

RESOLUTION WAIVING DEVELOPMENT-RELATED FEES FOR CERTAIN NEW COMMERCIAL DEVELOPMENT IN THE CITY OF COMMERCE CITY

NO. 2019-53

WHEREAS, the City Council of the City of Commerce City (“City”) desires to attract new commercial development to the City to improve the quality of life of the City’s residents, to create new employment opportunities, and to attract a variety of other development;

WHEREAS, the City imposes certain fees to offset the direct or indirect cost of regulating development and performing its regulatory function, as detailed in the City’s Directory of Fees & Charges (November 19, 2018);

WHEREAS, the City Council desires to waive certain development fees established in Sections 2, 4, 5, and 17 of the Directory of Fees & Charges, as more fully set forth in Exhibit “A,” for certain types of new commercial development to induce such businesses to open in the City, in addition to those incentives that may be available through the Commerce City Economic Development Incentives Program, approved pursuant to Resolution No. 2014-56;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO AS FOLLOWS:

1. **Finding of Public Purpose.** The City Council finds and determines that waiving certain development-related fees consistent with this resolution will serve a public purpose and public need and be in the public interest by attracting new commercial development to the City, thereby improving the quality of life of the City’s residents, creating new employment opportunities, and attracting other commercial development.
2. **Fee Waiver.** The City-imposed development fees identified in Exhibit A shall be waived by the City with respect to the development of any new Commercial Development, as defined below, whether incurred directly by a commercial business, an affiliated entity developing property for the commercial business’ use, or a contractor or consultant acting on behalf of the Commercial Development or its affiliated entity. This waiver applies only to the end-user of the Commercial Development and to that portion of a development directly attributable to the Commercial Development. The City shall have sole discretion to determine whether fees are attributable to Commercial Development. Fees payable after the expiration or revocation of this resolution shall not be subject to this waiver.

“Commercial Development” includes the development of property for uses included in the following Commercial Use Classifications, as identified in the Commerce City Land Development Code, as adopted or amended:

- Eating and Drinking Establishments, excluding Restaurants with drive-thru/up service;
- Recreation or Amusement Facilities, Private, excluding Health Clubs; and
- Visitor Accommodations, excluding Overnight campground.

Fee waiver and other incentives requests for other types of development will be considered on a case-by-case basis through the Commerce City Economic Development Incentives Program.

3. **City Manager Authority to Waive Additional Fees.** Consistent with Section 1(A) of the Directory of Fees & Charges, the City Manager is authorized to waive any other City-imposed fee for a Commercial Development project if the City Manager deems such a waiver to be in the best interests of the City, to the extent allowed by law.
4. **Expiration.** This resolution shall expire on May 31, 2022.
5. **Authority to Suspend.** The City Manager is authorized to suspend the fee waivers authorized by this resolution, in their entirety or with respect to a particular fee or particular development, if the City Manager determines that the cost to the City is excessive or the program is being abused or misused, in the City Manager's opinion.
6. **Limitation.** This resolution does not waive any fee not listed in Exhibit A; any tax, fine, or penalty; any legislatively-imposed impact fees; any fees charged by or for other entities; or any conditions of regulatory approval. This resolution shall not vest rights upon any person and nothing contained in it shall give or allow any claim or right of action by any person against the City.
7. **Directory of Fees & Charges.** No other City fees shall be increased to offset the cost of this waiver. The Directory of Fees & Charges shall be deemed modified as set forth in this resolution until this resolution expires or is terminated.

RESOLVED AND PASSED THIS MAY 20, 2019.

CITY OF COMMERCE CITY

Sean Ford, Mayor

ATTEST:

Laura J. Bauer, MMC, City Clerk