

CONDITIONAL USE PERMIT

CASE #CU-121-19-21

WHEREAS, the City Council of the City of Commerce City, Colorado, having considered the report of the Director of Community Development, having adopted the findings and recommendations of the Planning Commission, and having conducted a public hearing regarding the Case #CU-121-19-21, has determined that the requirements of Section 21-3230 of the Land Development Code are satisfied in this case, subject to the conditions contained herein;

WHEREAS, the City Council desires to approve certain conditional uses pursuant to the Land Development Code as set forth herein for A1 Organics (“Applicant”), only for its operations on the property described as Lot 1, Block 1, 9109 Monaco Subdivision (“Property”), more commonly known as 9109 Monaco St, Henderson, Colorado.

NOW THEREFORE, the conditional use permit applied for in Case #CU-121-19-21 is hereby approved as follows:

1. CONDITIONALLY APPROVED USES: The Applicant is permitted to conduct the following land uses at the Property, subject to the compliance with the conditions contained herein and any other applicable laws and regulations:

- A. 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’.

2. CONDITIONS: The following conditions shall apply to the conduct of the uses authorized by this conditional use permit:

- A. This approval applies to the Development Plan dated 7/1/2019 associated with this Conditional Use Permit.
- B. This conditional use permit shall expire 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.
- 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 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 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.
- 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.

3. NON-COMPLIANCE: 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, it being expressly determined by the City Council that the Conditional Use Permit granted by the City of Commerce City in Case #CU-121-19-21 is not proper in the absence of compliance with the conditions and requirements 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 5th day of April, 2021.

CITY OF COMMERCE CITY, COLORADO

Benjamin A. Huseman, Mayor

ATTEST

Dylan A. Gibson, City Clerk