



# City Council Communication

**AGENDA DATE:** April 20, 2026

**LEGISTAR ITEM #:** CUP25-0003

**PRESENTER:** Omar Yusuf  
Development

**DEPARTMENT:** Community

|                                    |                                     |                                                    |
|------------------------------------|-------------------------------------|----------------------------------------------------|
| <input type="checkbox"/> Ordinance | <input type="checkbox"/> Resolution | <input checked="" type="checkbox"/> Public Hearing |
|------------------------------------|-------------------------------------|----------------------------------------------------|

## REQUEST

RCI Investments LLC is requesting renewed approval of a Conditional Use Permit (CUP) for a metal recycling facility located at 9985 East 104<sup>th</sup> Avenue in the I-3 Heavy Intensity Industrial zoning district.

This request is being processed under the provisions of the 2009 Land Development Code (LDC) since the property is located within the I-3 zone of the 2009 LDC.

## BACKGROUND

RCI Investments LLC is a family-owned business that operates a metal recycling facility that initiated operations in 2005. Their operations consist of accepting, sorting, baling, and shipping off-site non-hazardous metals. They employ between 10-15 employees and ensure daily operations are carried out. The applicant has provided a materials list that reflects the materials accepted at the facility and is effective in diverting these items from local landfills. No changes to the site or operation are proposed since the previous Council CUP approvals in 2015 and 2020.

The subject property had an existing metal recycling facility (established under Adams County authority) when the property was annexed as part of the Northern Enclave Annexation in 2007. The property was subsequently zoned to I-3 in 2008. The subject property was later subdivided in 2016 to create the lot that is currently used for operations. At the time of subdivision, the applicant proposed expanding its operations to an adjacent lot, which triggered the requirement for a Conditional Use permit (CU-108-15). A Conditional Use Permit renewal was part of the conditions of the initial request and carried through a second approval in 2020. Staff is not recommending a time limit be imposed on this CUP, as they are in

# CITY COUNCIL COMMUNICATION CONTINUED

good standing and have been for the past ten years. All the conditions of the previous approvals would remain in effect and enforceable except for the renewal requirement every five years.

On March 3, 2020, the Planning Commission held a public hearing to consider the proposed CUP renewal and voted unanimously to recommend approval to City Council with no additional time limit.

### JUSTIFICATION

|                                       |                                                                                                                                                                                                          |                                    |                                           |
|---------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|-------------------------------------------|
| <input type="checkbox"/> Council Goal | <input type="checkbox"/> Strategic Plan                                                                                                                                                                  | <input type="checkbox"/> Work Plan | <input checked="" type="checkbox"/> Legal |
| Citation                              | The applicant, consistent with their ability as stated in the City of Commerce City Land Development Code Sec. 21-3230(3), has initiated this Conditional Use Permit through the public hearing process. |                                    |                                           |

### BOARDS & COMMISSIONS ASSIGNED

|                        |                     |
|------------------------|---------------------|
| Board or Commission    | Planning Commission |
| Recommendation         | 5-0 for approval    |
| Date of Recommendation | March 3, 2026       |

### PUBLIC OUTREACH

In accordance with Section 21-3180 of the City’s Land Development Code, all required notices of public hearings before the Planning Commission of the City of Commerce City and the City Council regarding the requested Conditional Use Permit were given, including by publication in the newspaper, flyer mailing, and posting a sign on the property.

### AVAILABLE ACTIONS

- Available Action #1: Approve with Conditions, Conditional Use Permit CUP25-0003, finding that the requested Conditional Use Permit meets the approval criteria and approve with the original conditions applied to the CUP except the time limit.
- Available Action #2: Deny Conditional Use Permit CUP25-0003, determining the requested Conditional Use Permit fails to meet one or more of the approval criteria.

## CITY COUNCIL COMMUNICATION CONTINUED

- Available Action #3: Continue consideration of Conditional Use Permit CUP25-0003 to a date certain, and directing staff or the applicant to provide additional information.

### **STAFF RECOMMENDATION**

Staff recommends Available Action #1, approval of Conditional Use Permit CUP25-0003 with the following conditions: 1) The materials accepted for recycling will be limited to those outlined in Exhibit A – Materials List; 2) 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; and 3) The applicant shall notify the Community Development Department in writing if the recycling facility is ever discontinued by Recycling Connections, Inc.