

CONDITIONAL USE PERMIT

CASE #CU-131-24

WHEREAS, the City Council of the City of Commerce City, Colorado, having considered the report of the Director of Community Development, having adopted the findings and recommendations of the Planning Commission, and having conducted a public hearing regarding the Case #CU-131-24, has determined that the requirements of Section 21-3230 of the Land Development Code are satisfied in this case, subject to the conditions contained herein;

WHEREAS, the City Council desires to approve certain conditional uses pursuant to the Land Development Code as set forth herein for TSL Company Holdings (“Applicant”), only for its operations on the property described as a parcel of land located in a part of the Northwest Quarter of Section 15, Township 2 South, Range 67 West of the 6th Principal Meridian, and more particularly described as follows: Lot 1, Phelps-Tointon Industrial Park Filing No. 3, City of Commerce City, County of Adams, State of Colorado. (“Property”), more commonly known as 10051 Dallas Street.

WHEREAS, the City Council has concurrently reviewed and is considering approval of a related development plan in this case (“Development Plan”), pursuant to Section 21-3212 of the Land Development Code, upon which the requested conditional use permit relies and without which this conditional use permit would not be approved;

NOW THEREFORE, the conditional use permit applied for in Case #CU-131-24 is hereby approved as follows:

1. CONDITIONALLY APPROVED USES: The Applicant is permitted to conduct the following land uses at the Property, subject to the compliance with the conditions contained herein, the Development Plan, and any other applicable laws and regulations:

A. Stacking of shipping containers above 20 feet in height

2. CONDITIONS: The following conditions shall apply to the conduct of the uses authorized by this conditional use permit:

A. No conditions proposed for CU-131-24

3. NON-COMPLIANCE: 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, it being expressly determined by the City Council that the Conditional Use Permit granted by the City of Commerce City in Case #CU-131-24 is not proper in the absence of compliance with the conditions and requirements 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.

4. DEVELOPMENT PLAN: If the Development Plan is not approved concurrently with this conditional use permit or if the approval thereof is subject to any legal challenge, this conditional use permit and the approval hereof shall be void.

Effective this 16th day of September, 2024.

CITY OF COMMERCE CITY, COLORADO

Steven J. Douglas, Mayor

ATTEST:

Dylan A. Gibson, City Clerk