



# STAFF REPORT

## Planning Commission

---

### CASE # CU-104-14

<b>PC Date:</b>	May 6, 2014	<b>Case Planner:</b>	Paul Workman
<b>CC Date:</b>	May 19, 2014		
<b>Location:</b>	The southwest corner of E. 93 <sup>rd</sup> Place and Yosemite Street		
<b>Applicant:</b>	Groendyke Transport	<b>Owner:</b>	Marty Farms, LLP
<b>Address:</b>	9571 E. 104 <sup>th</sup> Avenue Henderson, CO 80640	<b>Address:</b>	PO Box 708 Henderson, CO 80640

### Case Summary

<b>Requests:</b>	<u>Groendyke Transport requests the following approvals:</u> <ol style="list-style-type: none"><li>1. A reduction in the Floor Area Ratio (FAR) requirement in the Marty Farms PUD – Amendment #1 from .15 to .05.</li><li>2. An increase in the maximum front setback in the Marty Farms PUD – Amendment #1 from 80-feet to 135-feet.</li><li>3. The ability to operate a transportation terminal for vehicles that carry flammable, explosive, hazardous, or highly toxic materials.</li></ol>
<b>Project Description:</b>	Groendyke Transport is requesting the approval of three separate items via this Conditional Use Permit in order to develop property located at the southwest corner of E. 93 <sup>rd</sup> Place and Yosemite Street for their new transportation terminal.
<b>Issues/Concerns:</b>	<ul style="list-style-type: none"><li>• Compliance with the Comprehensive Plan.</li><li>• Compliance with the PUD Zone Document.</li><li>• Compliance with the Land Development Code.</li></ul>
<b>Key Approval Criteria:</b>	<ul style="list-style-type: none"><li>• Compliance with the Comprehensive Plan.</li><li>• Compliance with the CUP approval criteria.</li></ul>
<b>Staff Recommendation:</b>	<b>Approval with Conditions</b>
<b>Current Zone District:</b>	PUD (Planned Unit Development)
<b>Comp Plan Designation:</b>	General Industrial

### Attachments for Review: *Checked if applicable to case.*

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Applicant's Narrative Summary | <input checked="" type="checkbox"/> Vicinity Map                 |
| <input checked="" type="checkbox"/> Development Plan              | <input checked="" type="checkbox"/> Marty Farms PUD Amendment #1 |

## Background Information

Site Information	
<b>Site Size:</b>	11.87 acres +/-
<b>Current Conditions:</b>	The site is currently undeveloped.
<b>Existing Right-of-Way:</b>	E. 93 <sup>rd</sup> Place to the north and Yosemite Street to the east.
<b>Neighborhood:</b>	Marty Farms
<b>Existing Buildings:</b>	None
<b>Site in Floodplain</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

## Surrounding Properties

<u>Existing Land Use</u>		<u>Occupant</u>	<u>Zoning</u>
<b>North</b>	Industrial	Airgas Intermountain	PUD
<b>South</b>	Open Space	Future Trail	PUD
<b>East</b>	Industrial	Precast Concepts	I-3
<b>West</b>	Industrial	FedEx	PUD

## Case History

The table below provides the relevant case history for this site.

<u>Case</u>	<u>Date</u>	<u>Request</u>	<u>Action</u>
Z-787-03-06	8/7/2006	Amended the originally approved Marty Farms PUD Zone Document.	<b>Approved with Conditions</b>
S-614-14	TBD	Convert Tract 'E' of the Marty Farms Subdivision Filing #2 into Lot #1 of the Marty Farms Subdivision Filing #5.	<b>Pending</b>
D-239-14	TBD	The approval of the PUD Permit to develop the site for the Groendyke operations.	<b>Pending</b>

### Z-787-03-06:

On August 7, 2006 the City Council approved an amendment to the originally approved Marty Farms Planned Unit Development (PUD) Zone Document in order to require a Conditional Use Permit for projects that cannot meet the bulk standards of the PUD, to exclude salvage yards and auto auctions from operating in the development, and the access off of E. 96<sup>th</sup> Avenue was revised. The application was approved with conditions which have been satisfied.

### S-614-14:

As a complimentary application to the requested Conditional Use Permit, Groendyke Transport has submitted a plat application to convert a "Tract" to a "Lot" to allow for the proposed development.

### D-239-14:

As a complimentary application to the requested Conditional Use Permit, Groendyke Transport has submitted a PUD Permit application in order to develop the property for their proposed use.

## **Applicant's Request**

### **History:**

*"Groendyke Transport has been providing safe and dependable tank transportation services and bulk transport logistic solutions for over 80 years. Achieving the utmost in bulk carrier value has been their purpose and tradition since 1932, when Harold C. Groendyke founded the company. It was this penchant for progress that earned not only Harold, but also Groendyke Transport, the reputation as a visionary in the trucking industry."*

Groendyke Transport provides transportation services for all grades of gasoline, diesel fuel, liquid asphalt, ethanol, methanol, sulfuric acid and other chemicals from 31 locations in 12 different states. Groendyke has been operating in the state of Colorado since 1949 and in 2012 hauled 73,551 loads of product from their three Colorado terminals with revenues over \$15 million. At this time, Groendyke has approximately 76 full-time employees at their existing facility located at 9751 E. 104<sup>th</sup> Avenue. Roughly 56 employees are drivers and the remaining 20 employees are office and shop personnel. Groendyke anticipates that all current employees will transition to the new facility and Groendyke is hopeful that the larger facility will allow for the continued expansion of employment opportunities at this terminal.

### **General Information**

Groendyke Transport has been safely operating at 9751 E. 104<sup>th</sup> Avenue since 1995. Their property was annexed by Commerce City in 2007 as part of the Northern Enclave Annexations. Until 2007, the property was located in Unincorporated Adams County and operated under an Adams County approved PUD Zone Document (a customized zoning designation) that specifically allowed for their use. Due to the success of Groendyke, they have outgrown their existing facility in Commerce City and strongly desire to remain in the City. Given their desire to remain in Commerce City, Groendyke is proposing to build a new transportation facility in the Marty Farms development.

The proposed Groendyke Transport project is an 11.88 acre development bound by East 93<sup>rd</sup> Place to the north, Yosemite Street to the east, the O'Brian Canal to the south, and a FedEx facility to the west. The proposed land use includes a new terminal building with office space and shop space (a total of 21,444 square feet). The shop area will include four bays intended to be used for truck maintenance and repairs. A fifth bay will be used as a wash bay for Groendyke trucks and trailers, with a sixth bay to be used for covered storage. A fueling pad with an overhead canopy will be located south of the proposed building to be used by Groendyke vehicles. The pumps for the internal fuel station will be supplied by a 12,000 gallon above ground fuel tank. A significant portion of the site will be used for associated parking and drive aisles for the tanker trucks and parking for traditional vehicles. The site will also incorporate a 4.7 acre-foot storm water retention pond. Operations at this facility are planned to occur 24 hours a day, 7 days a week, 365 days a year.

Given the proposed use of the subject property and the regulations found in the Marty Farms Planned Unit Development (PUD) Zone Document Amendment #1, Groendyke Transport is requesting the approval of three items via the submitted Conditional Use Permit.

### **Request #1:**

Groendyke Transport requests a reduction in the Floor Area Ratio (FAR) requirement from the required .15 to .05. In order to achieve an FAR of .15, the building on the subject property would need to be nearly 63,000 square feet or nearly three times the size of the proposed building (21,444 square

feet). The purpose of the proposed facility is to support the transport of materials from the supply source to the consumer. Unlike other industrial users, this facility will not store raw materials or fabricate products, they do not generate waste materials from a manufacturing process, they do not keep stacks of finished product for sale, and they do not offer services that require inventories of large parts. The parking for a tractor trailer takes a considerable amount of space, but providing enough space to maneuver a tractor trailer requires an abundance of space. As a result of providing adequate parking and maneuvering areas on the subject property and given the needs for office and truck repair space, the development of the property cannot meet the .15 FAR that is required. Therefore, Groendyke Transport is requesting a reduction in the FAR requirement from .15 to .05.

#### **Request #2:**

Groendyke Transport requests an increase in the maximum front setback from the required 80-feet maximum to allow the proposed building to be setback 135-feet. The maximum setback of 80-feet does not provide enough room to safely turn from the entrance into the proposed visitor and employee parking area. A number of site plans were analyzed through the process in order to find the layout that worked best for Groendyke and met the requirements of the PUD. Since vehicles exceeding 15,000 Gross Vehicle Weight (GVW) cannot be parked in the front setback (per the PUD requirements), the visitor and employee parking was laid out along E. 93<sup>rd</sup> Place to utilize the site area in the front setback. Additionally, Groendyke is adamant that the entry gate provide at least 75-feet from the street flow line so that trucks can pull completely off of the road if the gate is closed. In order to ensure safety for trucks entering and existing the facility as well as traditional vehicles trying to access the parking area, Groendyke Transport is requesting an increase in the maximum front setback from 80-feet to 135-feet.

#### **Request #3:**

Groendyke Transport requests approval to operate a Transportation Terminal for trucks that carry Flammable and Hazardous Material. The Groendyke Transport facility is intended to support trucks and trailers that transport a variety of automotive fuels and chemicals from the supplier to various retail outlets throughout Denver and the eastern Colorado region. No product is transferred between trucks at the site. In most cases, trucks leave the site and pick up products and then deliver the products before returning to the yard. Since delivery points (and by default travel times) vary, it is necessary for some trucks to return to the yard with a loaded truck for delivery the next day or as scheduled. Groendyke cannot identify specifically how long any one truck or trailer may be parked at the property, but the facility is not intended to store trucks or trailers that are not considered to be in service or ready to be used as needed. However, it is anticipated that trucks or trailers (and by default materials) will not be on-site longer than 24 – 48 hours. Groendyke Transport respectfully requests the approval of a Transportation Terminal for trucks that carry Flammable and Hazardous Material.

#### **Safety:**

Safety has been a primary concern of Groendyke Transport in their 75 year history, which is evidenced by Groendyke being awarded the Heil Trophy (a prestigious award presented by the National Tank Truck Carriers Association for outstanding contributions to safety) six times since 1973. Furthermore, the current site at 9751 E. 104<sup>th</sup> Avenue has not had any incidents in the last year. In order to maintain this standard, safety is addressed at several levels throughout the operation and is demonstrated by the levels of management at each facility. In addition to the facility General Manager, who is responsible for the overall safety of the terminal, there is a safety manager for the drivers, the shop, and the facility. Some of the safety features employed by Groendyke include:

- ❑ Each driver applicant must be experienced, possess a commercial driver's license with hazmat endorsement, be road tested, undergo a thorough background check and pass a drug screening and interview with the terminal manager.
- ❑ Preventative maintenance structured around a thorough inspection program, ensures safety of drivers and the public. Through this preventative maintenance program, every truck and trailer is routinely maintained, and equipment is continually upgraded for increased safety. All new tractors are electronically set for a maximum speed of 65 miles per hour.
- ❑ Education of the entire workforce is ongoing. This includes Groendyke's extensive library of training videos, practical hands on instruction and field coordinators. Filed safety coordinators perform OSHA audits, terminal inspections, ISO and logbook audits and conduct the practical driving portion of the driver instruction course.

In terms of site security, the subject property is proposed to be completely fenced and there are Groendyke employees on site at all times. There is a single entrance/exit to the site, which is visible from the office. Additionally, the proposed gate can be operated from the seat of the trucks, but may need to be opened for visitors.

**Regulating Agencies:**

*"The Federal Motor Carrier Safety Administration (FMSCA) under the Department of Transportation regulates the transportation of hazardous materials, including fuel, on the nation's highways. Transporters of fuel are required to follow specific registration, training, communication, packaging, emergency response, and security regulations to maintain public safety. The State of Colorado also regulates the industry through the Colorado Public Utilities Commission. Groendyke's current permit is valid until March 27, 2015."*

**Summary:**

Transportation of fuel is a necessary service in this region. Groendyke has determined that this new facility is needed to replace the existing facility (located at 9751 E. 104<sup>th</sup> Avenue). The proposed location is ideal given the proximity to E. 96<sup>th</sup> Avenue and Interstate-76 and the truck oriented businesses adjacent to the site. Groendyke is a prominent leader in its field by providing a key link in the distribution of automotive fuels within the community not only in Commerce City, but in the region.

## Development Review Team Analysis

The Development Review Team (DRT) began the review of these requests by evaluating them against the city's adopted Comprehensive Plan. That analysis is provided in the table below.

### Comprehensive Plan

The DRT recommendations for this case are supported by the following Comprehensive Plan Goals:

<u>Section</u>	<u>Goal</u>	<u>Description</u>
Land Use	LU 1	Maintain a balanced mix of land uses.
<b><u>Analysis:</u></b>	The proposed development is for a heavy industrial user, which is consistent with the Comprehensive Plan. The Comprehensive Plan ensures a healthy mix of land uses.	

<u>Section</u>	<u>Goal</u>	<u>Description</u>
Land Use	LU 4	Retain existing industrial areas and land use for jobs.
<b><u>Analysis:</u></b>	The Marty Farms Development is currently, and has always been, intended for industrial development. The proposal within this CUP request is for an industrial use which will keep jobs in Commerce City and provide additional job opportunities as the business expands.	

<u>Section</u>	<u>Goal</u>	<u>Description</u>
Economic Development & Fiscal Stability	ED 2 and FS 2	Retain and increase strong employment base.
<b><u>Analysis:</u></b>	The Groendyke Transport facility off of E. 104 <sup>th</sup> Avenue is currently located in Commerce City. By relocating to the new site, Groendyke will keep those jobs in Commerce City as well as provide opportunities for future growth.	

### Site Layout:

The subject property is located within the Marty Farms Industrial Development (generally bound by E. 96<sup>th</sup> Avenue to the north, Yosemite Street to the east, the O'Brian Canal to the south, and the Union Pacific Railroad to the west). The specific property for these requests is located at the southwest corner of E. 93<sup>rd</sup> Place and Yosemite Street. The site is proposed to be developed as a transportation terminal for trucks (100 truck trips per day) that carry fuel and other chemicals. A 21,444 square foot building is proposed to be constructed in the center of the property with traditional vehicle parking for employees and visitors located on the north side of the building. The building will be surrounded on the east, south, and west sides by parking areas for trucks and trailers with additional maneuvering areas for the trucks and trailers. The site also incorporates a covered fueling area for the Groendyke trucks south of the proposed building and out of the way of the primary drives and maneuvering areas for the trucks. On the extreme south side of the property, the applicant will construct a 4.7-acre foot retention pond.

### Neighborhood Context:

The subject property of the requested Conditional Use Permit (CUP) is located in an industrial development and surrounded by other heavy industrial users. The Future Land Use Map identifies the subject property as well as the surrounding area for heavy industrial uses. This area has been identified for heavy industrial uses, which is consistent with the nature of Groendyke's request.

**Analysis of Request #1 and Request #2:**

Groendyke's request to decrease the Floor Area Ratio (FAR) from .15 to .05 and their request to increase the maximum front setback from 80-feet to 135-feet are requests that are traditionally determined by the Board of Adjustment (BOA) through the Variance process. However, the Marty Farms Planned Unit Development (PUD) Zone Document Amendment #1 specifically requires these two requests to be approved by a Conditional Use Permit. Land Use Notes #13 and #14 state; *"The minimum FAR shall be .15 FAR. The FAR can be reduced to .10 FAR if the additional 5% area is transferred to landscaping along the public right-of-way. Development of a lot within this PUD that proposes a FAR less than .10 shall require a conditional use permit for approval."* Land Use Note #17 states; *"Development of a lot within this PUD that proposes setback, height, or bulk standards other than those listed within the land use schedule, shall require a Conditional Use Permit for approval."* Given this language, the applicant is required to obtain approval through the Conditional Use Permit process in order to reduce the FAR and increase the front setback.

As required by the PUD Zone Document, staff was able to determine that the submitted development plan provides an additional 5% of landscaping. Therefore, the applicant has met the initial requirement to reduce the FAR from .15 to .10. After analyzing the request to further reduce the FAR to .05, staff felt that the reduction was a legitimate request given the intended use of the property. The site is proposed to be developed as a transportation terminal that will need to accommodate large trucks and trailers. These vehicles require more space than a traditional passenger vehicle for parking, maneuvering, and circulating on-site. Given that Groendyke's trucks carry fuel and other chemicals, staff felt it was appropriate to ensure adequate space on-site for the maneuvering of the trucks and trailers and is supportive of this request.

In terms of reviewing the request to increase the front setback from the maximum of 80-feet as required by the PUD Zone Document to the requested 135-feet, staff concluded that the request is being made in order to ensure the operations both on and off the subject property are safe. The applicant has a need to set their gate back a minimum distance of 75-feet from the right-of-way (61-feet from the property line). This is necessary in order to ensure that a truck and trailer arriving to the site can completely exit the right-of-way while operating the proposed gate and to ensure that a truck and trailer leaving the site can clear the proposed gate and wait for traffic without stopping in the right-of-way. With the gate located 75-feet into the applicant's property, a safe turning movement from the gate location to the pedestrian vehicle parking area cannot be made with the building setback 80-feet. In order to provide a safe turning movement for traditional vehicles from the proposed gate location to the parking area, additional space is needed. Given the site layout and distances needed to ensure safe on-site traffic circulation, staff has concluded that a building setback of 135-feet is necessary and is supportive of this request.

**Analysis of Request #3:**

The governing PUD Zone Document identifies the subject property of this application as having an I-3 zoning designation, which allows for all I-3 uses in the Land Development Code (LDC). The LDC requires that Transportation Terminals for vehicles that carry flammable, explosive, hazardous, or highly toxic materials are required to be located on property with an I-3 zoning designation and that they obtain a Conditional Use Permit prior to beginning operations. Because the applicant operates a transportation terminal for trucks that haul fuel and other chemicals, they are required to obtain the requested Conditional Use Permit.

In reviewing the request, staff determined that Groendyke has established themselves as a leader in their industry with a track record for operating safely. They have provided documentation that they are up to date with all necessary permits from regulating agencies, they have proposed to develop the subject property in accordance with the necessary requirements, and Groendyke is a stable company that is capable of operating at the subject property for years to come. Based on this analysis, staff is supportive of this request.

**Outside Agency Review:**

As with all applications that are submitted for review, staff provided the Groendyke requests to a variety of outside organizations for their review and comment. The relevant comments that were provided to staff have been detailed below. Given the level of comfort from the outside agencies, staff is supportive of this request.

Tri-County Health Department (TCHD):

*"TCHD has no additional comments on Case No. CU-104-14."*

South Adams County Fire Protection District (SACFPD):

*"In regards to the development plan for the Groendyke Transportation facility, they will need to have a fully automatic sprinkler system and alarm system installed."*

Groendyke intends to comply with this request.

Farmer's Reservoir and Irrigation Company (FRICO):

*"The documents we will need to review are not yet finalized because of the stage of the project they are in. We have no problem waiting until their design is further developed before reviewing in detail."*

Groendyke intends to comply with this request.

**Summary:**

Groendyke Transport is proposing to develop property located in the Marty Farms Industrial Development as a transportation terminal for trucks and trailers that haul fuel and other chemicals. The subject property is located in an industrial area that is identified for future heavy industrial uses. While the reduction in FAR and the increase to the maximum building setback are not typically heard by the Planning Commission and the City Council, staff is supportive of the requests because they help to ensure safe operations both on and off of the subject property. Additionally, the request to operate the transportation terminal for vehicles that carry fuel and other chemicals is being made by an established industry leader, which staff supports. Therefore, based on the information provided above and the detailed analysis related to the Conditional Use Permit criteria listed below, staff recommends that the Planning Commission forward the Conditional Use Permit requests to the City Council with a favorable recommendation.



Criteria Met?	Sec. 21-3230. Conditional Use Permits	Rationale
<input checked="" type="checkbox"/>	<p>The proposed use will not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, either as they presently exist or as they are envisioned to exist in any adopted City plan, program or ordinance;</p>	<p><u>Request #1:</u> As required by the PUD, the application provides an additional 5% of landscaping (to get to .10 FAR) and the further reduction of the FAR will not adversely effect any property in the area.</p> <p><u>Request #2:</u> The increased building setback will improve circumstances for adjacent property by helping to ensure that a Groendyke truck can completely exit the right-of-way while entering the facility and can allow for adequate space between the gate and the right-of-way when trucks are exiting the facility.</p> <p><u>Request #3:</u> The character of this area is heavy industrial in nature and the proposed use is for a heavy industrial use. The nature of the Groendyke operation is consistent with the other uses in the area.</p>
<input checked="" type="checkbox"/>	<p>Any adverse effect has been or will be mitigated to the maximum extent feasible, including but not limited to sufficient landscaping and screening to ensure harmony for adjoining uses;</p>	<p><u>Request #1:</u> The applicant has provided additional landscaping as required by the PUD in order to mitigate any impacts.</p> <p><u>Request #2:</u> There are no adverse impacts related to the increased setback for the building.</p> <p><u>Request #3:</u> The subject property meets the applicable landscape standards. Additionally, the proposed building location will mitigate any noise impacts of the proposed use.</p>
<input checked="" type="checkbox"/>	<p>The characteristics of the site are suitable for the proposed use;</p>	<p><u>Request #1:</u> The characteristics of the site are suitable for the reduction in FAR because the applicant has provided additional landscaping as required by the PUD.</p> <p><u>Request #2:</u> Given the proposed use of the site for large trucks, the layout of the site is the safest possible layout, which requires the building to be setback more than is allowed by the PUD.</p> <p><u>Request #3:</u> The site is large enough to accommodate the proposed use and is relatively flat, which is conducive to transportation uses.</p>
<input checked="" type="checkbox"/>	<p>The proposed use will be adequately served by and will not impose an undue burden on any of the existing improvements, facilities, and services of the city or its residents or the applicant has committed to provide such improvements, facilities, utilities and services in sufficient time to serve the proposed use;</p>	<p><u>Request #1, #2, &amp; #3:</u> The proposed use will be adequately served by the necessary utilities and the increased landscaping and building setback will not pose an undue burden to the utility providers.</p>

Criteria Met?	Sec. 21-3230. Conditional Use Permits	Rationale
<input checked="" type="checkbox"/>	The applicant has provided adequate assurances of continuing maintenance;	<p><u>Request #1:</u> The submitted development plan indicates ongoing maintenance of the proposed landscaping.</p> <p><u>Request #2:</u> The applicant has indicated ongoing maintenance of the building because it helps ensure the safe operations of their truck fleet.</p> <p><u>Request #3:</u> As evidenced by the rationale for Requests #1 &amp; #2, the applicant has indicated continued maintenance of this facility.</p>
<input checked="" type="checkbox"/>	No evidence suggests that the use violates any federal, state, or local requirements.	<p><u>Request #1, #2, &amp; #3:</u> There is no evidence to suggest than any of the three requests violate any federal, state, or local requirements.</p>
<input checked="" type="checkbox"/>	The proposed use complies with the general purposes, goals, objectives, policies, and standards of all City plans, programs, and ordinances	<p><u>Request #1, #2, &amp; #3:</u> There is no evidence to suggest than any of the three requests contradict any of the city's plans, goals, or policies.</p>
<input checked="" type="checkbox"/>	The use complies with the general purposes, goals, objectives, policies, and standards of the comprehensive plan and all other plans or programs adopted by the City.	<p><u>Request #1, #2, &amp; #3:</u> As stated above, the requests contained in this application are compliant with the general purpose, goals, and objectives of the Comprehensive Plan.</p>

## Development Review Team Recommendation

Based upon the analysis above, the Development Review Team believes that all three requests **meet** the criteria for a Conditional Use Permit set forth in the Land Development Code and recommends that the Planning Commission forward the Conditional Use Permit requests to the City Council with a **favorable** recommendation, 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 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.

## **\*The DRT's Recommended Motion\***

### **To recommend approval subject to condition(s):**

I move that the Planning Commission enter a finding that, subject to certain conditions, the three requests contained in this Conditional Use Permit for the property located at the southwest corner of E. 93<sup>rd</sup> Place and Yosemite Street contained in case CU-104-14 meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Conditional Use Permit subject to the following conditions:

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

## **Alternative Motions**

### **To recommend approval:**

I move that the Planning Commission enter a finding that the three requests of this Conditional Use Permit for the property located at the southwest corner of E. 93<sup>rd</sup> Place and Yosemite Street contained in case CU-104-14 meet the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Conditional Use Permit.

### **To recommend denial:**

I move that the Planning Commission enter a finding that the request(s) of this Conditional Use Permit for the property located at the southwest corner of E. 93<sup>rd</sup> Place and Yosemite Street contained in case CU-104-14 fail(s) to meet the following criteria of the Land Development Code:

*List the criteria not met*

I further move that, based upon this finding, the Planning Commission recommend that the City Council deny the Conditional Use Permit.