

CONDITIONAL USE PERMIT

CASE #CU-120-21

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-120-21, 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 Crystal Packaging, Inc. (“Applicant”), only for its operations on the property described as Wardel Industrial District, Lot 2 (“Property”), more commonly known as 9155 Boston Street, Henderson, Colorado.

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-120-21 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. A tank farm operation exceeding 48,000 gallon above-ground capacity;
- B. Chemical product processing and blending;
- C. Storage and processing of hazardous materials, specifically the storage of methanol in the outdoor tank farm and use in chemical blending processes;
- D. Petroleum product manufacturing and blending use (excluding the manufacture, refining, or storage of raw petroleum products); and
- E. The existing rail spur on site and future expansion of the rail spur as shown on the Development Plan.

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

- A. The Applicant shall install all proposed site improvements associated with the Conditional Use Permit within 12 months of approval of this Conditional Use Permit. These improvements include, but are not limited to, new construction of tanks, fencing, and landscaping as identified in the Development Plan.

- B. The total storage tank capacity in the outdoor tank farm shall not exceed 2,500,000 gallons.
- C. All new or replaced storage tanks in the outdoor tank farm shall be colored beige or tan.
- D. Any changes to the Emergency Response Plan shall be provided to the City's Police Department no later than 90 days after a change is made.

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-120-21 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.

IN WITNESS WHEREOF, the undersigned have set their hands effective the 1st day of March, 2021.

CITY OF COMMERCE CITY, COLORADO

Benjamin A. Huseman, Mayor

ATTEST

Dylan A. Gibson, City Clerk