

CONDITIONAL USE PERMIT

FOR THE SALE AND STORAGE OF FLAMMABLE, CORROSIVE, EXPLOSIVE, AND TOXIC SUBSTANCES

CASE CU-113-17

WHEREAS, the City Council of the City of Commerce City, Colorado finds that a conditional use permit for the sale and storage of flammable, corrosive, explosive, and toxic substances (“Conditional Use Permit”) should be granted pursuant to the Land Development Code of the City of Commerce City in Case CU-113-17 for that property described in exhibit “A” attached hereto and made a part hereof, located at 4308 East 60th Avenue, Commerce City, Colorado; and

WHEREAS, the City of Commerce City believes that this Conditional Use Permit is only appropriate if certain conditions are met; and

WHEREAS, the City of Commerce City desires to set to writing the conditions of the Conditional Use Permit.

NOW THEREFORE, the Conditional Use Permit applied for in Case CU-113-17 is granted by the City of Commerce City subject to the following conditions:

CONDITIONS:

- A. The Conditional Use Permit shall apply for the applicant only, with no right of assignment, unless a revision to this Conditional Use Permit is obtained.
- B. To receive a Certificate of Occupancy, the applicant shall install all proposed site improvements associated with the Conditional Use Permit. These improvements include, but are not limited to, new construction of tanks, storage building, paving, fencing, and landscaping as identified in the approved Development Plan.
- C. In no case shall the total storage tank capacity exceed 48,000 gallons.
- D. All storage tanks shall be colored beige/tan.

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 authorized for the above-described property, it being expressly determined by the City Council that the Conditional Use Permit granted by the City of Commerce City in Case CU-113-17 is not proper in the absence of compliance with the conditions 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 conditions 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.

IN WITNESS WHEREOF, the undersigned have set their hands effective the 20th day of November, 2017.

CITY OF COMMERCE CITY, COLORADO

By: _____
Sean Ford, Mayor

ATTEST:

Laura J. Bauer, MMC, City Clerk

Exhibit “A”
Case # CU-113-17

Legal Description

Lot 2, Block 2, Ro-Jo Subdivision Amended, County of Adams, State of Colorado