

CONDITIONAL USE PERMIT

FOR THE OPERATION OF A TRANSPORTATION TERMINAL FOR TRUCKS CARRYING FLAMMABLE AND HAZARDOUS MATERIALS AS WELL AS A REDUCTION IN THE FLOOR AREA RATIO AND AN INCREASE IN THE MAXIMUM FRONT SETBACK REQUIREMENT IN CONJUNCTION WITH THE OPERATION OF SAID TERMINAL

CASE #CU-104-14

WHEREAS, the City Council of the City of Commerce City, Colorado finds that a conditional use permit for the operation of a transportation terminal for trucks carrying flammable and hazardous materials as well as a reduction in the floor area ratio and increase in the maximum front setback requirement necessary for the operation of said terminal ("Conditional Use Permit") should be granted pursuant to the Land Development Code of the City of Commerce City in Case #CU-104-14 for that property described in exhibit "A" attached hereto and made a part hereof, generally located at The Southwest Corner of East 93rd Place and Yosemite Street, Commerce City, Colorado; and

WHEREAS, the City of Commerce City believes that this Conditional Use Permit is only appropriate if certain conditions are met; and

WHEREAS, the City of Commerce City desires to set to writing the conditions of the Conditional Use Permit.

NOW THEREFORE, the Conditional Use Permit applied for in Case #CU-104-14 is granted by the City of Commerce City subject to the following conditions:

CONDITIONS:

- A. The applicant shall provide a letter of approval from the Farmer's Reservoir and Irrigation Company (FRICO) to the Planning Division or incorporate provisions to address FRICO's concerns in the final construction documents prior to the issuance of a permit for the construction of the principle structure.
- B. The applicant shall maintain current licenses with all regulators of their operations.

Failure to comply with the above conditions shall constitute basis for revocation by the City of Commerce City, after public hearing, of the Conditional Use Permit authorized for the above-described property, it being expressly determined by the City Council that the Conditional Use Permit granted by the City of Commerce City in Case #CU-104-14 is not proper in the absence of compliance with the conditions herein contained. In the alternative, the City may proceed with legal action for injunctive relief to enforce the conditions herein imposed or issue a

summons and complaint in the Commerce City municipal court for violation of the aforesaid conditions, and in the event a summons and complaint is issued in the Commerce City municipal court, and upon finding a violation of the condition set forth in this Conditional Use Permit, the municipal court may impose any penalty authorized by the Land Development Code. The remedies herein provided for shall be considered cumulative and not mutually exclusive.

IN WITNESS WHEREOF, the undersigned have set their hands effective the 19TH day of May, 2014.

CITY OF COMMERCE CITY, COLORADO

By: _____
Sean Ford, Mayor

ATTEST:

Laura J. Bauer, City Clerk

Exhibit "A"

LEGAL DESCRIPTION

Case #CU-104-14

THAT PART OF THE NORTHEAST QUARTER OF SECTION 21 AND THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 2 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF COMMERCE CITY, COUNTY OF ADAMS, STATE OF COLORADO.