

# **CONDITIONAL USE PERMIT**

## **CASE #CU-133-23**

**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-133-23, 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 Doka USA (“Applicant”), only for its operations on the property described as Lot 1 Block 1 of Marty Farms Subdivision Filing No. 5 - Amendment No. 1 (“Property”), more commonly known as 8780 E. 93<sup>rd</sup> Place.

**NOW THEREFORE**, the conditional use permit applied for in Case #CU-133-23 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 and any other applicable laws and regulations: Outdoor storage of scaffolding and directly related equipment up to 30-feet in height.

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

Upon review of all pertinent application materials and review criteria, the approval of this Conditional Use Permit does not warrant the imposition of any additional conditions.

**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-133-23 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.

Effective this 17<sup>th</sup> Day of April, 2023.

**CITY OF COMMERCE CITY, COLORADO**

By: \_\_\_\_\_  
Benjamin A. Huseman, Mayor

**ATTEST:**

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Dylan A. Gibson, City Clerk