



# Conditional Use Permit Report

## Case #CUP25-0002

*City Council Date: April 20, 2026*

### **GENERAL INFORMATION**

<b>PROJECT NAME</b>	A1 Organics
<b>LOCATION</b>	9109 Monaco Street
<b>SITE SIZE</b>	31.01 Acres
<b>CURRENT ZONING</b>	Medium Intensity Industrial District (I-2)
<b>APPLICANT</b>	A1 Organics
<b>OWNER(S)</b>	New DUX LLC and DUX LP
<b>CASE PLANNER</b>	Omar Yusuf

### **REQUEST**

The applicant is requesting the renewal of a conditional use permit for a mulch pile storage up to 25 feet in height. No changes to the site or operation are proposed since the previous approvals in 2015, 2019, and 2021.

### **CONDITIONAL USE PERMIT**

A conditional use permit (CUP) allows for a specific use that is not allowed outright, provided that all of the conditional use permit criteria are met. If the applicant can demonstrate compliance with the criteria, approval for the conditional use can be granted by the City Council.

### **BACKGROUND AND CASE HISTORY**

The initial use of this property was for a gravel mine, use-by-permit (A-1549-02), granted to the Cooley Gravel Company in 1995. Thereafter, a use-by-permit (A-1549-02) for an Inert Materials Landfill was granted to Patrick Broda with an accompanying landfill case (LF-21-02). Landfill operations were completed in 2013, when the city received a letter from the Colorado Department of Public Health and Environment (CDPHE). This letter states that the landfill has completed the Post-Closure Care Plan for the Inert Materials Landfill. Following the landfill operations, the site was re-zoned from AG (Agriculture) to I-2 (Medium-Intensity Industrial) under case number Z-914-14. Upon the rezoning from AG to I-2, a development plan (D-255-14) was approved for the industrial building located at the front of the property. Along with this development plan, a minor modification (MM-35-14 for a floor-area-ratio reduction from .05 to .01) and a consolidation plat (S-628-15) were approved. A1 Organics applied for a development plan amendment (D-255-14-15) to accommodate their operations in the rear of the property to establish a composting and mulching site approved in late 2015.

When A1 Organics applied for a Certificate of Occupancy related to their development plan, staff conducted an inspection. At which point, staff required an amendment to the development plan, since it did not pass due to non-compliance. To comply, an amendment was approved in December 2016 that focused on the A1 Organics operations in the rear of the property. The applicant applied for a height exception (A-1742-17) to allow mulch pile storage up to 35-ft finding that the use did not comply with approval criteria for a height exception, including rights of privacy, light and air, and that the use was being evaluated under criteria meant for a structure, which would not apply to mulch piles.

On June 3, 2019, Commerce City City Council approved CU-121-19, authorizing the storage of dyed mulch chips, inbound recyclable wood products, soil, mulching material stackers, and raw wood chips at a height of no greater than 25'. The Conditional Use Permit was approved for an initial term of 18 months. Development Plan case D-255-14-15-16-19 was approved shortly thereafter to make the property conform to city codes and requirements. The mulching facility use (with outdoor storage up to 8' in height) is currently a use by-right within an I-2 zone district.

On April 21, 2021, Commerce City City Council approved CU-121-19-21, renewing the conditional use permit 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' for an extended term of five years.

## **COMPREHENSIVE PLAN (CP) CONSISTENCY**

The subject property is designated on the Comprehensive Plan [Character Area Map](#) as Northern Business District. The proposed use conforms to the allowable uses within the Northern Business District designation. Additionally, the subject property is designated as *Business and Employment Parks*, as outlined in the Economic Development Framework Map. The subject property has a site plan that maximizes the available lot. The layout of the site allows for effective business operations, which break down recycled wood products, sort, and dye the mulch for the consumer market. This operation and associated screening from adjacent residential properties is supported by the goals identified in Chapter 7: Commerce and Employment. Chapter 7 discusses *“assessing the success of current bylaws and actions to protect wetlands and avoid developing in the flood plain.”* The site configuration of A1 Organics operations preserves natural features with the adjacent wetlands and waterways along the western side of the property line. Proper compliance with past flood plain applications has helped to achieve this goal.

Chapter 11: Parks, Open Space, and the Environment discusses the importance of *“encouraging the community to reduce, reuse, and recycle.”* The requested conditional use permit will allow for the operations of A1 Organics, a recycling company, thereby removing unwanted waste from local landfills and redirecting it for future use. A1 Organics operations result in the reuse of wood products converted to mulch products for the consumer market.

## **PROJECT ANALYSIS**

### **Site Overview**

The CUP request is for an approximately 31.01-acre site, located at 9109 Monaco Street. The property is bounded by Unincorporated Adams County in all directions. The subject property

currently contains an existing 18,700 sq. ft. industrial building built in 2016, utilized by a separate user, Sturgeon Electric. The properties to the north and west consist mostly of open space/wetlands, properties to the east are residential/industrial properties, and properties to the south are owned by Martin Marietta Materials operating as an aggregate mining facility. There is one access point on the site, a full movement on Monaco Street.

### **Agency Comments**

There were no outstanding agency comments, and a site visit was conducted by the Planning Division and Energy and Equity and the Environment (E3) Division on January 29, 2026, to ensure all conditions were met. The proposed CUP has been reviewed by the Development Review Team, including Planning; Development Review Engineering; Parks, Recreation & Golf; Economic and Community Vitality; Energy, Equity, and Environmental (E3) Division; South Adams County Water and Sanitation District; South Adams County Fire Department; Economic Development; and Code Enforcement.

### **Overall Analysis**

Staff supports the proposed CUP, and there is substantial information that supports the advancement of this project, which can meet all relevant City standards identified in the 2009 Land Development Code (LDC).

### **Compliance with Existing Conditional Use Permit**

The previously adopted conditions for this renewal can be found below, with staff's findings:

- A. The conditional use permit is granted only for the storage of dyed mulch chips, inbound recyclable wood products, 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.
  - Upon inspection of the site, the condition is met.
- B. All mulch piles shall be a minimum of 100' from adjacent residential properties at any given time, measured from the property line. Storage of mulch piles has not occurred closer than 100 feet.
  - Upon inspection of the site, the condition is met.
- C. 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 have not occurred closer than 500 feet, as confirmed through site visits by staff and review of aerial imagery. The 25-foot demarcation pile (from condition f) was also placed exactly 500' from the east property line to assist with enforcement of the 500' setback requirement.
- D. Grinding operations will not occur on the site when wind speeds exceed 15 miles per hour for a duration of at least 10 minutes.
  - The applicant has provided daily weather logs and operational summaries, demonstrated monitoring compliance of wind speeds, and shut down screening and grinding operations when wind speeds exceed 15 miles per hour for a duration of 10 minutes or more. In such circumstances, the applicant may also make additional efforts to apply water on mulch piles during high wind events, applying magnesium chloride to internal access routes, and tarping stockpiles, if necessary.

- E. 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 8-foot-high net has been installed and is in good condition at the time of inspection.
- F. The applicant shall construct and maintain a 25' demarcation pole on the subject property, to assist with ongoing compliance of the 25' high pile restriction.
- The 25-foot demarcation pole has been installed in compliance with this condition. Site visits conducted by City Staff have confirmed that pile heights stay under the maximum height limit. Additionally, to ensure pile heights do not exceed this height, A1 Organics has set its mulch stacking equipment to a maximum height of 25 feet when converting scrap material to raw woodchips.
- G. 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.
- The recycled asphalt drive aisle has been installed on the east side of the outdoor storage area, in between the fence and the mulch pile storage area.
- H. 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 on site and have been utilized by the applicant on a regular basis to assist with dust mitigation and suppression.
- I. The property shall act in accordance with the Dust Control and Mitigation plan.
- Through documentation through daily logs, the applicant has demonstrated compliance with the management practices called out in the Dust Control and Mitigation plan. This includes ensuring paved entry roads are free of tracked soil or compost, use of water/magnesium chloride on internal access aisles, spraying stockpiled materials with water for dust suppression purposes, utilizing a water spray system during grinding operations, and covering all outgoing loads.
- J. 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.
- Site visits that have been conducted by City Staff have confirmed the site is generally free of excessive garbage, trash, and excessive woodchip debris in normal conditions. The applicant has also taken the additional step of installing an electronic load measurement system to measure truck loads in place of using heavy equipment to haul and dump each load for measurement. This system assists in reducing blowing mulch materials during transfer from the front loader to truck bed.
- K. The applicant shall comply with all federal, state, and local law.
- There has been no evidence demonstrating that the applicant's operations have violated any City Ordinances, or any violations with the Colorado Department of Public Health & Environment, Adams County Health Department, or the Environmental Protection Agency. Multiple inspections have been conducted by CDPHE to ensure compliance with the Solid Waste Disposal Sites and Facilities Act, with all findings that the site was following the requirements of that act. The property did have an open case with the Colorado Department of Public Health and Environment in early 2016 regarding the leaking of mulch dyes into the detention pond on site. The applicant has indicated that this was due to on-site repair of the mulch-dying equipment. Since the incident, the applicant has purchased upgraded equipment with greater material controls and now has standard site practice of

wrapping the bottoms of piles with silt socks to prevent any material from leaching out. Silt socks also line the boundary area between the active area of the site and the wetland portion of the site to reduce leaching into this area. All the mulch dyes used on the property are made from non-toxic iron oxide.

The applicant has adequately demonstrated ongoing compliance with the conditions placed upon the Conditional Use Permit granted in 2021, and no formal enforcement actions have been exercised by the City, the Colorado Department of Public Health & Environment, or the EPA. No formal complaints have been submitted to the City during the second Conditional Use Permit term of 5 years. Staff supports moving away from the 5-year time limits for CUP that are in good standing. For this reason, staff is recommending approval with all the original CUP conditions except a 5-year time limit.

#### **PLANNING COMMISSION HEARING SUMMARY**

The Planning Commission held a public hearing on March 3, 2026. During the hearing, there were no members of the public who spoke about the project. However, there was a public comment expressing opposition that is included in the packet for reference. The Planning Commission asked questions to the applicant and staff regarding the following: where A1 Organics was sourcing their water from; the process of dying mulch chips; any nearby residential properties; the applicability of the dust mitigation plan to daily operations; and whether South Adams County Fire District (SACFD) has weighed in on risk mitigation for mulch piles. The Planning Commission ultimately voted 5-0 to provide a recommendation of approval to City Council. A draft of the minutes is included in the packet for reference.

## **CONDITIONAL USE PERMIT APPROVAL CRITERIA**

This case is based on the following criteria from Sec. 21-3230(3) of the Land Development Code (LDC). An application may be approved if all of the following criteria are met:

**Criteria (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;**

The character of the neighborhood is comprised mostly of industrial/agricultural uses. The applicant has taken significant measures to reduce any dust impacts that might arise from their operations and has shown compliance with all the conditions of the previous conditional use permit intended to mitigate impacts. Therefore, it can be found that this application **meets Criteria (i)**.

**Criteria (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;**

The applicant has demonstrated a number of measures to reduce impacts, including the construction of a net on the eastern boundary of the property to catch any woodchips that may be blown away, surfacing of the eastern-most drive aisle adjacent to residential property, and many other items that are indicated in "Exhibit A", the applicant's proposed dust mitigation. The use does not generate significant other externalities from sound, vibration, etc. Proposed conditions A-M are necessary in order to satisfy this approval criterion. Therefore, it can be found that this application **meets Criteria (ii)**.

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

The use is suitable for the subject property based on several different constraints that exist on the site. As indicated in the "site characteristics" section of the Development Review Team analysis. Its history as a former landfill site significantly limits the types of uses the property can reasonably be used for, since soil quality is not stable enough to support the construction of any significant structure. The topography and configuration of the site places A1 Organic's pile storage in a location that significantly reduces visual impact from the surrounding area. The aggregate mining pit to the south of the property also provides an additional layer of screening and buffering from the south. The future land use designation for the surrounding unincorporated areas and the majority of existing uses are compatible with the use. For adjacent properties with existing residences, the applicant has demonstrated dust mitigation methods and site improvements to reduce the impact from fugitive dust on these properties, which can be found in the "dust mitigation" section of the DRT analysis. Therefore, it can be found that this application **meets Criteria (iii)**.

**Criteria (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;**

The site can provide all the necessary utilities and services to the proposed use by utilizing existing services. Therefore, it can be found that this application **meets Criteria (iv)**.

**Criteria (v): The applicant has provided adequate assurances of continuing maintenance;**

The applicant has demonstrated continued maintenance of the site since issuance of the conditional use permit, through specifications detailed in their dust mitigation plan, contracts with Allied Waste for trash removal, and employees on site conducting debris removal. Therefore, it can be found that this application **meets Criteria (v)**.

**Criteria (vi): There is no evidence to suggest that the use violates any federal, state, or local requirements; and**

The site does not appear to conflict with federal, state, or local requirements. Adams County Health Department and the Colorado Department of Public Health and Environment (CDPHE) have conducted numerous site visits and have found no violations. No additional violations have been opened since the Conditional Use Permit issuance in 2019. The previous open case with CDPHE regarding dyes leaking into nearby wetlands has been closed out and remediated. Therefore, it can be found that this application **meets Criteria (vi)**.

One of the following criteria is met:

**Criteria (i) 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**  
Not applicable.

**Criteria (ii): 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 application demonstrates compliance with goals and objectives within the City's 2045 Comprehensive Plan, specifically in Chapter 7 regarding Commerce and Employment, and conformance with Chapter 11: Parks, Open Space, and the Environment. The site is currently conforming to all Land Development Code regulations and the currently approved development plan for the site. Therefore, it can be found that this application **meets Criteria (ii)**.

## **PLANNING COMMISSION RECOMENDATION**

On March 3, 2026, the Planning Commission held a public hearing on this Conditional Use Permit. The Planning Commission recommended approval with a 5-0 vote.

## **STAFF RECOMMENDATION**

Staff finds that this application meets all the approval criteria found within Sec. 21-3230(3) of the Land Development Code and therefore recommends approval of Conditional Use Permit CUP25-0002 with the following conditions:

1. The conditional use permit is granted only for the storage of dyed mulch chips, inbound recyclable wood products, 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.
2. All mulch piles shall be a minimum of 100' from adjacent residential properties at any given time, measured from the property line. Storage of mulch piles has not occurred closer than 100 feet.

3. A minimum setback of 500' for grinding and screening operations shall apply from adjacent residential properties, measured from the property line.
4. Grinding operations will not occur on the site when wind speeds exceed 15 miles per hour for a duration of at least 10 minutes.
5. 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.
6. The applicant shall construct and maintain a 25' demarcation pole on the subject property, to assist with ongoing compliance of the 25' high pile restriction.
7. 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.
8. Water trucks shall be kept and utilized on site during business hours for the spraying of mulch piles and drive aisles.
9. The property shall act in accordance with the Dust Control and Mitigation plan.
10. 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.
11. The applicant shall comply with all federal, state, and local law.

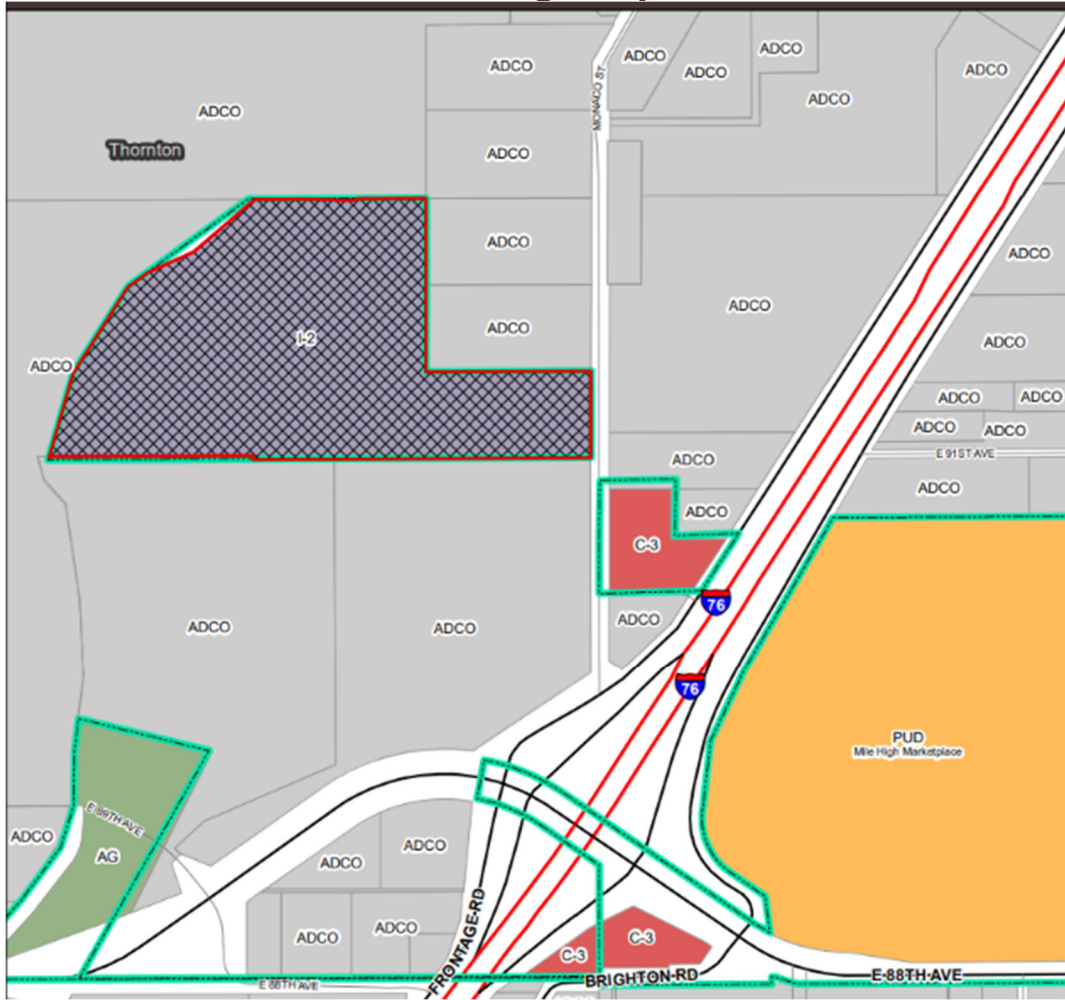
### **CONSIDERATIONS FOR DISCUSSION**

1. A1 Organics has complied with conditions set forth in the initial Conditional Use period and staff has determined that the request does not need to have an expiration period in the future.
2. The CUP is consistent with the Comprehensive Plan goals and objectives.

### **AVAILABLE ACTIONS**

- Available Action #1: Approve Conditional Use Permit CUP25-0002, finding that the requested Conditional Use Permit meets the approval criteria, in accordance with the PC recommendation
- Available Action #2: Deny Conditional Use Permit CUP25-0002, determining the requested Conditional Use Permit fails to meet one or more of the approval criteria.
- Available Action #3: Continue consideration of Conditional Use Permit CUP25-0002 to a date certain, and directing staff or the applicant to provide additional information.

# Zoning Map



Property is in hatched area

## Aerial Map





## Site Photos



Photos of the 25 foot demarcation pole and 8 foot screen wall on site



**Water trucks for dust mitigation and internal access roads free of obstruction and trash**