

CONDITIONAL USE PERMIT

FOR TRANSPORTATION TERMINAL

CASE #CU-106-14-15

WHEREAS, the City Council of the City of Commerce City, Colorado finds that a conditional use permit for the operation of a transportation terminal (“Conditional Use Permit”) should be granted pursuant to the Land Development Code of the City of Commerce City in Case #CU-106-14-15 for that property described in exhibit “A” attached hereto and made a part hereof, located at 5601 Holly 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-106-14-15 is granted by the City of Commerce City subject to the following conditions:

CONDITIONS:

- A. The landscaping shown as part of Phase 2 on the landscape plan submitted in conjunction with CU-106-14 shall be installed within 18 months of the date of approval of CU-106-14-15, unless this condition is waived by the Community Development Director because the construction of the proposed terminal expansion submitted in conjunction with CU-106-14-15 is substantially underway. In that event, the landscaping shown on the landscape plan submitted in conjunction with CU-106-14-15 shall be installed prior to the issuance of a Certificate of Occupancy for the expanded terminal.
- B. A site investigation plan addressing flammable gas, the nature and extent of solid waste, and contaminated soils and groundwater shall be completed and submitted to Tri-County Health Department and the Solid Waste Section of the Hazardous Materials and Waste Management Division of the Colorado Department of Public Health and Environment (CDPHE) for review and approval prior to the issuance of any building permits for the proposed expansion.
- C. A traffic study for the subject property shall be approved by the Public Works Department prior to issuance of any building permits for the proposed expansion.
- D. A drainage report for the subject property shall be approved by the Public Works Department prior to issuance of any building permits for the proposed expansion.

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-106-14-15 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 20th day of July, 2015.

CITY OF COMMERCE CITY, COLORADO

By: _____
Sean Ford, Mayor

ATTEST:

Laura J. Bauer, City Clerk

Exhibit “A”
Case # CU-106-14-15

LEGAL DESCRIPTION

PART OF THE SE ¼, SECTION 7, TOWNSHIP 3 SOUTH, RANGE 67 WEST, COMMERCE CITY ADAMS COUNTY, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 1 OF OLD DOMINION SUBDIVISION, RECORDED AT _____, ADAMS COUNTY RECORDS

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 7, THENCE ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 7, SOUTH 89°10'33" WEST (AS A BASIS OF BEARINGS, PER THAT CITY OF COMMERCE CITY CONTROL DIAGRAM RECORDED IN BOOK 1, PAGE 3776, ADAMS COUNTY, COLORADO RECORDS), 1319.03 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 7; THENCE ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 7, NORTH 00°14'22" WEST 32.50 FEET, TO THE NORTH RIGHT-OF-WAY LINE OF EAST 56TH AVENUE, AS DESCRIBED IN SAID BOOK 2144 AT PAGE 471, AND THE TRUE POINT OF BEGINNING; THENCE ALONG SAID RIGHT-OF-WAY LINE, SOUTH 89°10'33" WEST 200.30 FEET TO THE WEST LINE OF SAID PARCEL DESCRIBED IN BOOK 2556 AT PAGE 280; THENCE ALONG SAID LINE, NORTH 00°49'29" WEST 403.10 FEET TO THE NORTHWEST CORNER OF SAID PARCEL; THENCE ALONG NORTH 89°10'54" EAST 204.41 FEET TO THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 7; THENCE ALONG SAID LINE, AND WEST LINE OF SAID PARCEL DESCRIBED IN BOOK 1192 AT PAGE 37, AND THE WEST LINE OF SAID LOTS 2 AND 1, NORTH 00°14'22" WEST 824.97 FEET TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE ALONG THE NORTH LINE OF SAID LOT 1 AND THE SOUTH LINE OF EAST 58TH AVENUE, AS DESCRIBED IN SAID RECEPTION NO. C0747154, NORTH 89°11'21" EAST 1289.36 FEET TO THE EAST LINE OF SAID LOT 1; THENCE ALONG SAID LINE, SOUTH 00°13'27" EAST 1146.66 FEET TO THE NORTHEAST CORNER OF SAID PARCEL DESCRIBED IN RECEPTION NO. 200700009984; THENCE ALONG THE NORTHERLY AND WESTERLY LINES OF SAID PARCEL THE FOLLOWING FIVE (5) COURSES: (1) SOUTH 89°10'33" WEST 25.00 FEET; THENCE (2) SOUTH 00°13'23" EAST 48.40 FEET; THENCE (3) SOUTH 48°14'21" WEST 10.00 FEET; THENCE (4) SOUTH 89°33'18" WEST 28.10 FEET; THENCE (5) SOUTH 02°14'22" WEST 23.88 FEET, TO THE SOUTH LINE OF SAID LOT 1, BEING THE NORTH RIGHT-OF-WAY LINE OF SAID EAST 56TH AVENUE; THENCE ALONG SAID LINE, SOUTH 89°10'33" WEST 577.29 FEET; THENCE ALONG SAID LINE, NORTH 00°12'22" EAST 5.00 FEET; THENCE ALONG SAID LINE, SOUTH 89°10'33" WEST 350.00 FEET TO THE EAST LINE OF SAID PARCEL RECORDED IN BOOK 1192 AT PAGE 357; THENCE ALONG SAID LINE, SOUTH 00°14'25" EAST 7.50 FEET TO THE NORTH RIGHT-OF-WAY LINE OF EAST 56TH AVENUE, AS DESCRIBED IN SAID PARCEL RECORDED IN BOOK 2144 AT PAGE 472; THENCE ALONG SAID LINE, SOUTH 89°10'33" WEST 300.13 FEET TO THE TRUE POINT OF THE BEGINNING.