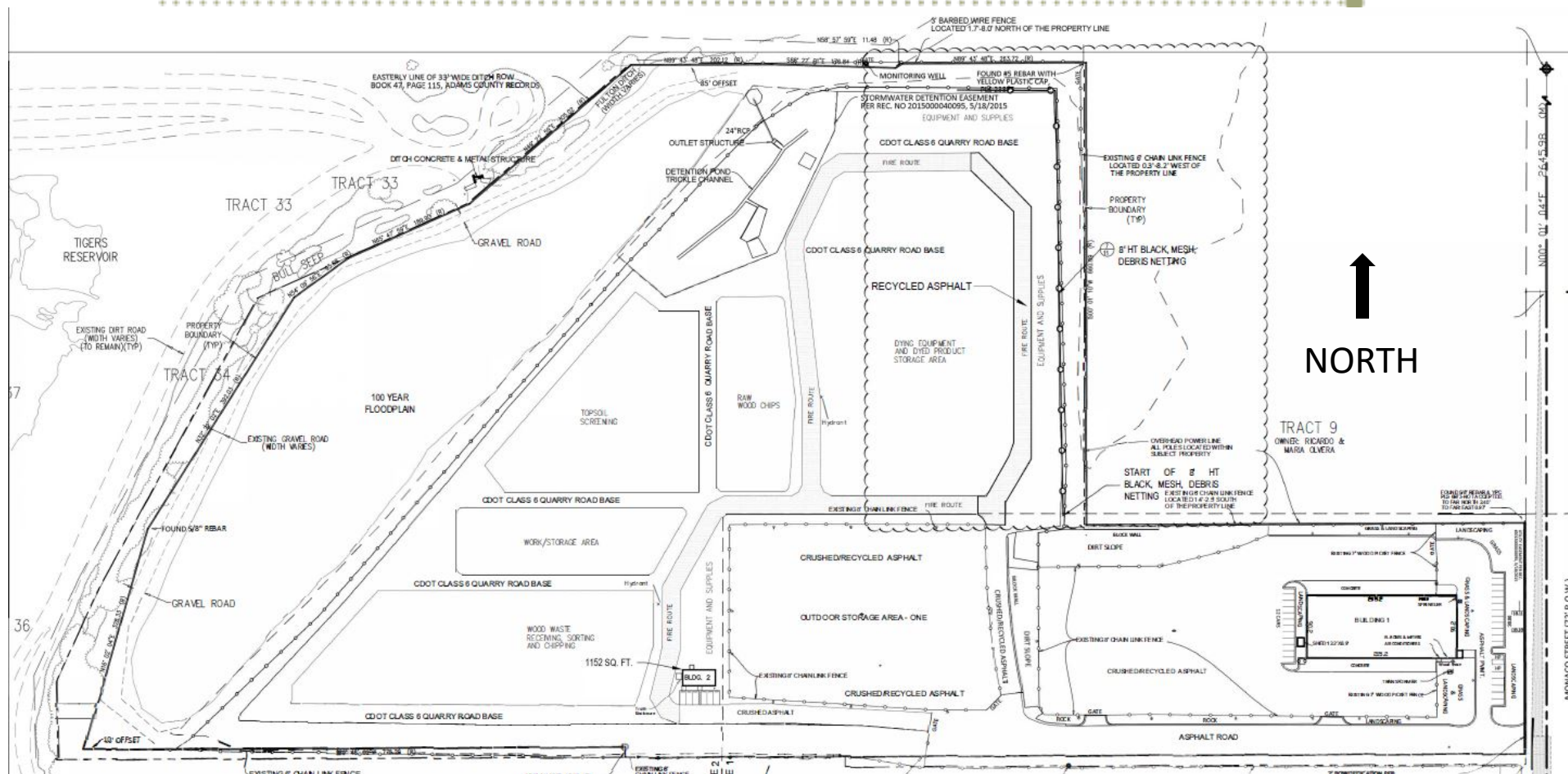
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- Recycled wood products are converted into mulch & topsoil on site
- Wood is delivered to the site by individual customers or large shipments
- Mulch is dyed on site, then delivered offsite for commercial sale.
- Incoming product & grinding operations occur in the southwest corner of site, raw woodchip storage & mulch dying occurs towards the northeast
- Volume & inventory of site fluctuates on a seasonal basis, based on demand- higher during January – March
- Proposing approximately 8-15 piles. As different mulch colors are more popular than others, certain mulch piles will cycle in variation more frequently than others
- Site Plan maintains 25' drive aisles for adequate fire access and site circulation
- Approximately 4- inbound and outbound trucks per day



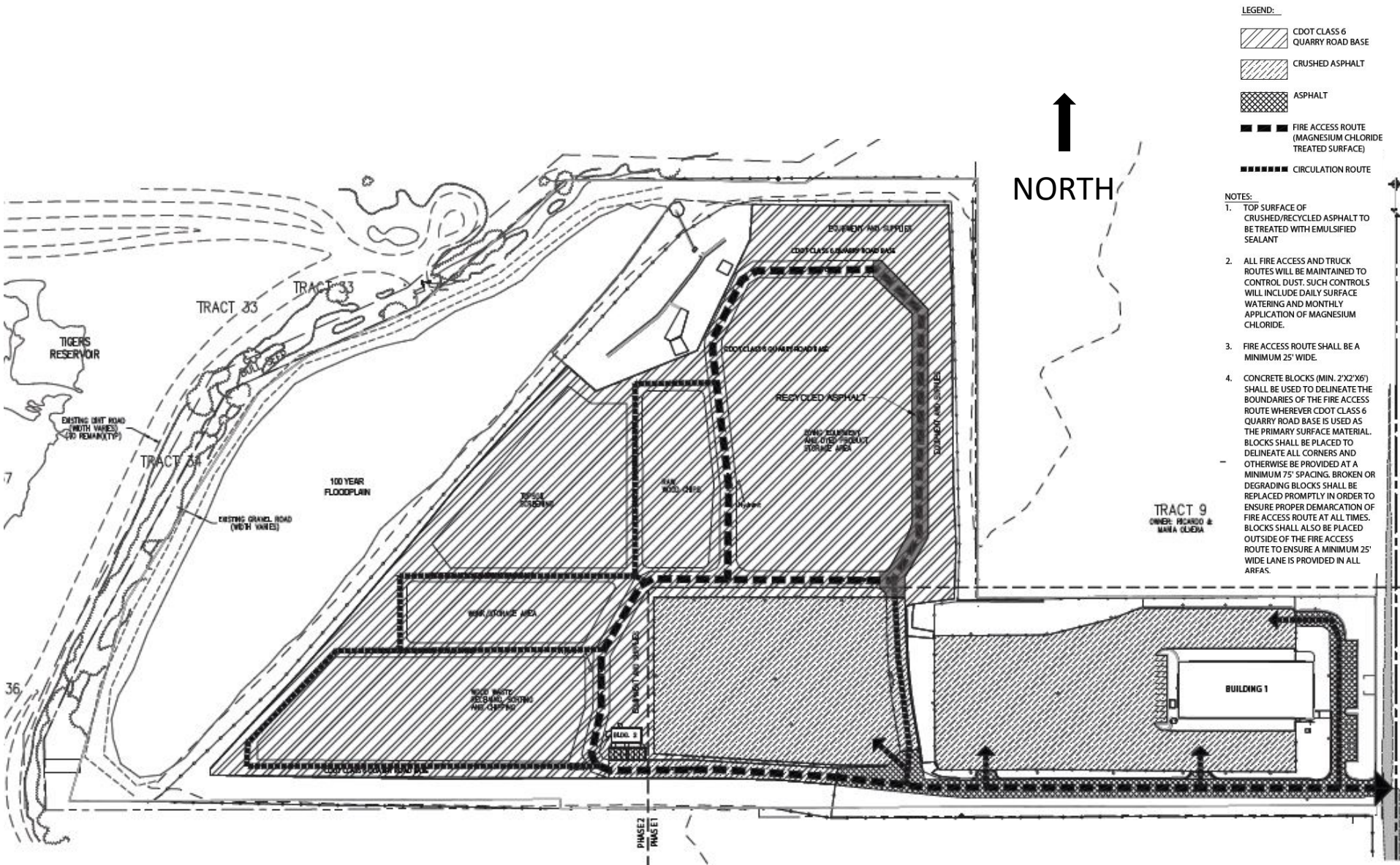


# Site Plan





# Circulation / Fire Access





# Photos – Mulching Equipment & Aerial

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# New Site Improvements





# Compliance

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- Applicant has adequately demonstrated ongoing compliance with the conditions placed upon the Conditional Use Permit granted in 2019
- No formal enforcement actions have been exercised by the City, the Colorado Department of Public Health & Environment, or the EPA
- No formal complaints provided to the city since CUP granted





# Compliance

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- Applicant has installed all physical site improvements required in the Development Plan, including:
  - Demarcation Pole
  - Recycled asphalt road base drive aisle on the east side of the property
  - 8' high fence on the east boundary of the site
- Applicant has provided daily weather logs and operational summaries demonstrating monitoring compliance of wind speeds
  - Shutting down screening and grinding operations when wind speeds exceed 15 miles per hour for a duration of 10 minutes or more
  - applying water on mulch piles during high wind events, apply magnesium chloride to internal access routes, and tarping stockpiles, when necessary.





# Applicant Dust/Air Mitigation Measures

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- 8' high net on the northeast side to catch woodchip debris
- Creation of a dust mitigation plan, and additional dust mitigation practices in place on site, including:
  - Operations shut down when wind speeds exceed 15mph
  - Water spraying and suppression of mulch piles & drive aisles
- Demarcation pole of 25' to assist with compliance of pile heights & grinding & screening operations setback
- Proposed 100' setback from residential properties for mulch piles and 500' setback from residential properties for grinding & screening operations
- Recycled asphalt drive aisle on east property boundary to assist with dust suppression.





# Applicant Water Quality Mitigation

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- Water quality pond located at the NW corner of the site
- Silt socks line the western border of the property (between A1 and the undeveloped wetlands), and the bottom of dyed mulch piles to prevent leakage of dye materials





# CUP Approval Criteria

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- i. Use does not result in a substantial or undue adverse effect on adjacent properties
- ii. Adverse effects have been mitigated to the maximum extent feasible
- iii. The characteristics of the site are suitable for the proposed use
- iv. The proposed use is adequately served by existing public improvement
- v. Applicant has provided adequate assurances of continuing maintenance;
- vi. Use does not violate any federal, state, or local requirements; and
- vii. There is a demonstrated community need for the use
- viii. The use complies with the general purposes, goals, objectives, policies, and standards of the city.





# Required Notification

(Pursuant to LDC Sec. 21-3285)

Type of Notification	Code Required	Code Required Minimum Met	Notification Provided
Mail/Postcard to Adjacent Property Owners	Mailed Notification to property owners within 500 feet	✓	16 Adjacent Property Owners Notified
Publication/ Newspaper Notice	Notice in local newspaper	✓	Notice in Commerce City Sentinel-Express
Placard/Sign on Property	At least one sign on subject property	✓	One Sign Posted



# PC Recommendation

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- On March 2, 2021, the Planning Commission voted 5-0 to recommend **approval with conditions** to City Council for case CU-121-19-21.





# Conditions

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The conditions included in the motion made by Planning Commission, were as follows:

- A. This approval applies to the Development Plan dated 6/4/2019 associated with this Conditional Use Permit.
- B. This conditional use permit shall expire ~~18 months~~ 5 years 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.
- C. 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.
- D. All mulch piles shall be a minimum of 100' from adjacent residential properties at any given time, measured from the property line.





# Conditions (cont'd)

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- E. A minimum setback of 500' for grinding and screening operations shall apply from adjacent residential properties, measured from the property line.
- F. Grinding operations will not occur on the site when wind speeds exceed 15 miles per hour for a duration of at least 10 minutes.
- G. 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.
- H. The applicant shall ~~construct and~~ maintain a 25' demarcation pole on the subject property, in order to assist with ongoing compliance of the 25' high pile restriction.
- I. 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.





# Conditions (cont'd)

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- J. Water trucks shall be kept and utilized on site during business hours for the spraying of mulch piles and drive aisles.
- K. The property shall act in accordance with the Dust Control and Mitigation plan, included as exhibit A.
- L. 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.
- M. The applicant shall comply with all federal, state, and local law.







Staff is available to answer any questions.

The applicant is also present to speak on behalf of this request and to answer any questions that the planning commission may have.

