



City Council Communication

AGENDA DATE: April 20, 2026

LEGISTAR ITEM #: CUP25-0002

PRESENTER: Omar Yusuf
Development

DEPARTMENT: Community

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

A1 Organics is requesting the renewed approval of a conditional use permit for mulch pile storage up to 25 feet in height at their property located at 9109 Monaco Street in the I-2 Medium Intensity Industrial zoning district.

The request is being processed under the provisions of the 2009 Land Development Code (LDC) since the property is located within the I-2 zone of the 2009 LDC.

BACKGROUND

A1 Organics is a Colorado based company that specializes in converting organic materials into mulch, compost, and soils. They have been operating in Colorado since 1974 with various locations across the state. A1 Organics helps redirect and reuse approximately 450,000 tons of organic waste from landfills annually. No changes to the site or operation are proposed since Council's previous approvals in 2015, 2019, and 2021.

The initial use of this property was for a gravel mine, granted to the Cooley Gravel Company in 1995. Thereafter, a use-by-permit for an Inert Materials Landfill was granted to Patrick Broda with an accompanying landfill case. Landfill operations were completed in 2013, when the city received a letter from the Colorado Department of Public Health and Environment (CDPHE). Following the landfill operations, the site was rezoned from AG (Agriculture) to I-2 (Medium-Intensity Industrial) for an industrial building located at the front of the property. A1 Organics applied for a development plan amendment to accommodate their operations in the rear of the property to establish a composting and mulching site approved in late 2015.

CITY COUNCIL COMMUNICATION CONTINUED

The applicant applied for a height exception to allow mulch pile storage up to 35-ft. However, findings concluded that the use did not comply with approval criteria for a height exception and that the use was being evaluated under criteria meant for a structure, which would not apply to mulch piles.

On June 3, 2019, the City Council approved the initial Conditional Use Permit (CU-121-19), authorizing 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 feet. The Conditional Use Permit was approved for an initial term of 18 months. A Development Plan amendment was approved shortly thereafter to reflect that the property conforms with city codes and requirements. The mulching facility use (with outdoor storage up to 8 feet in height) is currently a use by-right within an I-2 zone district. The approved Conditional Use Permit is necessitated to allow for mulch pile storage of up to 25 feet in height.

On April 21, 2021, the City Council approved the renewal of the Conditional Use Permit (CU-121-19-21), allowing 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 feet for an extended term of five years.

The applicant is requesting another renewal of their Conditional Use Permit (CUP25-0002) to continue to allow the mulch piles up to 25 feet with the same conditions of approval that were imposed with their original CUP in 2019 to mitigate any impacts from the 25-foot high mulch piles. Staff is not recommending a time limit be imposed on this CUP, as they are in good standing. All other conditions of the CUP would be effective and enforceable.

On March 3, 2026, Planning Commission held a public hearing to consider the renewal of the CUP. By a unanimous vote, the Planning Commission recommended approval of the CUP without a time limit.

JUSTIFICATION

<input type="checkbox"/> Council Goal	<input type="checkbox"/> Strategic Plan	<input type="checkbox"/> Work Plan	<input checked="" type="checkbox"/> Legal
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CITY COUNCIL COMMUNICATION CONTINUED

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.
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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. Staff received a letter of opposition to the proposed CUP, which was reviewed by the Planning Commission and is included with the agenda packet for Council consideration.

AVAILABLE ACTIONS

- Available Action #1: Approve with Conditions, Conditional Use Permit CUP25-0002, finding that the requested Conditional Use Permit meets the approval criteria and approve with the original conditions applied to the CUP except the 5-year time limit.
- 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.

CITY COUNCIL COMMUNICATION CONTINUED

STAFF RECOMMENDATION

Staff recommends Available Action #1, 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; and 11) The applicant shall comply with all federal, state, and local law.