

CONDITIONAL USE PERMIT

CASE #CUP23-0003

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 #CUP23-0003, 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 South Adams County Water and Sanitation District (SACWSD) (“Applicant”), only for its operations on the property set forth in Exhibit A, generally located at the northeast corner of E. 74th Place and Quebec Street, consisting of approximately 9.738 acres (“Property”).

NOW THEREFORE, the conditional use permit applied for in Case #CUP23-0003 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:

Water treatment facility

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

- A. South Adams County Water and Sanitation District (SACWSD) shall cause the Property to be established as a legal parcel, either through subdivision or through a warranty deed as provided in LDC Sec. 21-6100(2)(c). The applicant shall provide a copy of the warranty deed to the City.
- B. Landscaping required per LDC Article 7, Division 5 (including a minimum of 20 trees and 91 shrubs) shall be provided and concentrated on the west side of the subject property to provide additional buffer to existing Quebec Street and neighboring properties.
- C. Commercial vehicles greater than two (2) axles shall not enter or exit through the access from Quebec Street, on the west side of the property.
- D. A drainage easement over the proposed storm water retention area shall be dedicated at the time of final plat of the property.

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 #CUP23-0003 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 4th Day of March, 2024.

CITY OF COMMERCE CITY, COLORADO

Steven Douglas, Mayor

ATTEST

Dylan A. Gibson, City Clerk

EXHIBIT A

A portion of Parcel 2 conveyed to Kroenke CC Properties, LLC filed October 27, 2014 at Reception Number 2014000074245 as corrected by Correction Bargain and Sale Deed filed November 16, 2016 at Reception Number 2016000098828 in Section 33, Township 2 South, Range 67 West of the Sixth Principal Meridian, Commerce City, Adams County, Colorado, described as follows:

Note:

1. The Basis of Bearings is the west line of the southwest quarter of Section 33, T2S, R67W 6th P.M., as monumented with a 3.25" aluminum cap PLS 34183 at the south end and a 3.25" aluminum cap PLS 16109 at the north end with a grid bearing of N 00°36'58" W.
2. All directions, distances and dimensions are based on modified coordinates from the Colorado coordinate system of 1983 central zone (C.R.S. 38-52-102). CSF=1.000104592 Origin 0,0.

Commencing at the northwest corner of the southwest quarter of Section 33, a 3.25" aluminum cap PLS 16109;

Thence N 89°37'43" E, along the north line of said southwest quarter, a distance of 60.00 feet, more or less, to a point on the westerly line of said Parcel 2 and the POINT OF BEGINNING;

Thence N 89°37'43" E, continuing along said north line, a distance of 546.64 feet, more or less, to a pin and orange plastic cap PLS 25645 at the northwest corner of that parcel conveyed to South Adams County Water and Sanitation District filed October 8, 2014 at Reception Number 2014000096547, said point also being the northeast corner of Parcel A as described in Deed to City of Commerce City, Colorado filed August 27, 2007 at Reception Number 2007000082031;

Thence S 00°35'27" E, along the easterly line of said Parcel A, a distance of 775.90 feet, more or less, to a pin and yellow plastic cap PLS 14815 at the southeast corner of said Parcel A;

Thence S 89°35'56" W, along the southerly line of said Parcel A, a distance of 546.30 feet, more or less, to a pin and orange plastic cap PLS 37898 being the southwesterly corner of said Parcel 2 and being 60 feet east of the west line of said southwest quarter;

Thence N 00°36'58" W, along the westerly line of said Parcel 2, parallel with and 60 feet distant from said west line, a distance of 776.18 feet to the POINT OF BEGINNING.

Containing 9.736 acres more or less.