



Conditional Use Permit Report

Case #CUP26-0001

Planning Commission Date: August 4, 2026

City Council: November 16, 2026

GENERAL INFORMATION

PROJECT NAME	Shamrock Foods Conditional Use Permit
LOCATION	5199 Ivy Street
SITE SIZE	31.01 Acres
CURRENT ZONING	Medium Intensity Industrial District (I- 2)
APPLICANT	Shamrock Foods
OWNER(S)	Shamrock Foods
CASE PLANNER	Omar Yusuf

REQUEST

Concurrently with ZON26-0004, Shamrock Foods is requesting a Conditional Use Permit to allow the above-ground storage of more than 48,000 gallons of food oil for the subject property at 5199 Ivy Street. The subject property is currently zoned I-2 (Medium-Intensity Industrial District) but is requesting a zoning map amendment to I-3 (Heavy-Intensity Industrial District).

This request is being made to accommodate fourteen (14) above-ground storage tanks (approximately 30,000 gallons each for a total of 420,000 gallons of food oil).

CONDITIONAL USE PERMIT

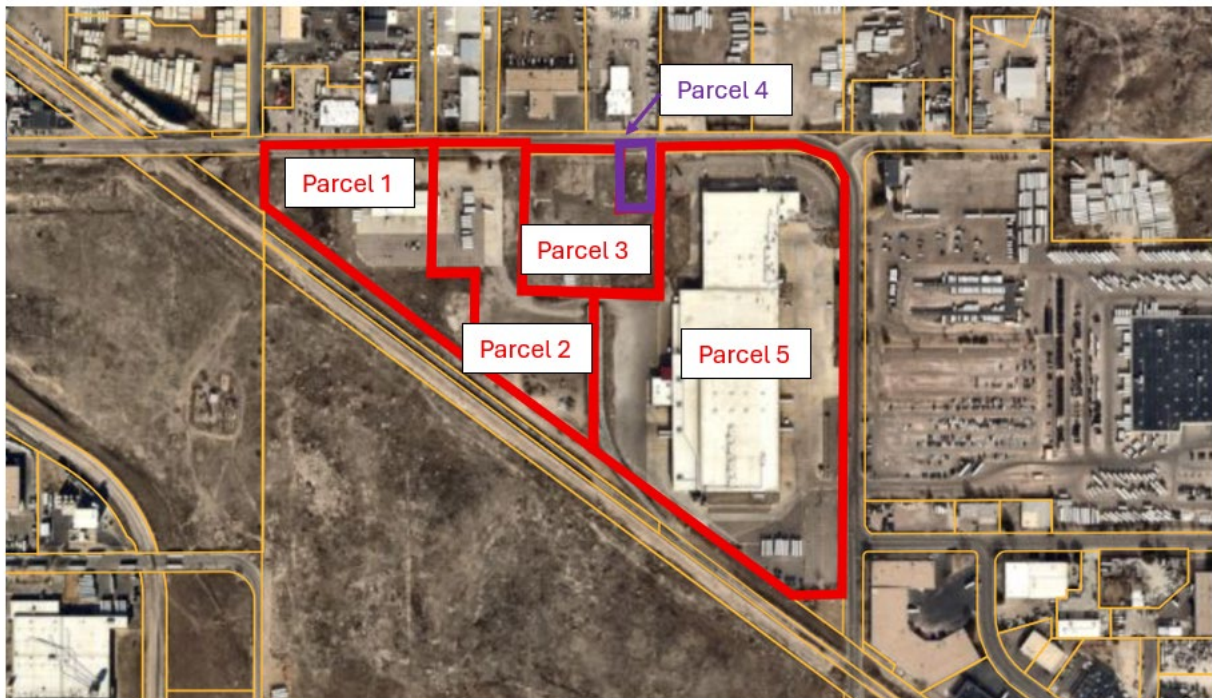
A conditional use permit (CUP) allows for specific use that is not allowed outright, provided that all of the conditional use permit criteria are met. If the applicant can demonstrate compliance with the criteria, approval for the conditional use can be granted by the City Council.

BACKGROUND AND CASE HISTORY

Shamrock Foods (Applicant) spreads its operations across five (5) parcels totaling approximately 39.21 acres. The applicant owns five out of the six parcels on the block located at the southwest corner of E. 52nd Avenue and Ivy Street. As per Figure 1 (See below), Parcel 1 (5350 E. 52 Ave.) is approximately 5.89 acres and consists of Shamrock Foods Truck/Maintenance Facility built in 2007.

Parcel 2 (5070 Grape Street) is approximately 6.22 acres and consists of overflow parking for the applicant's fleet of semi-trucks and trailers. Parcel 3 (5440 E. 52 Ave) is approximately 4.07 acres and is used for additional overflow parking. Parcel 4 (5580 E. 52 Ave) is approximately 0.64 acres and consists of an outbuilding – detached garage built back in 1931. Parcel 5 (5199 Ivy St.) is approximately 22.39 acres where its main operations as a food service provider is located; this operates as a cold storage warehouse, transportation terminal, and offices contained in three separate buildings that were built in 1989. The parcels were originally zoned I-1 under case Z-5-68 and subsequently re-zoned to I-2 (except for Parcel 4) under Z-837-05.

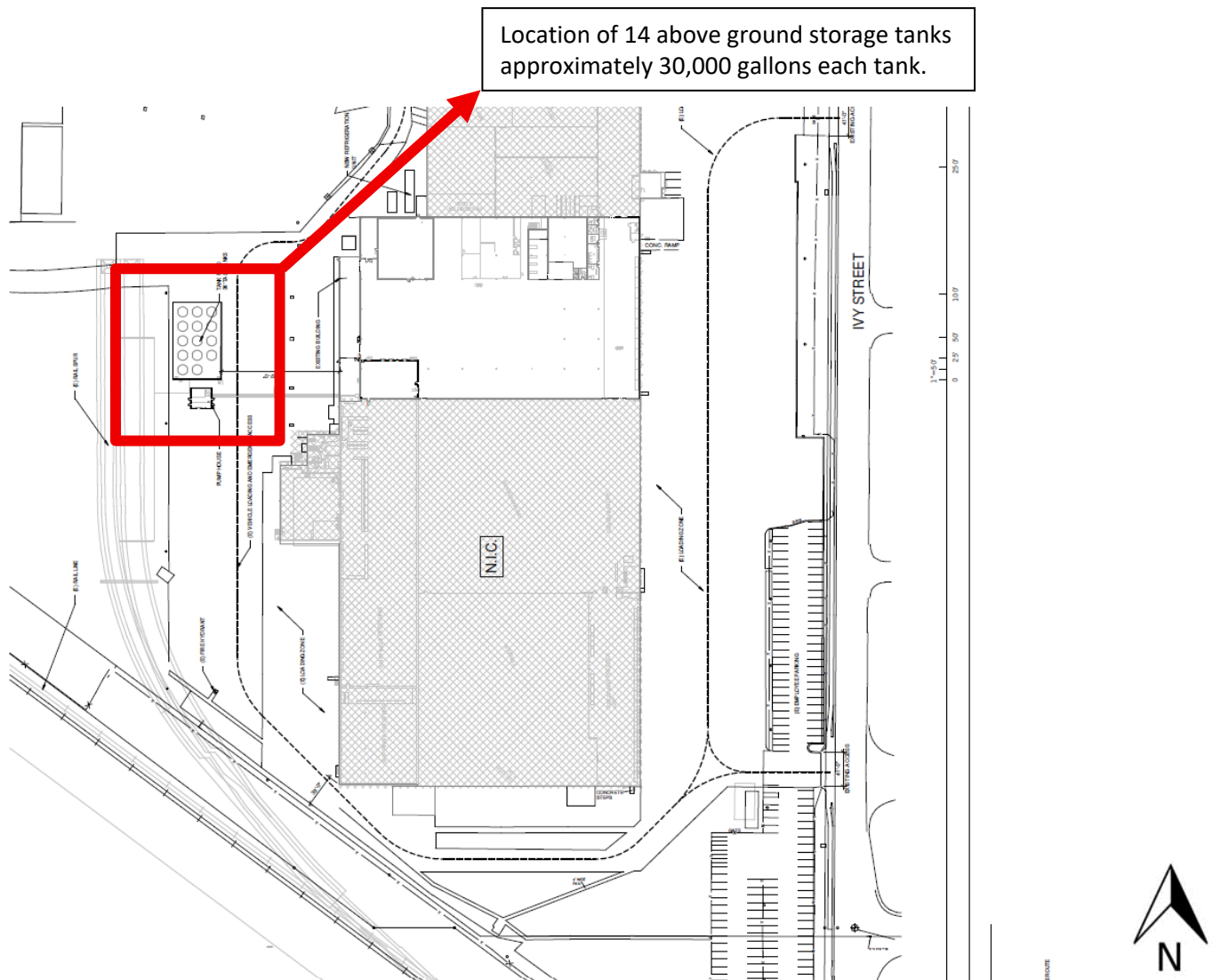
Figure A



I-1 – Light Intensity Industrial District

I-2 – Medium Intensity Industrial District

This is the first Conditional Use Permit request for this property, the request corresponds to expanding operations by increasing storage of food oil would be a beneficial component to support the increased demand in operations. The core of the operations and the storage of food oil will be located entirely within parcel 5. Based on the site plan in Figure B (See below), the location of the proposed above ground storage tanks will be located on the western side of the property between the railroad spur connection and the industrial building.



PROJECT ANALYSIS

Site Overview

The properties north and east of the subject properties are zoned I-1, I-1S, and I-2 and contain industrial uses. Union Pacific railroad runs along the southern property lines and to the west is a property located within the City and County of Denver.

Road Network Impacts & Improvements

The applicant is not proposing any additional development. There will be no traffic impacts to East 52nd Avenue & Ivy Street with this Conditional Use Permit.

COMPREHENSIVE PLAN (CP) CONSISTENCY

The subject property is designated on the Comprehensive Plan [Character Area Map](#) as I-270 Industrial District. The proposed use conforms to the allowable uses within the I-270 Industrial District designation. One of the key components of this character area is *keeping freight traffic, visual impact, noise, and environmental impacts generated by heavy industrial uses by avoiding expansion onto adjacent properties*. Upon reviewing the site plan submitted with this application, staff can verify that this request will be confined within its property boundaries that are owned by the applicant.

City staff found that this Conditional Use Permit meets the following Character Areas (Land Use) goals and objectives.

- **Goal 3** Ensure industrial areas continue to provide a strong employment base while working to improve their overall impact on Commerce City residents.
- **Goal 3.5** Review industrial development standards to determine ways to improve both new and existing sites.
- **Goal 3.6:** Expand and further develop business retention strategies.

Connected Corridors

The subject properties are identified in the Connected Corridors Plan in the I-270 area. This is in proximity to a critical east-west highway that acts as the main access point to the area. Enhanced railroad crossing points are identified as areas of improvement on the Connected Corridors Plan to the west of the site on E. 52 Avenue and south of the site on Ivy Street.

Commerce and Employment

The subject parcels are identified in the I-270 Industrial District area in the Economic Development Framework. The Comprehensive Plan aims to mitigate any adverse health or environmental impacts from lower intensity uses. By analyzing the legacy industrial areas such as I-270 Industrial District, the applicant has applied the following recommendations:

- Ensure industrial buildings feature high-quality facades with attractive materials, windows and doors, add articulations to add visual interest and break up large blank walls.
- Require high quality fencing and landscaping to screen outdoor storage, utility areas, loading areas, and surface parking lots from right-of-way view.

Overall Analysis

Through Commerce City's review process, various Development Review Team (DRT) agencies including the South Adams County Water and Sanitation District, South Adams County Fire Department, 27J School District, Xcel Energy, and City of Commerce City: Economic and Community Vitality Division, Geographic Information Services Division, Parks, Recreation and Golf Department, Planning Division, Public Works Department, and Engineering Review Division and all agencies had no objections to the Conditional Use Permit.

CONDITIONAL USE PERMIT APPROVAL CRITERIA

This case is based on the following criteria from **Sec. 21-7250(C)** of the 2025 Land Development Code (LDC). An application may be approved if all of the following criteria are met:

Criteria (i): Any adverse effect has been or will be mitigated to the maximum extent feasible, including but not limited to visual and noise impacts to ensure harmony for adjoining uses;

The character of the neighborhood is comprised mostly of industrial uses where a corridor is established along the southern side of I-270. In efforts to reduce any adverse effects to surrounding properties, the applicant has demonstrated visual compatibility where the proposed storage tanks will be located behind the industrial building, at least 500-ft from rights-

of-way, and remain consistent with industrial properties in the area. ***Therefore, it can be found that this application meets***

Criteria (ii): The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features, and whether the site contains any nonconforming structures or uses subject to Division 9.3, Conversion of Nonconformities;

The applicant has demonstrated compliance to the conversion of legal nonconformities. As per the previous zoning case (Z-837-05), the request was in response to a proposed addition to the principal structure where a portion of the site was operating a legal non-conforming use of transportation terminal. Upon approval of the zoning from AG to I-2, the property was brought into compliance. Additionally, the adjacent Union Pacific railroad allows industrial properties to access. The use does not generate significant other externalities from sound, vibration, etc. ***Therefore, it can be found that this application meets Criteria (ii).***

Criteria (iii): The applicant has provided adequate assurances of continuing maintenance;

Shamrock Foods is a large corporation that operates throughout the country. Their reputation and unique food operations ensure that the facility will be used as intended and maintained by the applicant. ***Therefore, it can be found that this application meets Criteria (iii).***

Criteria (iv): 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.

The addition of the above-ground storage tanks of food oil would conform to the criteria of above storage tanks upon approval of a Conditional Use Permit. The proposed increase in usage of the above ground storage tanks would conform to the nature of other industrial properties in the area. Additionally, the increased capacity would allow business expansion within existing facilities and maximize the use of existing industrial infrastructure. ***Therefore, it can be found that this application meets Criteria (iv).***

Section 21-7140-1 Common Review Criteria Applicability

The request complies with the applicable standards of the City's Code, this [LDC](#), and any applicable county, state, or federal requirements.

Through Commerce City's review process, the various Development Review Team agencies including the South Adams County Water and Sanitation District, South Adams County Fire Department, Denver International Airport Strategic Planning, United Power, Xcel Energy, and City of Commerce City Economic and Community Vitality Division, Geographic Information Services Division, Parks, Recreation and Golf Department, City Attorney's Office, Planning Division, Public Works Department, and Engineering Review Division found that there is no evidence to suggest that the proposed Zoning Map Amendment will violate any state, federal, or local laws, regulations, or requirements. ***Therefore, it can be found that this criterion is met.***

The request substantially conforms to any associated prior approval for the [development](#), including, but not limited to, a [PUD Zone Document](#), [Conditional Use](#) Permit, or Overall [Development Plan](#).

There is no PUD Zone Document, prior Conditional Use Permit, or Overall Development Plan applicable to this property. ***Therefore, it can be found that this criterion is met.***

The request is consistent with applicable policies of the [Comprehensive Plan](#) and applicable sub-area plans and capital [improvement](#) plans; or, if it addresses a topic that is not contained or not fully developed in the Comprehensive Plan, the request does not impair the implementation of the Comprehensive Plan.

The proposed Conditional Use Permit is consistent with the 2045 Comprehensive Plan. The following goals are pertinent to this proposal:

- **Goal 3** Ensure industrial areas continue to provide a strong employment base while working to improve their overall impact on Commerce City residents.
- **Goal 3.5** Review industrial development standards to determine ways to improve both new and existing sites.
- **Goal 3.6:** Expand and further develop business retention strategies.

Therefore, it can be found that this criterion is met.

The request promotes the purposes of this LDC as established in Sec. 21-1120, Purpose, and in other applicable purpose statements in this LDC.

The applicant has demonstrated compliance with Fire and Building codes for current storage facilities; stormwater management as per previously approved development plan and ensuring that their adequate emergency access throughout the site. Shamrock Foods has maintained and preserved environmental features by ensuring a landscape buffer fronting the right-of-way. ***Therefore, it can be found that this criterion is met.***

Adequate facilities, including [public](#) or private [utilities](#), [solid waste](#) service, roads, drainage, and other improvements are present or are planned to be provided by either the City or the applicant.

The property is currently developed and can connect to existing utilities, solid waste services, roads, and drainage. ***Therefore, it can be found that this criterion is met.***

The request demonstrates [compatibility](#) with surrounding conforming and permitted land [uses](#) and [structures](#) and with the general character of the area.

The surrounding properties are zoned industrial with a variety of intensities. The industrial area has adequate infrastructure which makes the area an established industrial corridor. A rail spur is proposed to connect the existing railroad to the south that will support the increased operations. ***Therefore, it can be found that this criterion is met.***

The request will not impede the normal and orderly development and improvement of surrounding property.

The Conditional Use Permit is intended to allow the storage of more than 48,000 gallons of liquids which will be located away from the property line and surrounding industrial properties. ***Therefore, it can be found that this criterion is met.***

STAFF RECOMMENDATION

Staff find that this application meets all the approval criteria found within **Sec. 21-7250(C) Specific Decision Criteria** and **Section 21-7140-1 Common Review Criteria** of the 2025 Land Development Code and therefore recommends approval of Conditional Use Permit CUP26-0001 with the following conditions:

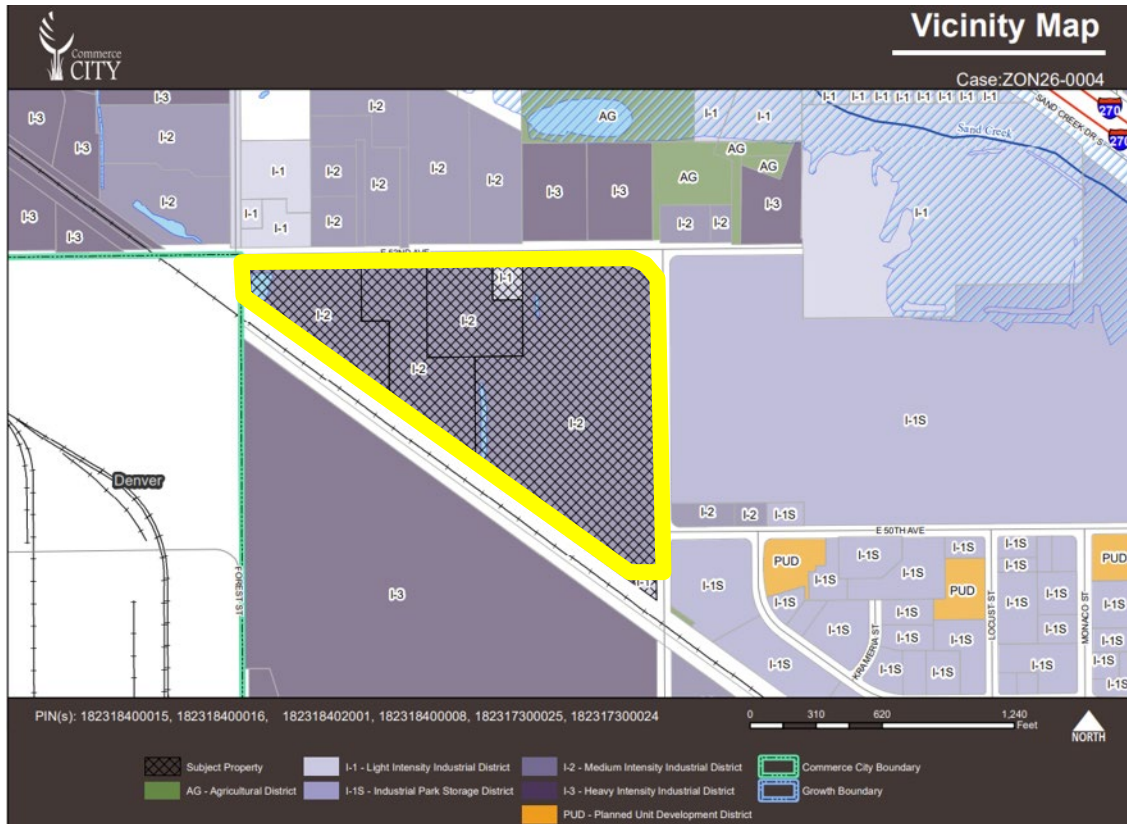
CONSIDERATIONS FOR DISCUSSION

1. The CUP is consistent with the Comprehensive Plan goals and objectives.
2. This request is being made to accommodate fourteen (14) above-ground storage tanks
3. A concurrent Zoning Map Amendment is being reviewed to change zoning to I-3

POTENTIAL MOTIONS

1. Approval
 - a. I move that the Planning Commission enter a finding that the requested **Conditional Use Permit at 5199 Ivy Street** contained in case **CUP26-001** meets the criteria of the Land Development Code and based upon such finding, recommend approval to the City Council of the Conditional Use Permit.
2. Denial
 - a. I move that the Planning Commission enter a finding that the requested **Conditional Use Permit at 5199 Ivy Street** contained in case **CUP26-001** fails to meet the criteria of the Land Development Code and based upon such finding, recommend denial to the City Council of the Conditional Use Permit.
*Insert criteria not met.
3. Continuance
 - a. I move that the Planning Commission continue the public hearing of the **Conditional Use Permit at 5199 Ivy Street** contained in case **CUP26-001**:
 1. The next regularly scheduled Planning Commission hearing; or
 2. A date certain.

Zoning Map

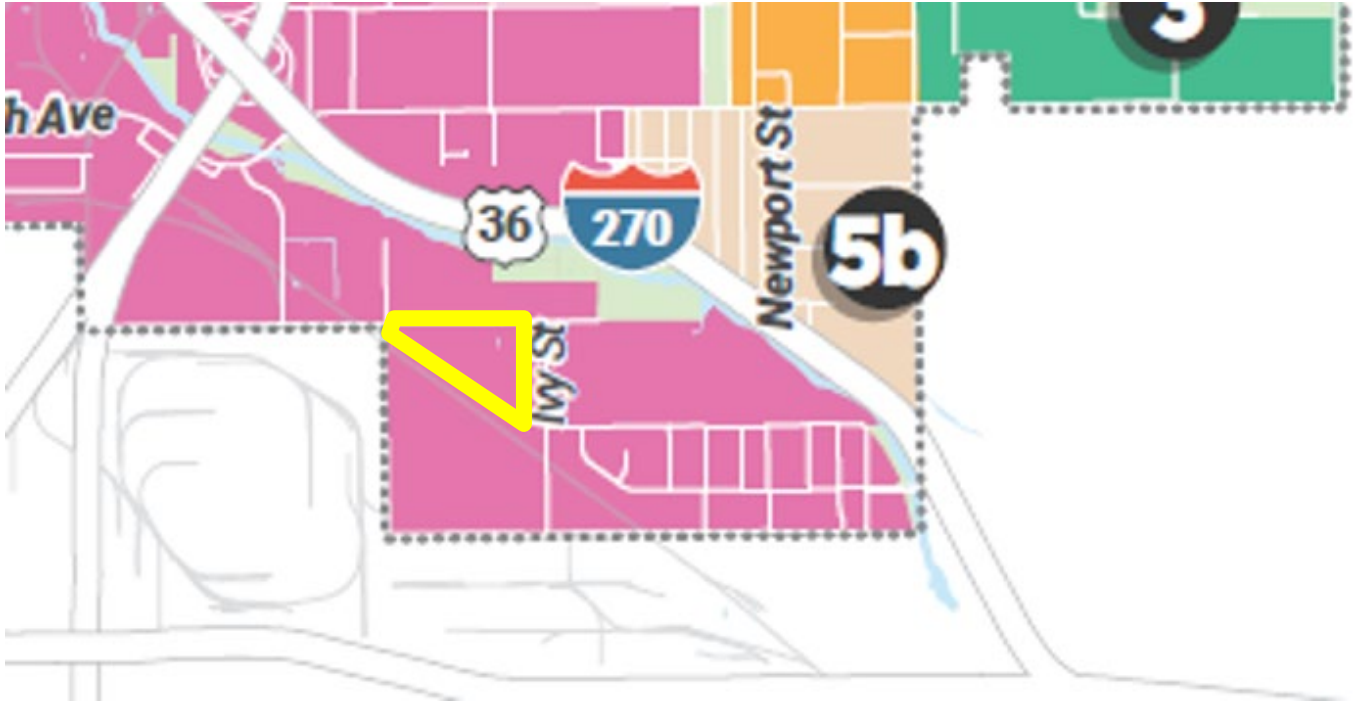


Aerial Map



2045 Comprehensive Plan Character Areas

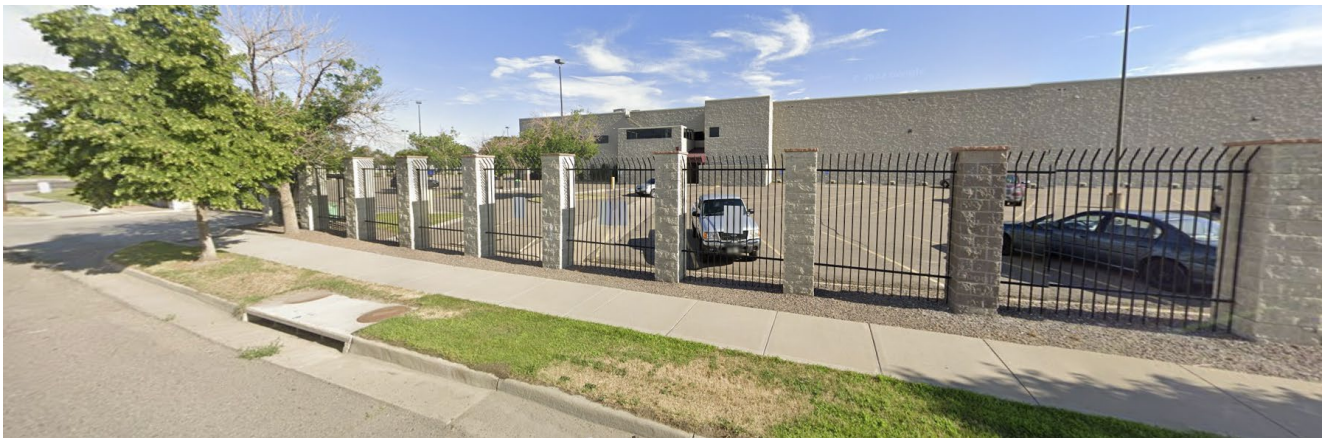
Character Area: I-270 Industrial District



Site Photos



Transportation Terminal facing west from Ivy Street



Shamrock Foods office building from East 52 Avenue

