



Conditional Use Permit Report

Case #CUP25-0003

City Council Date: April 20, 2026

GENERAL INFORMATION

PROJECT NAME	Recycling Connections Conditional Use Permit
LOCATION	9985 E. 104 th Avenue
SITE SIZE	4.76 Acres
CURRENT ZONING	Heavy Intensity Industrial District (I-3)
APPLICANT	RCI Investments LLC
CASE PLANNER	Omar Yusuf

REQUEST

The applicant is requesting a Conditional Use Permit for a metal recycling facility. No changes to the site or operation are proposed since the previous approvals in 2015 and 2020.

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 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 (AN-220-07). The property was subsequently zoned to I-3 in 2008 (Z-876-08). The subject property was later subdivided in 2016 to create the lot that is currently used for operations (S-629-16). 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 this initial request.

COMPREHENSIVE PLAN (CP) CONSISTENCY

The subject property is designated on the 2045 Comprehensive Plan [Character Area Map](#) as Northern Business District. The proposed use conforms to the allowable uses within the Northern Business District designation. The subject property is also designated as a *Business and Employment Parks* as outlined in the Economic Development Framework Map. The site plan allows for the maximization of the available lot. Recycling Connections operations include the acceptance, sorting, processing, baling, temporary storage, and shipment of non-hazardous

recyclable metals. These operations help to meet the goals identified in *Chapter 7: Commerce and Employment*.

Additionally, the site is identified in the *2045 Comprehensive Plan* in the *Connected Corridors* framework. This site is located along the *E 104th Ave* corridor. The corridor plan discusses “*site screening & buffering* and *access management*” for this property. The initial conditional use period had a condition that required the applicant to install landscaping as per an approved landscape plan. The landscape plan reflects proper screening and buffer yards as required in the Land Development Code and identified in the corridor plan. The site also maintains proper access management as per the site circulation plan which indicates egress onto E. 104th avenue and ingress/egress on Florence Street. Staff will recommend that this condition be imposed again.

This request will also meet sustainability needs by promoting environmental conservation and stewardship by diverting scrap metal from being disposed of in a landfill and providing an alternative source of materials as identified in *Chapter 11: Parks, Open Space, and The Environment*.

PROJECT ANALYSIS

Site Overview

The CUP request is for an approximately 4.76-acre site, located at 9985 E. 104th Avenue. The property is bounded by South Adams County Fire District, Fire Station No. 5 to the north, and industrial land uses in all other directions (First Creek Business Center to the south, Aim High Equipment Rental & Sales to the East; and Groendyke Transport to the west). The subject property currently contains an office building, processing building, storage building, and maintenance building. (See attached site plan.) There are two access points into the site, a full movement on the west side of the property onto Florence Street and a right in/right out on E. 104th Avenue on the south side of the property.

Agency Comments

The proposed CUP has been reviewed by the Development Review Team, including Planning; Development Review Engineering; Parks, Recreation & Golf; Economic Development; Energy, Equity, and Environmental (E3) Division; South Adams County Water and Sanitation District; South Adams County Fire Department (SACFD); Economic and Community Vitality; and Code Enforcement. There were no outstanding agency comments.

Overall Analysis

Initially established in unincorporated Adams County, Recycling Connections continues to be an asset in Commerce City. Significant improvements to the site were made following the CUP approval in 2015 and 2020 include landscaping and fencing. Staff confirmed with both Code Enforcement and the Police Department that this site has not had major violations or generated excessive calls for service. Additionally, surrounding property owners have been notified of intent to renew this Conditional Use Permit, and no objections were received. By all reasonable accounts, the property is kept in good condition, operations have followed the specified guidelines, and no negative impacts are known to have resulted from this operation. 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.

Compliance with Existing Conditional Use Permit

The previously adopted conditions for this renewal can be found below with some staff analysis:

- A. The materials accepted for recycling will be limited to those outlined in Exhibit A – Materials List.
- Staff has confirmed with the applicant that the material list has been followed.
- 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.
- Staff has reviewed aerial photography and confirmed with the applicant that this condition has been followed.
- C. The applicant shall notify the Community Development Department in writing if the recycling facility is ever discontinued by Recycling Connections, Inc.
- Recycling operations have been continuous since the Conditional Use Permit was issued. Therefore, this condition has not been needed or enforced.

March 3, 2026, Planning Commission

During the hearing, no members of the public spoke about the project. One letter of support was received. The Planning Commission asked questions of the applicant and staff regarding the following: where raw materials originated from; how materials leave the site; how compliance with the condition that crushed cars are not stored for more than 72 hours is monitored; and whether agencies conduct inspections onsite and frequency of inspections. 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 2009 Land Development Code. 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 continued operation of the existing RCI metal recycling business at this location will not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, or public improvements as they exist today or as they may exist in the future. Review of the operation since its incorporation into the City in 2007 and

more specifically since its CUP approval in 2015 have provided evidence that this use is not resulting in any adverse effects. 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 installation of screen-style fencing, landscaping along public rights-of-way, and detention ponds has and will continue to mitigate any potential adverse effects and help to ensure harmony for adjacent properties. 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;

With no proposed changes to the operation or site layout, the characteristics of the site continue to be suitable for this operation. 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 subject property is already developed and will continue to be adequately served by existing City services. The amount of traffic expected will be reasonably accommodated by E. 104th Avenue and Florence Street. The SACFD Fire Station No. 5 is located adjacent to this property and could serve the site quickly, if needed. 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. 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

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

One of the following:

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 site meets several 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 LDC 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 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.

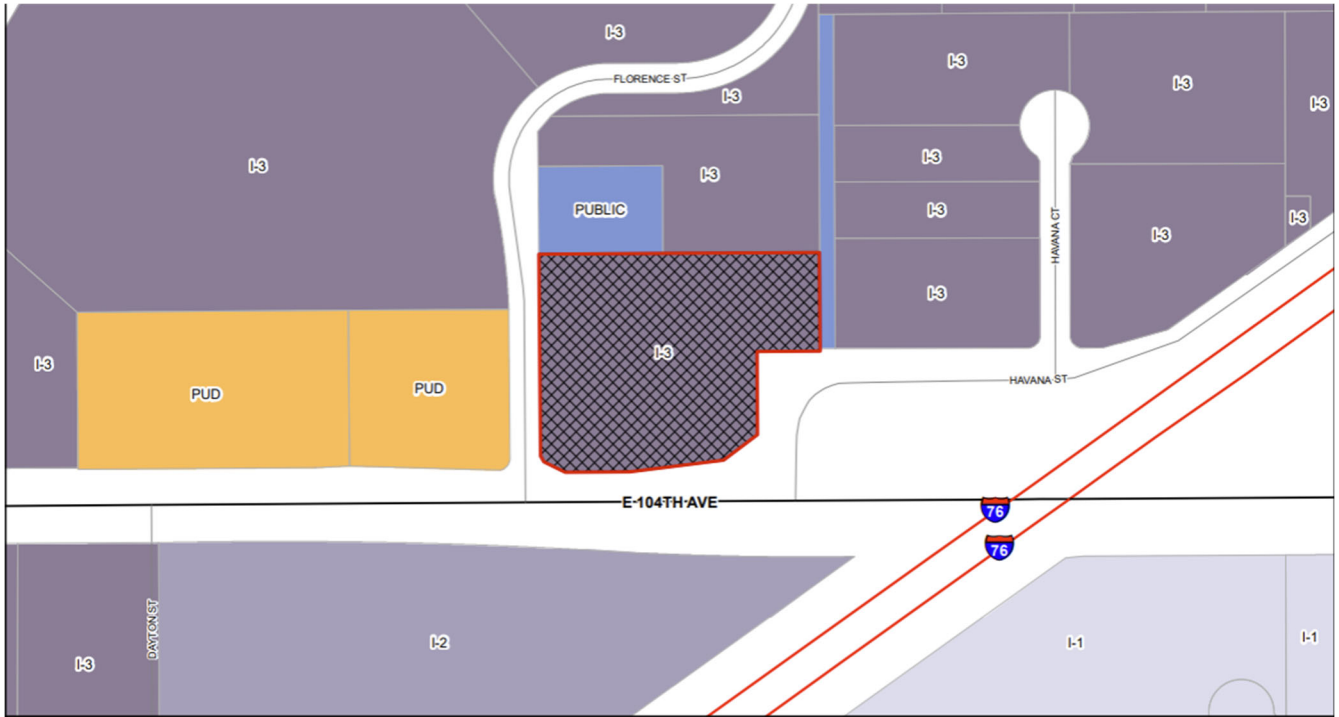
CONSIDERATIONS FOR DISCUSSION

1. Recycling Connections has complied with conditions set forth in the initial Conditional Use period, and staff is recommending that the permit only expire upon discontinuation of the use or a violation of the conditions of the permit.
2. The CUP is consistent with the Comprehensive Plan goals and objectives.

AVAILABLE ACTIONS

- Available Action #1: Approve Conditional Use Permit CUP25-0003, with the original conditions of approval on the CUP, except the 5-year time limit, finding that the requested Conditional Use Permit meets the approval criteria.
- 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.
- 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.

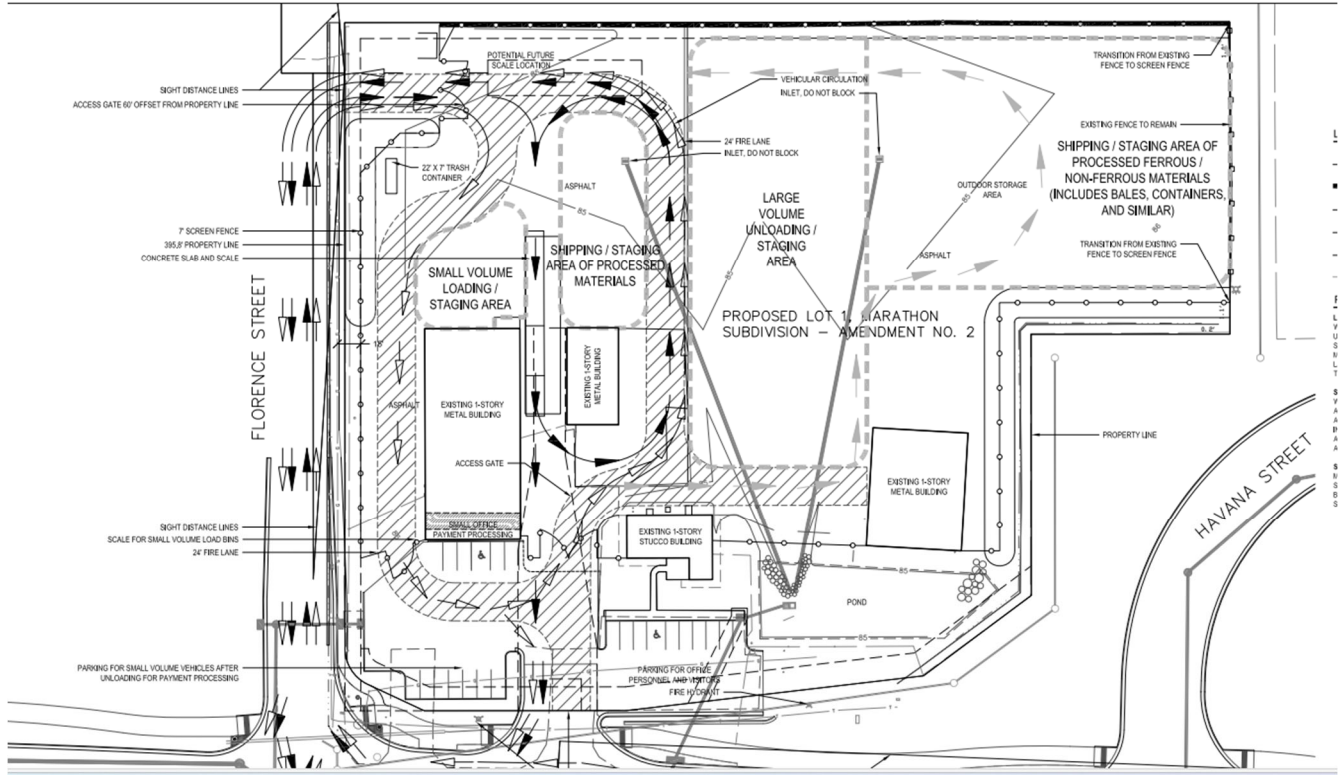
Zoning Map



Aerial



Site Plan



Site Photos



View of the existing site from Florence Street facing east



View of the secondary entrance on Florence Street, facing east