

CONDITIONAL USE PERMIT

FOR A SALVAGE YARD FACILITY

CASE #CU-124-20

WHEREAS, the City Council of the City of Commerce City, Colorado, having considered the report of the Director of Community Development, and having adopted the findings and recommendation of the Planning Commission, with regard to a Conditional Use Permit requested for the operation of a Salvage Yard pursuant to the Land Development Code of the City of Commerce City in Case #CU-124-20 for that property specifically described located at 9750 East 96th Avenue, Henderson, Colorado Case #CU-124-20, following a duly-noticed public hearing; and

NOW THEREFORE, the City Council of the City of Commerce City, Colorado, has found that the requirements of Section 21-3230(3)(a)(i-vi) and (b)(ii) are met with the following conditions and has approved the Conditional Use Permit applied for in Case # CU-124-20, subject to the following conditions:

CONDITIONS:

- A. This Conditional Use Permit is for the storage and salvage of vehicles to include passenger cars, single axle trucks, one-ton trucks, vans, delivery vans, class C RV's and small type shuttle buses; all such vehicles not to exceed 22 feet in length. No other types of vehicles, including but not limited to tractor-trailers, semi-trucks, full size buses, boats, heavy construction vehicles, or mobile homes as defined in the LDC, are permitted. The storage or salvage of any other type of vehicle requires an amendment to this CUP.
- B. All work performed on vehicles, including repair, draining of fluids, and dismantling, shall occur entirely within the building. Applicant can perform dismantling of additional pieces from car shells in the outdoor storage so long as it does not require the drainage of fluids prior to removing the additional pieces.
- C. Following the commencement of the use, and in the interest of maintaining harmony with adjoining land uses, the applicant will provide the director with a report detailing all complaints the applicant has received from adjoining landowners during the preceding calendar year, as well as the manner in which the applicant disposed of those complaints. The first report will be due on or before January 31 of the year following the commencement of the use (e.g. if the use commences on August 1, 2021, the first report will be due January 31, 2022 and will encompass the period between August 1, 2021 and December 31, 2021) and subsequent reports will be due on or before January 31 of every year thereafter.

On or after August 30, 2025, the director will review the applicant's reports, as well as any violations reported to the city. If the reports and reported violations, if any, indicate

that the use is not compliant with the Conditional Use Permit approval criteria, the director may submit the Conditional Use Permit to the Planning Commission and City Council for review at duly noticed public hearings. This review will be for the limited purpose of identifying and imposing conditions reasonably necessary to address the complaints demonstrating noncompliance with the Conditional Use Permit approval criteria and will be rationally related to the Conditional Use Permit approval criteria.

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-124-20 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 2020.

CITY OF COMMERCE CITY, COLORADO

Benjamin A. Huseman, Mayor

ATTEST

Dylan A. Gibson, City Clerk