

CONDITIONAL USE PERMIT

CASE #CUP25-0003

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 #CUP25-0003, has determined that the requirements of Section 21-3230 of the 2009 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 RCI Investments, LLC (“Applicant”), only for its operations on the property described as Marathon Subdivision Amendment No. 2 Lot 1, located at 9985 East 104th Avenue, Commerce City, Colorado (the “Property”); and

NOW THEREFORE, the conditional use permit applied for in Case #CUP25-0003 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. METAL RECYCLING FACILITY

2. CONDITIONS: The following conditions shall apply to the conduct of the uses authorized by this Conditional Use Permit:

- A. The materials accepted for recycling will be limited to those outlined in Exhibit A Materials List.
- B. Whole crushed cars can be stored on the site for no longer than 72 hours. No vehicle crushing will be allowed to occur on the site, and no storage of inoperable vehicles will be permitted.
- C. The Applicant shall notify the Community Development Department in writing if the recycling facility is ever discontinued by Recycling Connections, Inc.

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 this Conditional Use Permit, it being expressly determined by the City Council that this Conditional Use Permit granted by the City of Commerce City in Case #CUP25-0003 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.

Effective this 20th day of April, 2026.

CITY OF COMMERCE CITY, COLORADO

By: _____
Steve J. Douglas, Mayor

ATTEST:

Stephen J. Ruger, City Clerk