Case # CUP23-0001

Conditional Use Permit for Rocky Mountain Recycling

Location:	6425 Brighton Blvd
Applicant:	Tom Wood on behalf of Rocky Mountain Recycling
Request:	Conditional Use Permit to allow for expansion

Vicinity Map

Subject Property

Existing RMR Site

Case Summary

- Location: 6425 Brighton Blvd
- Request: Conditional Use Permit (CUP) to expand the recycling facilities
- Current zoning: I-3 Heavy-Intensity Industrial District
- Future land use: Industrial/Distribution
- 1.23 acres (Current facilities ~14.5 acres)

Zoning Map

R-2
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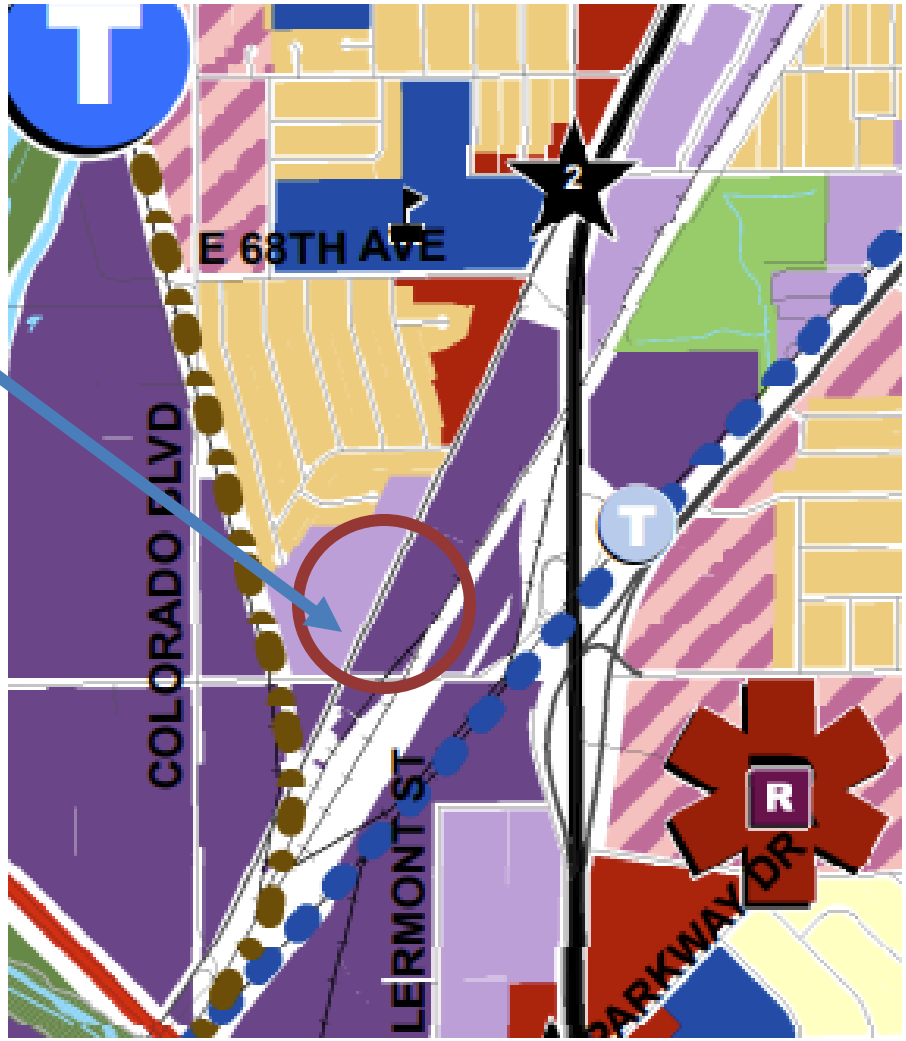
PUBLIC
BRIGHTON BLVD
E 64TH AVE
I-3 Heavy Intensity Industrial
Public
Single Family Attached Residential

Comprehensive Plan

Subject Property

Light Purple =
Industrial/Distribution

Dark Purple =
General Industrial

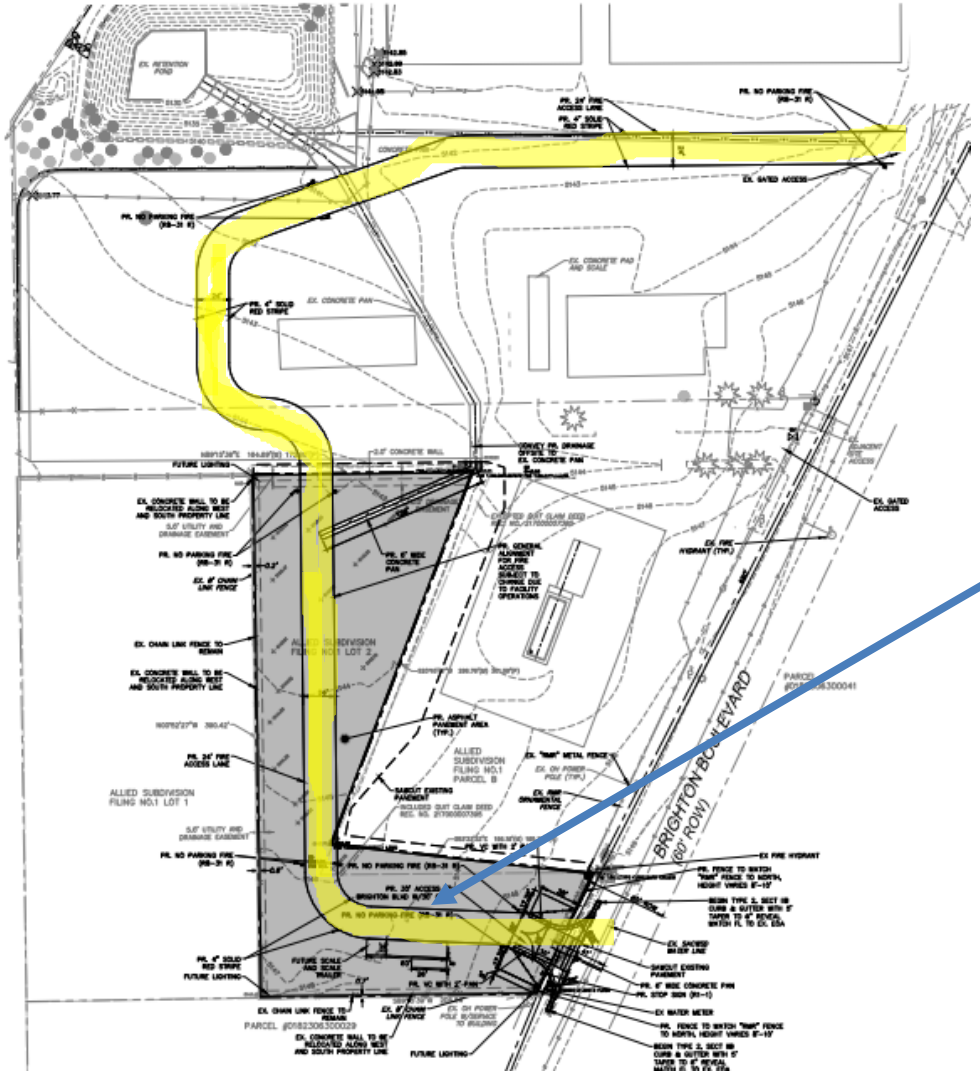


Background and Applicant's Request

- Rocky Mountain Recycling has been in business since 1936
- Recycling a variety of metals
- Expansion of existing facilities by 1.23 acres
- If approved, operations area would increase approximately 8.5%
- Consolidation plat application on file (S23-0002)
- If approved, will consolidate with adjacent lot

Site Plan

Rocky Mountain Recycling



This demonstrates the connectivity through the site

Neighborhood Meeting

- Meeting was held November 11, 2023
- One attendee
- No public comments were received

Case Analysis

- Proposed use is consistent with the I-3 zone
- DRT reviewed the case. No outstanding issues.
- There is sufficient evidence in the record to demonstrate that the CUP meets the approval criteria in LDC Sec. 21-3230(3), with two conditions.

Suggested Conditions

A. The hours of operation shall be limited to be between 6:00 a.m. and 10:00 p.m., with no operation of large machinery or movement of heavy materials after 9:00 p.m.

B. Screening of at least six feet in height shall be installed along the Brighton Blvd frontage.

Planning Commission Summary

- This case went to Planning Commission on March 5th.
- There was no public comment.
- Planning Commission voted 5 to 0 to recommend approval.
- No conditions of approval were included with the recommendation.

Case Considerations

- The CUP is consistent with the Comprehensive Plan goals and objectives.
- The facility would provide additional jobs to the community.
- The Energy, Equity, and Environmental (E3) Division supports this application as it is consistent with the Sustainability Action Plan.
- There is potential for noise from this operation to impact nearby properties.
- The proposed condition limiting hours of operation provides consistency with existing facilities.
- No noise complaints have been filed in at least two years with either Commerce City Police Department or Adams County Sheriff's Office.

Sec. 21-3230(3)- Conditional Use Permit Approval Criteria

(a)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;

(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;

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

(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;

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

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

(b)One of the following criteria is met:

(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

(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 applicant is present to speak on behalf of this request and to answer any questions.

Staff is also available to answer any questions.

Existing Site Photo

Brighton Blvd from the South

Conditional Use Criteria (i)

(a): 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 proposed use as a recycling facility is in keeping with neighborhood. It fits with the surrounding area of industrial uses. There is no evidence in the application materials or other information that suggests any undue adverse impacts will be created by increasing the size of the Rocky Mountain Recycling facilities by less than ten percent. Screening and limited hours of operation will be consistent with the existing facilities. *Therefore, it can be found that this application meets Criteria (i).*

Conditional Use Criteria (ii)

(a): All of the following criteria are met:

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 proposed conditions to limit the hours of operation and to install screening serve to mitigate any potential adverse effects to the maximum extent feasible as allowed by the LDC. The site screening and limited hours of operation will be consistent with the existing facilities. *Therefore, it can be found that this application meets Criteria (ii).*

Conditional Use Criteria (iii)

(a): All of the following criteria are met:

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 characteristics of the site are similar to the surrounding portions of the Rocky Mountain Recycling facilities which have already demonstrated suitability for the land use. *Therefore, it can be found that this application meets Criteria (iii).*

Conditional Use Criteria (iv)

(a): All of the following criteria are met:

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;

There is nothing included in the application or related information to suggest that the proposed use would create any burden on the existing improvements, facilities and/or services of the city or its residents. The applicant has submitted both a drainage plan and a traffic study to demonstrate compliance with Engineering requirements. *Therefore, it can be found that this application meets Criteria (iv).*

Conditional Use Criteria (v)

(a): All of the following criteria are met:
<u>Criteria (v):</u> The applicant has provided adequate assurances of continuing maintenance;

The applicant's past commitment to the area has shown an assurance to continual maintenance. They plan to use the same operational and maintenance practices as the adjacent facilities. *Therefore, it can be found that this application* ***meets Criteria (v)***.

Conditional Use Criteria (vi)

(a): All of the following criteria are met:
<u>Criteria (vi):</u> There is no evidence to suggest that the use violates any federal, state, or local requirements; and

There is no evidence to suggest that the proposed use violates any federal, state, or local requirements. *Therefore, it can be found that this application* ***meets Criteria (vi)***.

Conditional Use Criteria (b)(i)

(b): 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

As a steady business for such a long time in Commerce City, clearly the recycling of scrap metals and related materials meets a community need. The location surrounded by industrial uses and its proximity to the railroad is appropriate. *Therefore, it can be found that this application* ***meets Criteria (i)***.

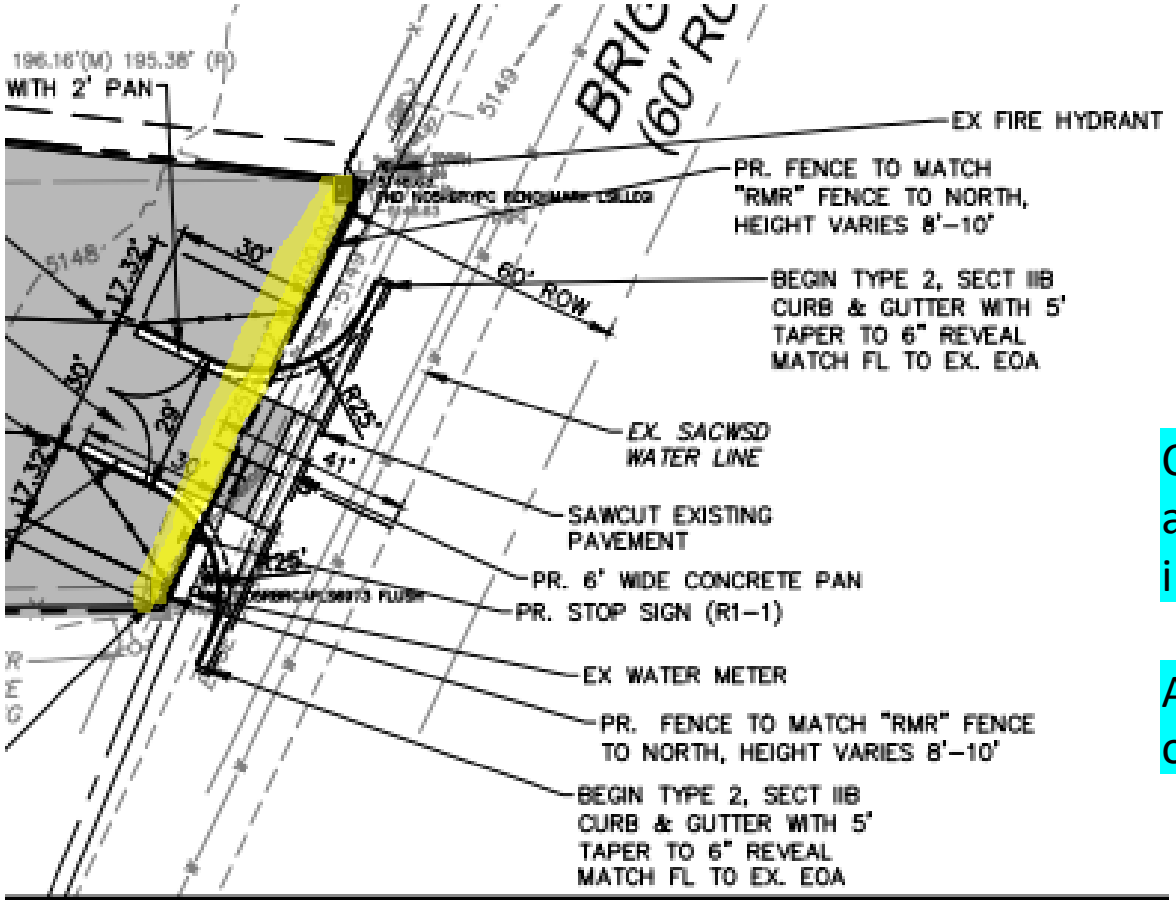
Conditional Use Criteria (b)(2)

(b): One of the following criteria is met:

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.

Rocky Mountain Recycling's use is consistent with the purpose, goals, and policies of the comprehensive plan. Specifically, it supported by the Land Use and Growth Goal LU-4 to retain existing industrial areas and land for future jobs and the Economic Development Goal ED-2 to retain and increase a strong employment base. Rocky Mountain Recycling is also consistent with the focus areas of the Action Plan for Sustainability. *Therefore, it can be found that this application* ***meets Criteria (ii)***.

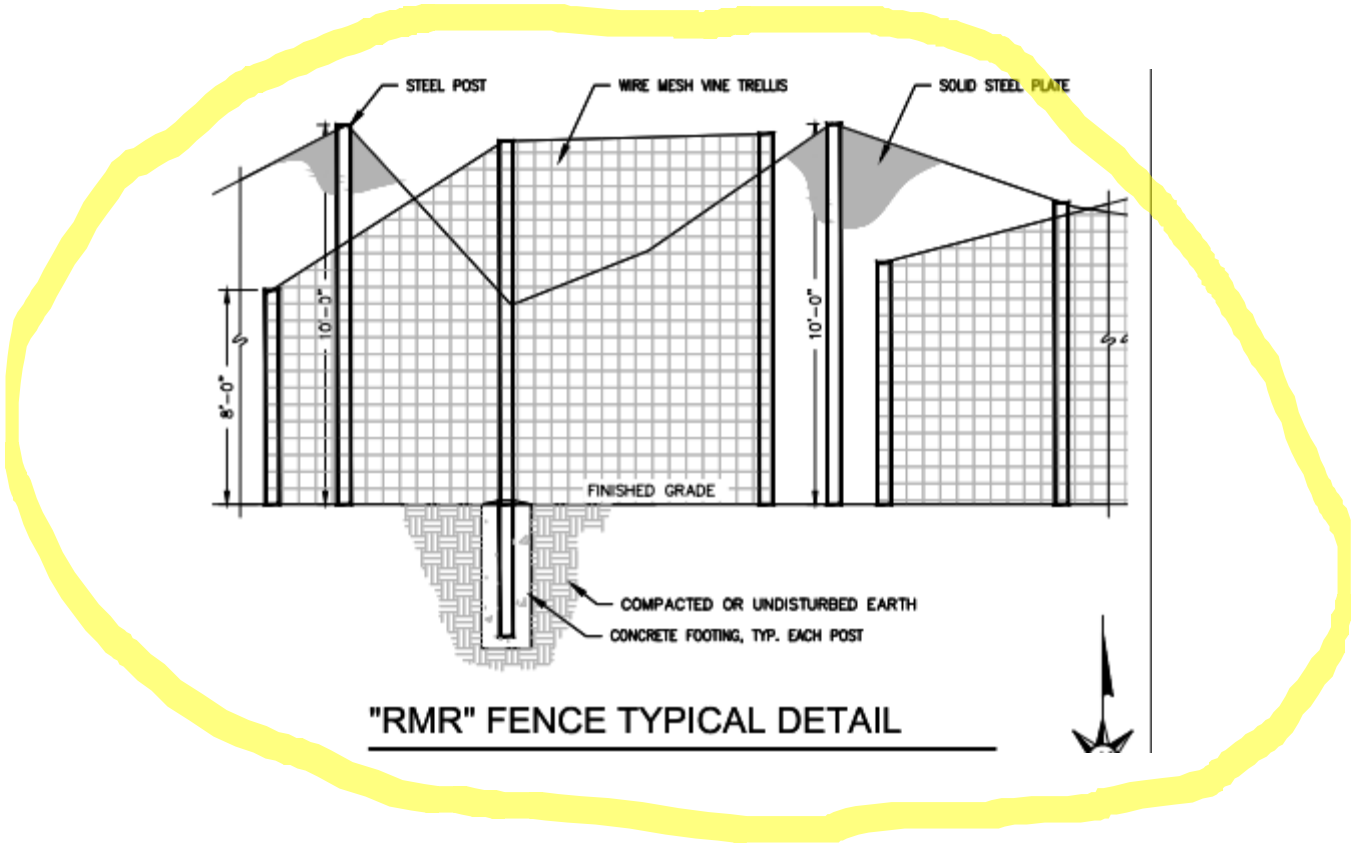
Proposed Access



Approximately 100’ of frontage along Brighton Blvd

Current frontage approx. 670’ will increase to approx. 770’

Approx 1,000’ frontage on east side of street

Existing Fence
Rocky Mountain Recycling

Proposed Fence Detail