

# Henderson Pit RCU2016-00014

March 14, 2017

**Board of County Commissioners**

Department of Community and Economic Development

Case Manager: Chris LaRue



# Conditional Use Permit Request

- A recycling & wholesale facility of concrete, steel, & asphalt in the A-3 Zone District.

# Background

- Sand & Gravel Mine (expired 2012)
- *Inert* landfill (2014 / 2021)
  - Concrete, asphalt, & topsoil
    - Can be recycled & sold
    - Stockpiled, sorted, & crushed
- Violation for recycling

# Background

- Night hauling allowed by PC on 1/12/12
  - Expired on 4/30/12
- Very limited Crushing allowed on 10/3/13
  - Expired on 11/30/13





## LEGEND

- ★ Special Zoning Conditions
- 3 Section Numbers
- Railroad
- Major Water
- Zoning Line
- Sections
- Zoning Districts**
  - A-1
  - A-2
  - A-3
  - R-E
  - R-1-A
  - R-1-C
  - R-2
  - R-3
  - R-4
  - M-H
  - C-0
  - C-1
  - C-2
  - C-3
  - C-4
  - C-5
  - I-1
  - I-2
  - I-3
  - CO
  - PL
  - AV
  - DIA
  - P-U-D
  - P-U-D(P)
  - Airport Noise Overlay

Henderson Pit  
RCU2016-00014

Aerial Map



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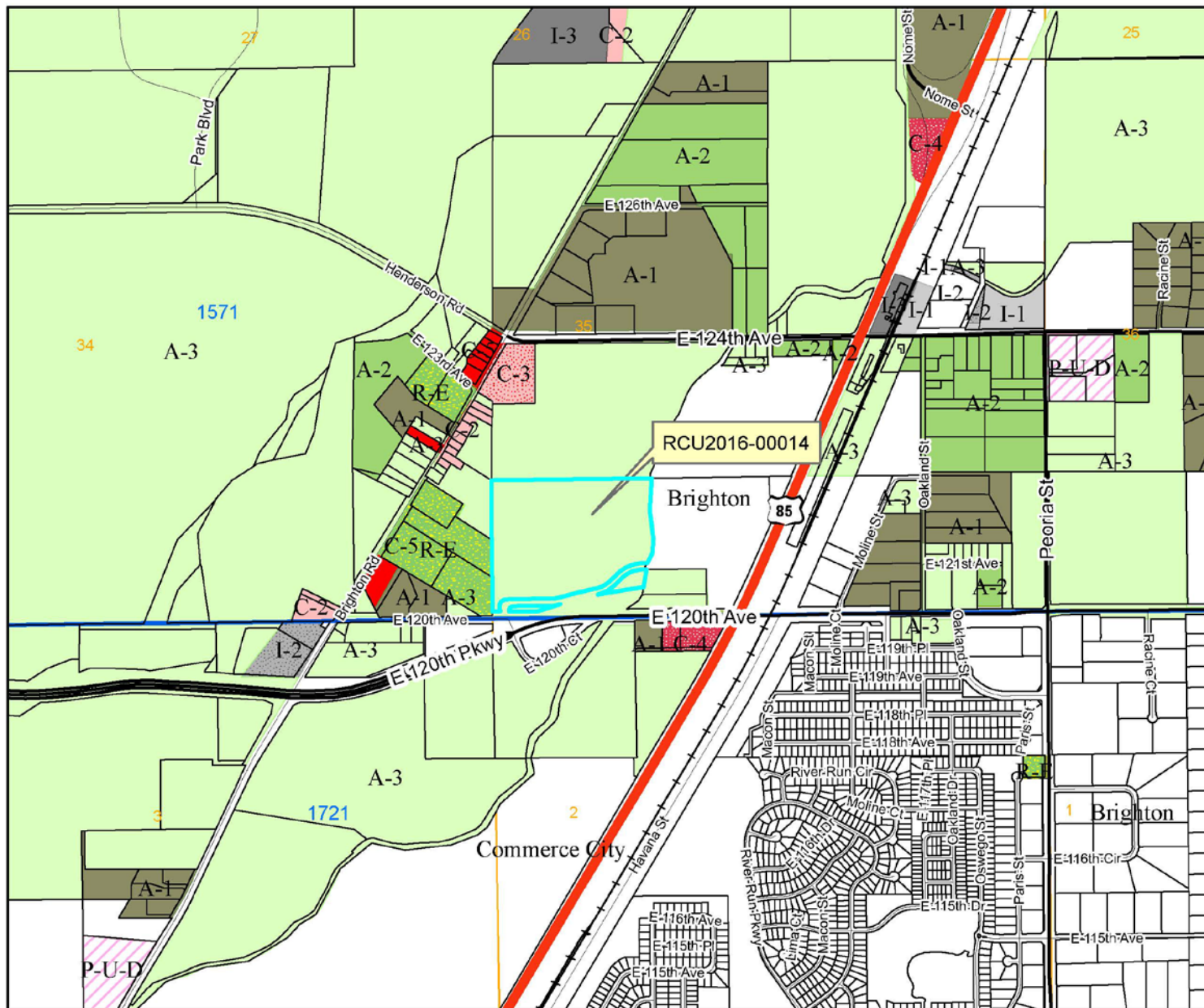
- 39.9 acres
- Lower topo
- berm



Pictometry

2014 - 06/02/2015





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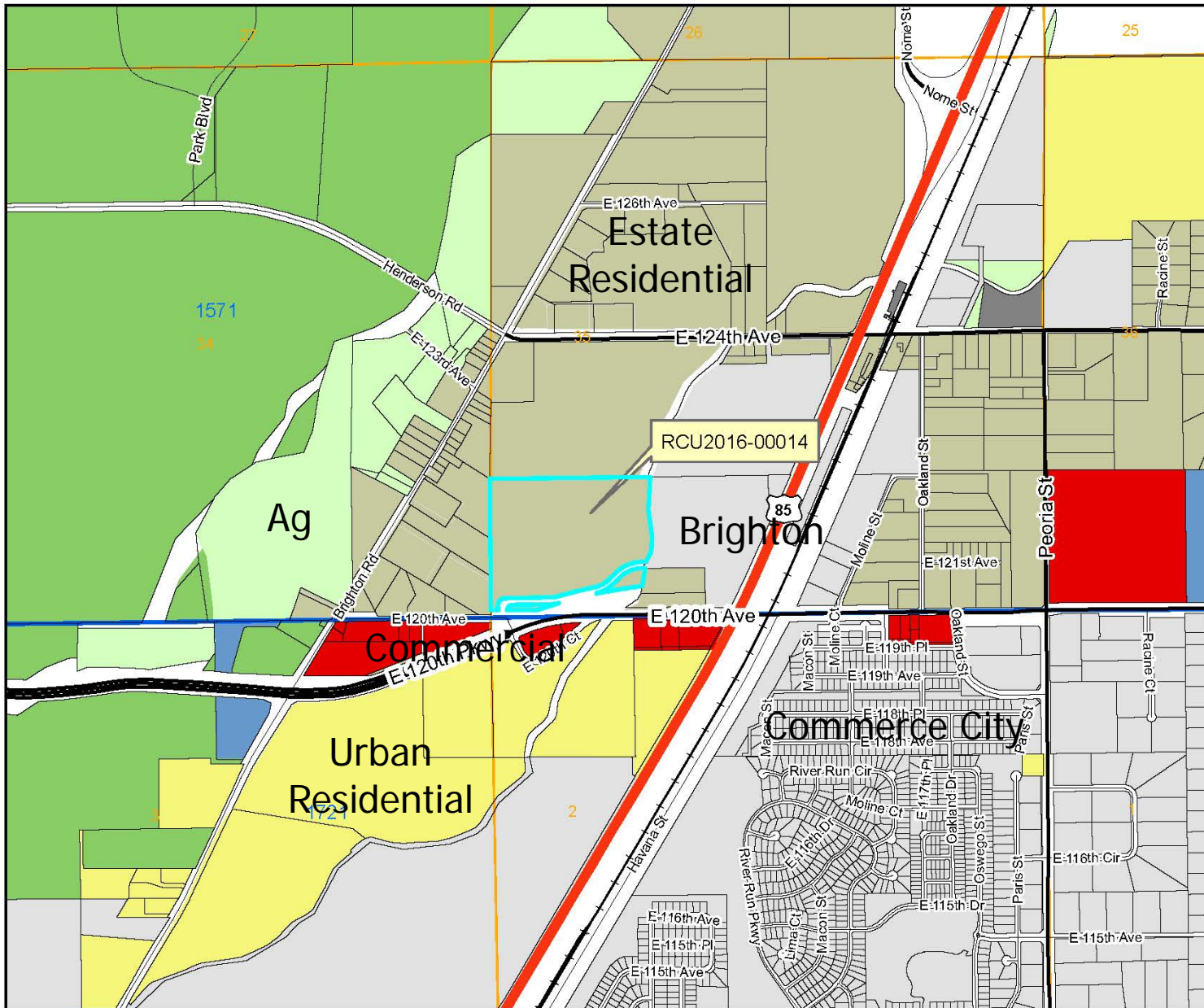
## Zoning Map



For display purposes only.



This map is made possible by the Adams County GIS group, which assumes no responsibility for its accuracy



- Long term compatible
- Complete in 4 yrs

Henderson Pit  
RCU2016-00014

## Comprehensive Plan



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# HENDERSON GRAVEL PIT CONDITIONAL USE PLAN

Table A-1. Upland area seed mix - loamy to clay soils

Common Name	Scientific Name	Growth Season	Growth Form	% Mix	Lb/ac (PLS)
<b>Grasses</b>					
Blue grama	<i>Bouteloua gracilis</i>	Warm	Sod	25	1.8
Sand dropseed	<i>Sporobolus cryptandrus</i>	Warm	Bunch	20	0.2
Sideoats grama	<i>Bouteloua curtipendula</i>	Warm	Sod	20	6.3
Western wheatgrass	<i>Pascopyrum smithii</i>	Cool	Sod	15	8.3
Buffalograss	<i>Bouteloua dactyloides</i>	Warm	Sod	10	10.7
Inland saltgrass	<i>Dicentra spicata</i>	Warm	Sod	5	0.6
<b>Herbaceous Wildflowers</b>					
Pasture sage	<i>Artemisia frigida</i>			1	0.01
Blanket flower	<i>Gaillardia aristata</i>			1	0.5
Prairie coneflower	<i>Ranula columifera</i>			1	0.1
Purple prairieclover	<i>Dalea (Petalostemum) purpurea</i>			1	0.3
Blue flax	<i>Linum lewisii</i>			1	0.4
<b>TOTAL PLS POUNDS/ACRE</b>				<b>100</b>	<b>29.11</b>

PLS = Pure Live Seed - If broadcast seeding, double the rate

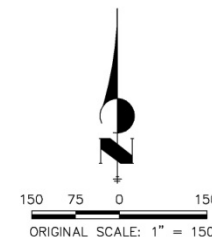
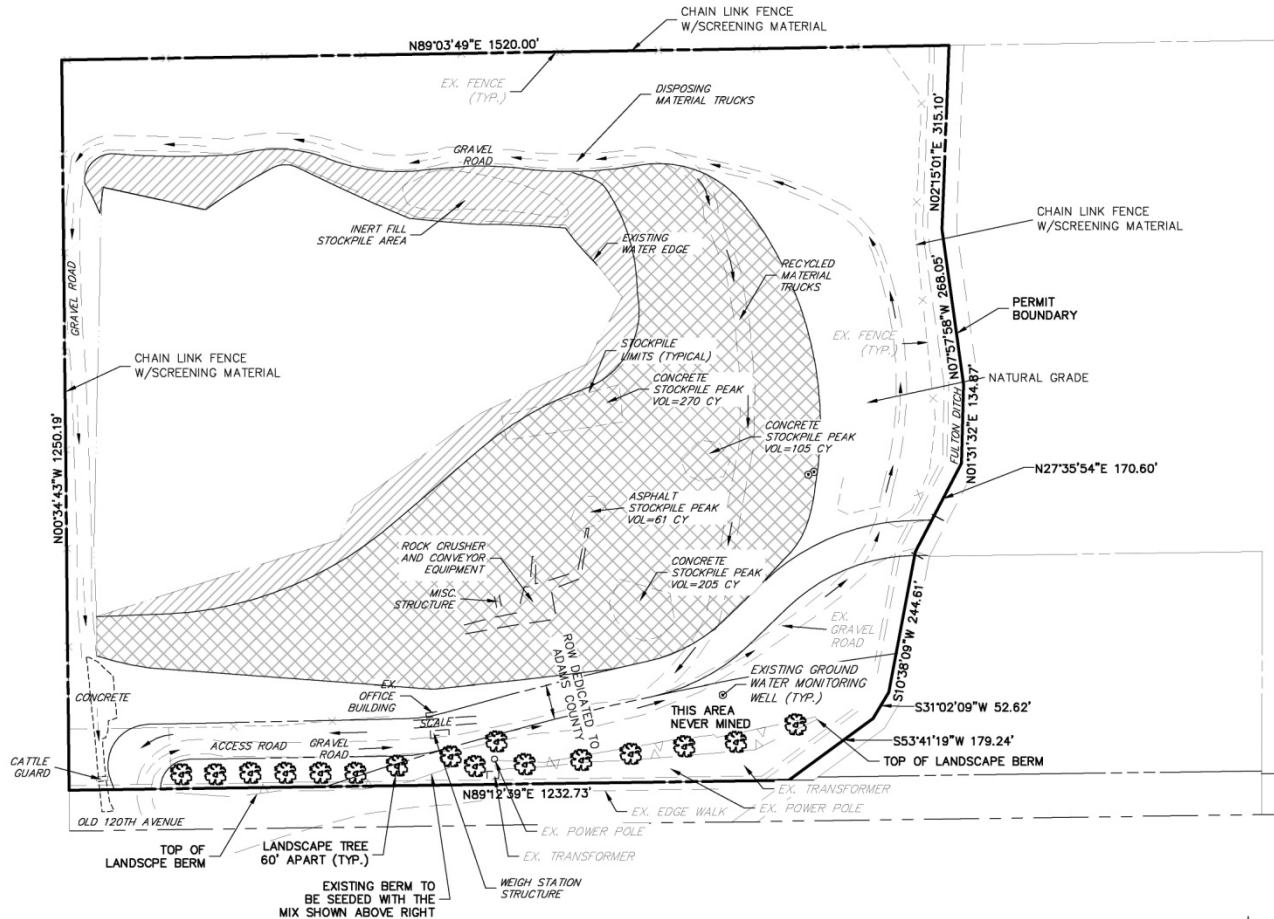
## GENERAL NOTES:

- FENCING: AN EIGHT (8) FOOT SOLID SCREEN FENCE OR SECURITY FENCE, WITH ADDITIONAL SCREENING MATERIAL, AS APPROVED BY THE DIRECTOR OF PLANNING AND DEVELOPMENT, SHALL ENCLOSE ALL OUTSIDE STORAGE.
- NUISANCE CONTROL PLAN: PROVISIONS OF THE NUISANCE CONTROL PLAN SHALL BE FOLLOWED.
- APPEARANCE: ALL SITES SHALL MAINTAIN A CLEAN, NEAT, AND ORDERLY APPEARANCE. STOCKPILES OF MATERIALS MAY ONLY BE PLACED AS SPECIFIED IN THE DESIGN AND OPERATION PLAN.
- RECORDKEEPING: ALL OPERATORS SHALL MAINTAIN RECORDS SHOWING AMOUNTS OF STOCKPILED MATERIALS BOTH PROCESSED AND UNPROCESSED THAT ARE CONSISTENT WITH THE AMOUNTS ALLOWED IN THE PERMIT. IN ADDITION, RECORDS CONTAINING CUSTOMER LISTS AND RECORDS SHOWING AMOUNTS OF RECYCLED MATERIAL SHIPPED OFF SITE SHALL BE MAINTAINED.
- PERFORMANCE BOND: PRIOR TO COMMENCING OPERATIONS, AND THEREAFTER DURING THE ACTIVE LIFE OF THE FACILITY, AND FOR ONE (1) YEAR AFTER CLOSURE, THE OPERATOR SHALL POST AND MAINTAIN A PERFORMANCE BOND OR OTHER APPROVED FINANCIAL INSTRUMENT WITH ADAMS COUNTY. THE AMOUNT OF THE BOND SHALL BE CALCULATED TO INCLUDE REMOVAL, TIPPING FEES, AND TRANSPORTATION COSTS. SHOULD ANY CORRECTIVE ACTIONS BE REQUIRED BY THE COUNTY IN ORDER TO PROTECT THE HEALTH, SAFETY, AND GENERAL WELFARE WHICH RESULT FROM FAILURE OF THE OPERATOR TO FOLLOW ANY REGULATIONS, STANDARDS, OR CONDITIONS OF APPROVAL, THE PERFORMANCE BOND SHALL BE FORFEITED IN AN AMOUNT SUFFICIENT TO DEFRAY THE EXPENSE OF SAID ACTIONS, INCLUDING STAFF TIME EXPENDED BY ADAMS COUNTY INVOLVED IN SUCH CORRECTIVE ACTIONS.
- REMOVAL OF TRASH FROM RIGHT-OF-WAY: OPERATORS SHALL REMOVE TRASH, OR OTHER WASTE MATERIAL, OF THE TYPE WHICH IS BROUGHT TO THE FACILITY, ALONG PUBLIC RIGHTS-OF-WAY WITHIN ONE-HALF (1/2) MILE OF THE FACILITY.
- WATERING: TREES TO BE WATERED BY HAND WATERING WITH A WATER TRUCK.
- STOCKPILE HEIGHT NOT TO EXCEED 8' ABOVE NATURAL GRADE.

## LEGEND

- DISPOSAL TRUCK TRAFFIC
- RECYCLED MATERIAL TRUCK TRAFFIC
- FILL AREA
- LOW AREA FOR STOCKPILE
- TOP OF SLOPE
- LANDSCAPE TREE

CONDITIONAL USE PLAN  
HENDERSON GRAVEL PIT  
JOB NO. 15694.00  
6/6/16  
SHEET 1 OF 1



# Development Standards

- CUP / recycling in A-3 (3-10-04-05)
- Storage screening:
  - Limited to fence height
    - Material stored in pit
- Applicant proposing:
  - Screen fencing & landscaping along 120<sup>th</sup> Ave
  - Landscaping required on west & north





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# Criteria for Conditional Use Permit Approval

Section 2-02-08-06

1. CUP Permitted in Zone
2. Consistent with Regulations
3. Complies with Performance Standards
4. Compatible and Not Detrimental
5. No Off-Site Impacts
6. Suitability of Site
7. Functional Layout
8. Utilities and/or Services Provided



# Referral Comments

- Development Services Engineering / ROW:
  - General comments: No road improvements / signage
- Property Owners notified with 1,500 feet: traffic, environmental, road damage

Notifications Sent	Comments Received
77	2

# Referral Comments

- City of Brighton:
  - 120<sup>th</sup> Ave screening
  - Access road maintained
- Commerce City:
  - Expiration
  - Future road improvements

# Planning Commission Update

- PC considered this case on 2/9/17 & recommended Denial.
- Several neighbors provided testimony in opposition:
  - Excessive dust pollution;
  - Negative effects & nuisances – noise, lights,
  - Operating outside of hours
  - Debris on roads

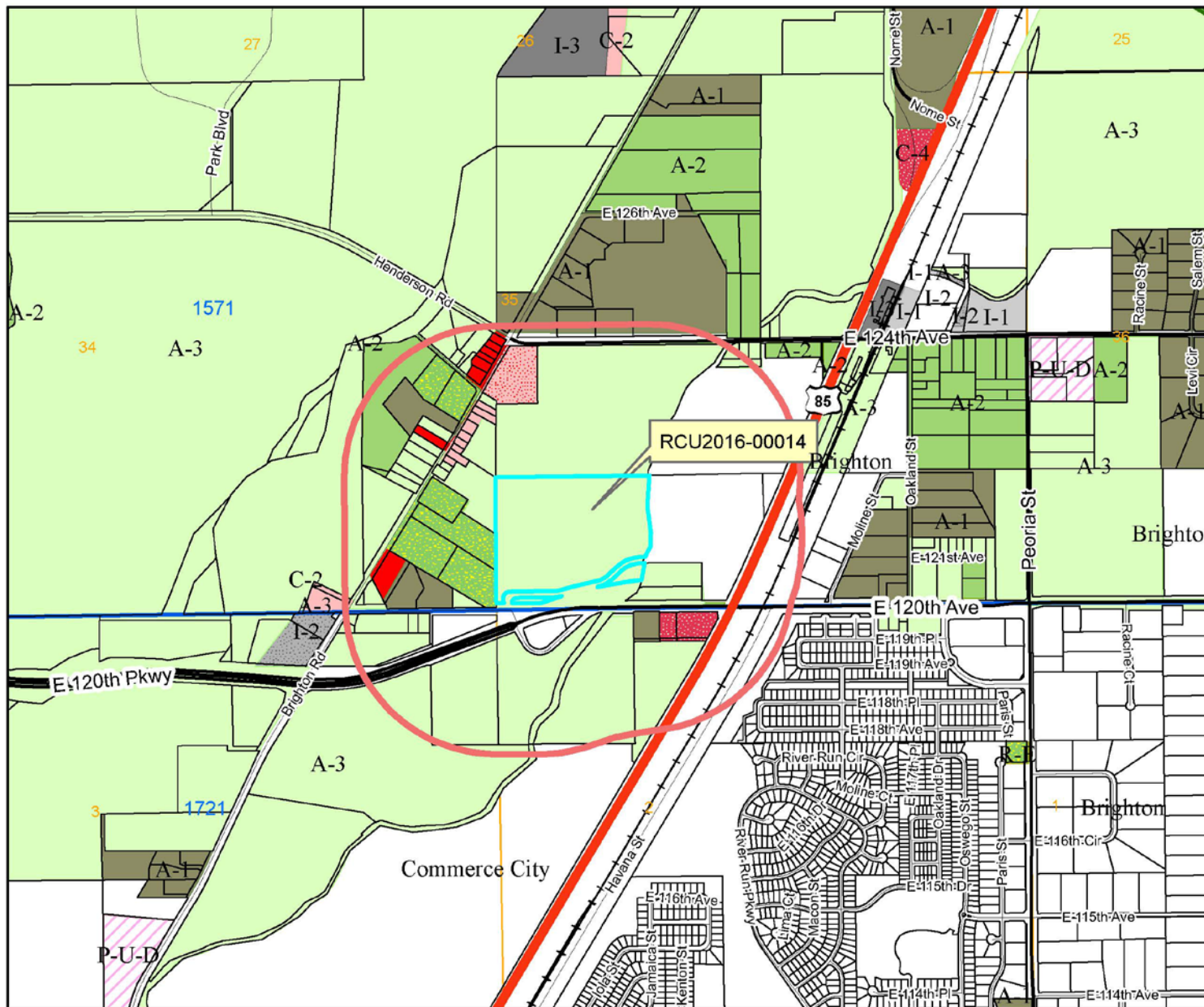
# Planning Commission Update

- 2/15/17 – meeting with applicant
- 2/21/17 – new information submitted to address:
  - Dust mitigation
  - Dirt & debris on the roads
  - Air quality
  - Traffic
  - Outreach
- All of the above were required with CD approval
  - Significant neighbor concerns

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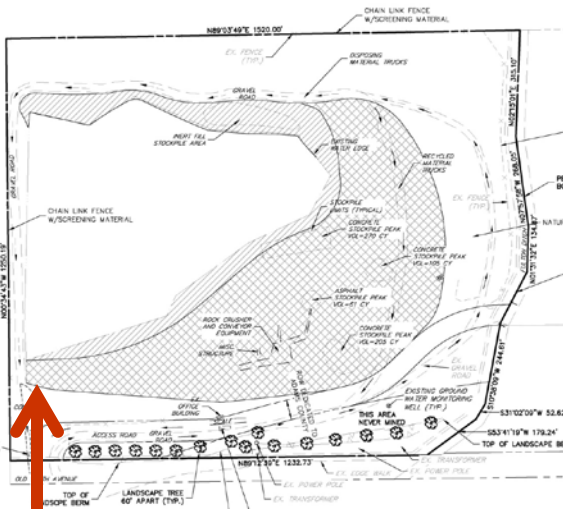






## South



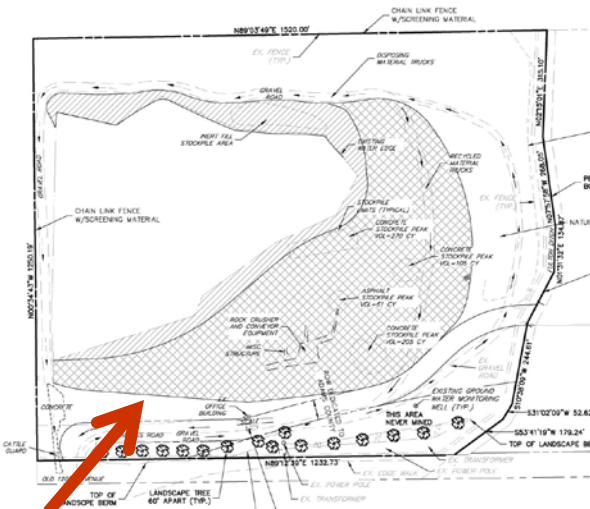


North into site









North into site



# Recommendation

- The request is not consistent with:
  - surrounding areas
  - Comprehensive Plan designations
  - Development Standards & Regulations
- PC & Staff are recommending **Denial** based on 8 Findings-of-Fact

# Findings of Fact

1. The conditional use is not permitted in the applicable zone district.
2. The conditional use is inconsistent with the purposes of these standards and regulations.
3. The conditional use will not comply with the requirements of these standards and regulations, including but not limited to, all applicable performance standards.
4. The conditional use is incompatible with the surrounding area, not harmonious with the character of the neighborhood, is detrimental to the immediate area, is detrimental to the future development of the area, and is detrimental to the health, safety, or welfare of the inhabitants of the area and the County.

# Findings of Fact

5. The conditional use permit has not addressed all off-site impacts.
6. The site is not suitable for the proposed conditional use including adequate usable space, adequate access, and absence of environmental constraints.
7. The site plan for the proposed conditional use does not provide the most convenient and functional use of the lot including the parking scheme, traffic circulation, open space, fencing, screening, landscaping, signage, and lighting.
8. Sewer, water, storm water drainage, fire protection, police protection, and roads are not available and adequate to serve the needs of the conditional use as designed and proposed.