EXPLANATION OF LAND USE REQUESTS - CU-108-14 & S-629-15
RCI METAL RECYCLING FACILITY-9985 E. 104TH AVENUE
(Revised 09-17-15 to Respond to City 07-22-15 Comments)

RCI Investments LLC is the owner of two I-3 zoned lots on the northeast corner of 104th Ave. and Florence St. totaling 4.77 acres. The legal description is Lots 1 & 2 Marathon Subdivision–1st Amendment (Parcel#'s 0172110401003 & 004). Both lots were fully developed with existing buildings and outside storage use areas before RCI acquired either lot. Lot 1 is the westernmost of the two lots and abuts both 104th Ave. and Florence St., Lot 2 only fronts on 104th Ave., and both lots use a shared driveway onto 104th Ave. that will be restricted to right-in/right-out only traffic after 104th Ave. improvements are completed. Lot 1 also has a second driveway onto Florence St. that is being upgraded to a public street as part of the 104th Ave. construction improvements, where full turning movements will be allowed.

The property is located in the Industrial Enclave of the Irondale area on the City's Comprehensive Plan, which is a designation for heavier industrial uses, and both RCI's use and most of the other industrial users in the area certainly fit this designation. Some of the existing uses that abut or are in the vicinity of the property include a tanker truck operation, drilling services, pipeline supply company, auto repair/exhaust services, lumber supply company, and similar companies with extensive unscreened parking of large vehicles or outside storage of equipment, etc. All of these uses, and most other uses in the area, have extensive unscreened outside uses (outside storage of materials and parking of large vehicles and trailers) that also directly abut 104th Ave. The South Adams Fire Protection District also has a fire station abutting the property immediately on the north.

RCI Investments LLC is a metal recycling business owned by members of the Brienza family. The Brienza's acquired Lot 1 (1.986 acres) in 2005, before the property was unilaterally annexed into the City. RCI subsequently acquired Lot 2 (2.785 acre) in 2011 from a heavy equipment company (dozers, front-end loaders, etc.) that included outside unscreened outside parking of the equipment and the outside storage of tires and other equipment for servicing and customizing the heavy equipment. RCI's use is thus considered a legal non-conforming use on Lot 1, but Conditional Use approval is required for Lot 2 along with a Plat Consolidation request to combine the existing 2 lots into 1 lot.

These first applications (Conditional Use and Subdivision) are being submitted in order for the entire property to be utilized for the metal recycling business in conformance with City regulations. A third application for a Minor Modification is being added to allow 7' screen fencing around most of the site, some proposed on the top of 3' berming, to increase screening of the short-term outside unloading and loading of recycle material. Finally, fourth application for Minor Modification to added to allow a 10' fence setback from Florence Street for allow better traffic flow on site and minimize an on-site traffic hazard caused by the limited width between the proposed fence and an existing building. To ensure adequate views of traffic on Florence Street for vehicles exiting the site, the screen fence at the southwest corner of the Florence Street entrance will have a 25'x25' site distance triangle.

No new buildings are proposed, as it is the company's intent to utilize the existing buildings as-is, install hard surface for employees and visitors in front of the larger building on this existing lot, install screen fencing along all street frontages and the north property line, install landscaping in front of the buildings and along all the street frontages, and grade and cover with recycled asphalt the area behind the 1 building on existing Lot 1 and the 2 buildings on existing Lot 2 for outside operations and temporary outside storage.

In total, development of the site will be in conformance with the City's regulations following the approved Development Plan that will involve the installation of extensive landscaping and screen fencing along all right-of-ways, replacement of the gravel surface areas with hard surface paving and recycled asphalt, abandonment of the Lot 1's existing well and ISDS, inclusion of Lot 1 into the South Adams Water and Sanitation District and connection to the District's facilities, and the installation of a storm water detention pond with an outlet structure connection to the newly installed storm sewer system in 104th Avenue.

All of these actions and improvements shown on the approved Development Plan will be initiated upon the City's 3-year initial approval of the requested Conditional Use (CUP) and Minor Subdivision Amendment requests. The site will be developed according to the approved development plan, landscaping must be installed as shown on the approved landscape plan within a maximum of 12 from date of approval of the CUP, including fencing, paving, and the installation of recycled asphalt on designated areas of the site. Separate fencing and grading permits shall be submitted, grading and fencing will conform to these permits as demonstrated by final inspection approvals, and inclusion of the existing Lot 1 area and connection to public water and facilities of the westernmost building shall be completed within 1 year. Materials accepted shall be limited to those shown on the submitted list, and acceptance of any additional materials shall require an amendment to the CUP. Whole crushed cars can be stored on the site for no longer than 72 hours, but no vehicle crushing shall be allowed to occur on the site, and no storage of inoperable vehicles shall be permitted. Upon conclusion of the 3-year initial approval, extension of the CUP shall be required and approval of an extension shall be dependent upon conformance with the approved Development Plan and other conditions of approval.

DESCRIPTION OF USE AND OPERATIONS

RCI's business consists of the accepting, sorting, bailing, and shipping off-site non-hazardous metals, and employs between 10-15 persons at any one time. Except for normal permitting and inspections by the City and the Fire District, no specials permits are required for RCI's operations, and no hazardous materials are utilized on site except for minor amounts of oils and solvents utilized to maintain RCI's vehicles and equipment on the site. RCI is also fully committed to cooperating with the City of Commerce City Police Department to ensure the operation is not used for the receipt of stolen materials, and will fully cooperate with all efforts on this with the City of Commerce City Police Department. To provide more details on RCI use of the property, attached are Exhibit A-RCI Materials List and Exhibit B-RCI Materials and Operation.

Small Items Recycle – This operation takes place in the metal 7,200± sq. ft. **Small Items Recycle & Storage, Processing/Payment Building** (westernmost building on site) where the public brings various types of non-hazardous metals (cans, etc.) for purchase by RCI in cars, pick-up, and other small trucks. This is the biggest traffic generator of 100-150± trips/day 8 am-4:30 pm M-F and 8 am-12:30 pm on Saturday, but occurs fairly uniformly throughout the hours of operation and not considered especially rush-hour driven. These customers vary from individuals who just save and bring their own recyclable materials (mostly cans) to OTS (Off the Street collectors) and small commercial business involved in collecting recyclable materials form homes and small business (cans, copper/brass/steel/etc. wire/piping/fittings, batteries, small electric motors, etc. These small items vehicles have loads of 300-350 lbs., mostly of non-ferous metals (aluminum predominately). These vehicles enter the site from the Florence Street entrance where signage, and during busy periods on-site personnel, direct these vehicles to immediately turn right, and temporary pause to unload to have their recyclable material (mainly aluminum cans) be weighted. These vehicles then pass along the west side of this building and the east side of the 7' screen fence and temporarily park in one of the parking spaces (11 regular-9.5'x18' & 1 handicap-15'x18') on the south side of this building and go into this building for payment processing to receive credit for the delivered recycled materials. Then these small vehicles either turn right and directly exit the site by making a right turn onto 104th Avenue for west bound traffic, or turn left and go around the next **Small Item Processed Material Storage Building** and continue left out onto Florence Street for those desiring to make a left turn onto 104th Avenue for east bound traffic. Once again small signage will internal traffic flows, and during busy periods, on-site personnel will further assist in directing exiting traffic. The front (south-700± sq.ft. portion of this building has 2 levels and handles the paperwork involved in the acceptance of recycle material from the public, employee restrooms, offices on the both floors (600± sq. ft.) and some rooms uses for storage of office and other supplies used in the operations on site and some general storage of recyclable materials such as duct work. The balance of this building (6,500± sq.ft.) has a break/lunch room, but most of this area is used for storage, cleaning, and the sorting and baling of cans, copper, etc. The only three machines used in this area are: (1) Bailer for baling aluminum/steel cans/other small metal items; (2) Insulation Wire Stripper that partially cuts the insulation material that it can be easily stripped off by hand; and (3) Electric Saws for employees to cut the material either into smaller pieces to fit into boxes for packaging or to cut off foreign attachments (minor other metals, plastics, etc.) attached to the primary material being recycled.

After cleaning, sorting and bailing/cutting, bailed materials are placed aside for loading onto trucks for shipment off site. Other items, such as electric motors, copper transformers, sealed units, non-PCB ballast, power supplies, floppy drives, and mixed low grade copper content items are placed on Gaylord boxes that are specially designed for transport. Batteries are secured by placing cardboard sheets in between each level ON A PALLET to prevent any acid leaks and so that posts do not touch one another and then completely secured with shrink-wrap for transport off-site. Loaded pallets and bailed materials may be temporarily stored in this building, or moved and stored in the adjacent to the east **Small Item Processed Material Storage Building** (450± sq.ft.), until shipped off site by either a company vehicle or by prior arrangement with a commercial hauler. The maximum load being hauled off on any one vehicle is 40,000 lbs. Some loads are hauled directly to mills for direct processing, and some loads are shipped to larger recyclers that collect recyclables for shipping by truck or rail, but virtually all materials are processed and shipped off site within 24-72 hours.

Large Items Recycle

RCI also uses its own trucks, or by prior arrangement other commercial firms trucks, to pick-up and metal material products from remodeling and construction sites that contract with RCI, and has a scale between the **Small Items Recycle & Storage Processing/Payment Building** and the **Small Item Processed Material Storage Building** to determine the amount of this metal material on the loaded trucks (400 – 1,500+ lbs). These larger loads also use Florence Street to enter the site, pass over the scale between the 2 buildings, turn left around the Small Item Processed Material Storage Building, unload on the northeast portion of the site for sorting, and then pass back over the scale unloaded to determine the amount of recyclable, and exit the site in the same manner as the small load vehicles. Traffic generated from these larger trucks is 2-3 multi-unit trucks/day, and 3-single unit trucks/day M-F only, and once again is not considered rush-hour traffic, and in fact, RCI generally strives to schedule this during the non-rush hours.

Other Buildings

Two other buildings exist on site – (1) **General Administration & Manager's Office/Visitor's Building** (easternmost office building) is 1,500 sq. ft. with 9 regular-9.5'x18' & 1 handicap-15'x18' parking spaces on the south side of this building, and for employees and visitors (2) **Vehicle Shop for Minor Repair & Maintenance Building** (easternmost building on site) is 4,500± sq.ft.). These buildings and the **Small Items Recycle & Storage Processing/Payment Building** are the only ones generating traffic that would be considered peak-hour driven and the traffic from these buildings is included in the traffic study's figures.

Trash Generated and Trash Collection

Over 95% of the material brought into the Site is recycled and shipped off the site. The remaining 5% generated as waste from the recycle operations (wire insulation stipping, etc.) and general office, etc. trash is disposed of in a 22'x 7'x 6'roll-off trash container located just south of the Florence Street entrance. Cardboard waste is also generated on-site, but is baled and shipped off site to a paper recycler.

Parking

Between 10-15 people are employed at any one time. Hard-surface parking is provided on-site for employees and visitors are 20 regular-9.5'x18' & 2 handicap-15'x18' parking spaces, which complies with the City's parking requirements.

On-Site Equipment and Company Vehicles

On-site equipment involved in the recycling operations are: (1) Bailer for baling aluminum/steel cans/other small metal items; (2) Insulation Wire Stripper that partially cuts the insulation material that it can be easily stripped off by hand; and (3) Electric Saws for employees to cut the material either into smaller pieces to fit into boxes for packaging or to cut off foreign attachments (minor other metals, plastics, etc.) attached to the primary material being recycled. All of these are located **Small Items Recycle & Storage Processing/Payment Building.** Company vehicles on the site at various times are: (1) 2-Medium size Flatbed Trucks; (2) 1- Small Loader and 1-Large Loader; (3) 1-Small Sheer to cut larger metal pieces, beams, and sheets of metal; (4) 3-Excavators each with a grapple to load and unload material; and (4) 3-Forklifts.

Outdoor Storage, Export of Recycled Materials, Screening,and Dust/Mud Generation Controls

The northeast portion of the site is used for unloading of the large recycled metal loads, usually from the metal building demolishment and remodeling of buildings with metal studs, ceiling tile supports, etc. Unloaded material is compacted to 10' or less in height, separated into different types of metals that are then cut/crushed/compacted by company equipment and loaded onto semi-trucks with end dump trailers for export to metal processing companies. Trucks with flatbeds are used for exporting secured small containers, bailed material, pallets, and local sale small loads. The on-site buildings, screen fencing, berming, and landscaping will be used to accomplish screening, and hard-surfacing (asphalt or concrete) and compacted recycled asphalt material will be utilized to minimize dust generation during dry periods and mud during wet period.

In conclusion, the RCI requests approval of the Conditional Use and the Plat Consolidation, and besides conforming with the City's Regulations on landscaping, screen, fencing, etc., also conforms with the requirements fo approval as follows:

1. RCI's use complies with the Comprehensive Plan in that the area in which the property is located is designated for heavier industrial uses, and the location of the storage on the site and the proposed landscaping and screen fencing along the right-of-ways meet the intent of the Comprehensive to screen outside uses on a site and to locate these uses to the interior of a site as much as possible. This is especially true when you consider other uses in the area, most of which have outside parking of large vehicles and equipment and/or outside storage of items directly abutting and visible from 104th Ave., and many of these outside uses are also visible from I-76 to the south. In contrast, the outside use area on this site is not visible from I-76 and is only briefly visible from eastbound 104th Ave. traffic.
2. RCI's use is in harmony with the character of other heavy industrial uses in the area in that most users in the area have either none or less landscaping and screen fencing than what RCI will have after approval of the Conditional Use.
3. RCI's use is compatible with the other industrial uses in the surrounding area.
4. RCI's use fulfills a community need for a recycle facility as is demonstrated by RCI's successful operation on the western portion of the property.
5. RCI's use has negligible negative effect on the adjacent heavier industrial users in the area, especially when you consider RCI uses have existed on a portion of the site for almost 10 years and the area has continued to develop for heavier industrial uses.
6. RCI's use has negligible affect on public improvements and services. RCI has minimal or no needs for most public services (police, social services, etc.), has minimal water use, and both 104th Ave. and Florence St. are being improved to handle increased traffic both from and outside the immediate area.
7. RCI has maximized the site's existing characteristics in that the outside uses are being located as much as possible away from 104th Ave. and along Florence St. behind existing buildings, and has agreed to install extensive landscaping and screen fencing along these right-of-ways.
8. RCI is installing landscaping and screening in accordance with City requirements to insure harmony with adjacent users, and after installation, will meet or exceed what has been installed on other heavier industrial used sites in the area.
9. RCI's use doesn't generate noise, vibrations, odor, or other nuisances beyond the property's boundaries, and dust generation will be controlled by the installation of recycled asphalt surface on all outside storage/use areas.

In addition to added Exhibits A and B, accompanying this Explanation are an Architectural Exhibit showing the the existing buildings' exterior and a Development Plan with a revised Site Plan illustrating more detail on uses of all the buildings, internal traffic circulation, proposed screen fencing and landscaping, and other development details.

Exhibit A – RCI's Materials List

Acceptable Material:

Copper
- Copper Piping
- Copper Sheet
- Copper Wire (insulated or bare)
- Copper Radiators
- Electric Motors
- Refrigeration Sealed Units
- Copper Content

Aluminum
- Cans
- Extruded Aluminum
- Car Wheels without tires
- Truck Wheels without tires
- Engine Blocks (with out the oil)
- Painted Aluminum (Painted Signs must have legal document to sale)
- Aluminum Radiators
- Aluminum Sheet
- Aluminum Wire (insulated or bare)
- Aluminum Cast
- Aluminum Shavings

Brass
- Clean Yellow Brass
- Dirty Brass (Refinery Brass)
- Red Brass
- Semi Red Brass
- Hard Brass (Machine Brass)

Stainless Steel
- 304 Stainless
- 316 Stainless
- Stainless Turnings

Lead
- Soft Lead
- Lead Acid Batteries
- Wheel Weights
- Industrial Batteries (Steel Case Batteries)

Steel
- Prepared and Shredable
- Includes household items (Washers, Dryers, Refrigerators-No Freon, and Water Heaters)
- Whole Crushed Cars that are crushed off-site (Must have title and no liquid)

Electronic Scrap
- Circuit Boars
- CPU
- Hard Drives
- Floppy Drives
- Power Supplies
- Processing Chips
- Memory Sticks

Unaccepted Material
- Monitors or TV's
- All Plastics
- Paper
- Glass
- Wood
- Paint
- Car oils
- Propane Tanks (unless processed off site by having a 5" whole cut in their side, or cut in half)
- Fire Extinguishers
- PCB's

Exhibit B - RCI Materials and Operation

Recycling Connections Inc. (RCI) is a scrap metal recycling yard that receives different types of metals, and some minor amount of electronic equipment. There are 6 major types of metals that are accepted and processed. These are: Aluminum, Copper, Brass, Lead, Stainless Steel, & Steel. Each different metal is broken down into several categories, separated, and then prepared for shipping as outlined below.

Aluminum

By far the most metal that RCI receives and processes is aluminum. Within the aluminum family there are over 25 different categories RCI can package together and sell. These different categories range from aluminum wire (insulated or bare), sheet aluminum, structural aluminum, radiators, and the most popular item, the aluminum beverage can. Almost every piece of aluminum received by RCI is first brought to the front scales and then weighed, except for loads of 300 lbs and greater, where the delivery vehicle will be weighed on a truck scale loaded and unloaded to determine the amount aluminum received. These larger loads are unloaded after weighing in a designated area of the yard that won't impede traffic flow in the yard.

However, for most customers, the aluminum material is first unloaded and weighed at the small front scale area, the weight of the material is recorded on the customer's ticket, the customer parks his unloaded vehicle in the parking area in front of the westernmost building, and goes into the front of the westernmost building for payment processing. After weighing, the aluminum material is placed in a bin with similar aluminum material until that bin is full and then filled bins are brought into the westernmost building for processing. The baler inside the westernmost building is mainly used for aluminum cans, which are the easiest to process, but sheet aluminum and aluminum radiators with the ends removed, are also baled. Baled items are generally shipped off-site within a short period of time, but may be also stacked neatly outside until shipped off-site. Most aluminum material, not suitable for baling, is "cleaned" (separated from other metals and insulation, etc. material), placed in bins, and then shipped off-site. Some aluminum material that is too labor intensive to clean (separate from other materials and metals) are placed in separate bins for shipment off-site and RCI receives less payment than for the other aluminum materials. Different types of separate aluminum material are shipped off-site in different ways, depending upon where the material is being sent. For example, aluminum material being shipped to another yard in the local area will be loaded into metal bins, put on RCI's flatbed truck, and then shipped off-site. RCI also has roll-off containers on-site that can be utilized for a large volume of a specific aluminum material that would exceed the capacity of the small metals bins to ship off-site in a timely manner. Aluminum material sold for shipment across state lines are either baled for shipping or packaged inside a "Gaylord" type box designed to-be-transported across state.

Copper

Copper is a non-ferrous metal initially processed in the same manner as aluminum by either being weighted at the front scales and placed in bins, or by weighing the loaded and unloaded truck on the scales with the material being unloaded in the yard in a designated area of the yard. Copper has several different categories as well, and next to aluminum, copper has the next most sub-categories generally as follows: sheet copper, copper pipe, copper wire (bare or insulated), and copper content items. Within each category there are many different types of sub-categories, copper wire having the most. Copper wire is the hardest category to separate, because copper wire is defined by recovery percentage of copper it contains with the percentages can run anywhere from 15%-95%, and the price is determined by the percentage. RCI's employees are trained to determine the copper percentage, and once this has been determined, placed it in the correct bin. Copper piping hast two sub-categories: Copper #1 pipe is considered clean copper pipe with no insulation, other attached material or plumbers glue; and Copper #2 pipe has insulation, other attached material, or plumbers glue on it.

Like the aluminum bins, filled copper bins are brought into the westernmost building for processing. Copper pipe with the foreign attachments has the attachment removed by RCI personnel. Copper wire bigger than ¼" in diameter has the insulation removed; otherwise it is not worth the time and effort to remove the insulation. The stripped copper wire and copper pipe are placed in a metal bin, sold locally, and transported off-site. Other materials with some copper, electric motors for example, are packaged in a box suitable for shipping (Gaylord box), and sold for shipment across state lines to a processor who handles this type of copper material.

Brass

Brass is likewise first weighed at the front scales, and then separated as soon as they are taken off the scale into 4 different bins. Three (3) of the bins are for brass only of different quality (clean or with attached material) and packaged directly into boxes for sale, because the volume of brass is low enough that RCI personnel can handle the packaging. The fourth bin is brass mixed with copper or plastic that is cleaned by RCI personnel in the westernmost or one of the other buildings on site, after which it is placed in one of the other 3 bins for packaging and sale, and any other material (copper for instance) is placed in its' appropriate bin.

Lead

Just like brass, the amount of lead received at the facility is much less than aluminum or copper, but like the other metals, the first processing is at the front scale where it is weighted and then placed into a separate bin. Three different types of lead are accepted: wheel weights, mixed lead, and lead acid batteries. The wheel weights and mixed lead are put into different bins that are transported off-site when full. Batteries are kept on a pallet stored on a concrete platform and are stacked 3 levels high with cardboard placed in the middle of each level to DOT specifications for over the road hauling. As soon as there are 40,000 lbs of batteries accumulated, they are sold and shipping is arranged to a smelter for processing.

Stainless Steel

The last form of non-ferrous metal accepted by RCI is stainless steel. Like other metals, it is weighed up front, and then loaded into two metals bins of clean stainless and dirty stainless sold to locally to others off-site that accept and process stainless steel.

Steel

Ferrous items (steel) are taken and processed on the outside at the rear RCI's facility. Ferrous metals are broken down into different categories: scrap metal; P&S "prepared"; and P&S "unprepared". The last two are heavier types of steel like I-beams. None of the three types of steel are processed on site, other than to weighed and loaded and unloaded. Unloaded steel is stored in different piles, loaded by front-end loader and similar equipment into end dumps, and then hauled off-site to local scrap metal processing facilities.

Electronic Scrap

Computer towers are the main source of electronic "E" scrap RCI receives. E scrap is also weighed on the scales up front. Once the tower is taken off the scale, it is placed on a pallet, brought into one of the other buildings on the property and taken apart. After tower disassembly, the inside parts are separated and boxed. After the boxes have been filled, they are shipped to electronic scrap recyclers for further processing. RCI has seen a decrease in volume of the computer towers, and more and more of the electronic towers are simply being placed on a pallet, shrink wrapped and then sold to a dealer that is willing to process them further.