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Commerce City

Council Communication

File Number: CUP23-0001

Agenda Date: 4/1/2024 **Version:** 1 **Status:** Public Hearing

In Control: City Council **File Type:** Conditional Use Permit

Tom Wood, on behalf of Rocky Mountain Recycling Inc., is requesting a Conditional Use Permit to allow a Recycling Facility located at 6425 Brighton Boulevard, zoned I-3 (Heavy Intensity Industrial) consisting of approximately 1.23 acres.

Summary and Background Information:
Rocky Mountain Recycling (RMR) is requesting a Conditional Use Permit (CUP) for an expansion to their recycling facilities by 1.23 acres. The business recycles a variety of metals and provides services, not only locally within Colorado, but other states as well.

The proposed use is allowable within the zone, but requires approval of a Conditional Use Permit. The existing RMR properties also operate under conditional use permits. Currently RMR is 14.5 acres in size, occupying both sides of Brighton Blvd north of 64th Avenue. If approved the facilities would increase by operations by 8.5%.

Same as the subject property, the surrounding area is also zoned I-3 Heavy-Intensity Industrial District. The site is currently vacant. A plat consolidation application (S23-0002) is also on file with the city. If the Conditional Use Permit were to be approved, the applicant will seek to consolidate the lot with the adjacent RMR lot.

The site will be able to meet all the relevant City standards and Land Development Code (LDC) requirements. These requirements include, but are not limited to access, drainage, and setbacks.

A full analysis of the approval criteria is provided in the attached Conditional Use Permit report. Relevant approval criteria are as follows (LDC Sec. 21-3230(3)):

Conditional Use Permits
(3) Approval Criteria. An application may be approved if:

(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.

Staff Responsible (Department Head): Jared Gerber, Community Development Director
Staff Presenting: Kathleen Taylor, Senior Planner

Financial Impact: N/A
Funding Source: N/A

Planning Commission Recommendation: On March 5, 2024, this case was presented to the Planning Commission. The Planning Commission held a public hearing, took testimony, and voted (5 to 0) to forward the Conditional Use Permit request to City Council with a recommendation for approval, without conditions.

The following conditions were suggested in the Conditional Use Permit report but were not included in the Planning Commission's recommendation. City Council could choose to include these conditions, not include the conditions, or revise the 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.

Action Alternatives:

Approve the application, without conditions, in accordance with the PC recommendation;
Approve the application with conditions; or
Deny the application