

**RESOLUTION DENYING DEVELOPMENT PLAN NO. D-305-17
NO. 2017-17**

WHEREAS, the City of Commerce City annexed property located 10251 Newark Street in 1985 and, pursuant to Ordinance No. Z-833-05 of October 17, 2005, the property was zoned subject to a number of conditions, including that the Planning Commission review and the City Council approve a development plan before any development may occur on the property;

WHEREAS, the owner of the property, Crown Enterprises Inc. ("Applicant"), intends to develop the property to operate a transportation terminal, and has submitted a development plan (No. D-305-17) to the City for review and approval ("Development Plan");

WHEREAS, the Planning Commission reviewed the Development Plan and conducted two public hearings addressing that plan and made no recommendation; and

WHEREAS, the City Council has conducted a public hearing on the application for the Development Plan;

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

1. Based on the evidence in the record and the public hearing in this matter, the City Council makes the following findings with respect to the Development Plan:

- a. The Development Plan complies with city standards;
- b. The Development Plan is consistent with any previously approved subdivision plats, rezoning concept plans, and any other plans or land use approvals;
- c. The Development Plan does not provide adequate mitigation for any significant adverse impacts resulting from the use. The City Council specifically finds that:
 - i. the Development Plan creates significant adverse impacts to roadway and traffic conditions by the addition of passenger and commercial vehicle and truck traffic in the area in light of initial capacity and projected growth of the development;
 - ii. the Development plan proposes the addition of a new roadway (Newark Street) to intersect with 104th Avenue, creating a new unsignalized four-way intersection;
 - iii. the impact to traffic and roadway conditions is not adequately mitigated through a contribution for the contemplated addition of a signal at an uncertain, future date;

d. The Development Plan creates a positive precedent for the future cumulative development of the immediate area.

2. The Development Plan is hereby denied.

RESOLVED AND PASSED THIS 20TH DAY OF MARCH, 2017.

CITY OF COMMERCE CITY, COLORADO

BY: _____
Sean Ford, Mayor

ATTEST:

Laura J. Bauer, City Clerk

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