



City Council of Commerce City

Regular Meeting Agenda

Council Chambers, 7887 E. 60th Ave.

Monday, April 4, 2011, 6:30 p.m.

(TIMES INDICATED NEXT TO AGENDA ITEMS ARE AN APPROXIMATE START TIME ONLY)

1. Call to Order - 6:30

2. Roll Call - 6:35

3. Pledge of Allegiance

4. Audience Introduction - 6:40

5. Presentations & Proclamations

a) 6:45 Metropolitan Mayors and Commissioners Youth Award **Tab 1**
(MMCYA)

6. Citizen Communication - 7:00

Two Public Comment Rosters are available immediately inside the Council Chambers. Anyone who would like to address Council will be given the opportunity after signing one of the rosters. Speakers should limit their comments to three minutes.

7. Consent Agenda - 7:15

a) **Ordinance 1850 AN ORDINANCE AMENDING Tab 2**
SECTION 12-8001 ENTITLED "FRAUD BY CHECK" OF

7. Consent Agenda - 7:15

THE REVISED MUNICIPAL CODE OF THE CITY OF COMMERCE CITY.

- b) **Ordinance 1855** AN ORDINANCE AMENDING SECTIONS 23-4 AND 23-5 OF CHAPTER 23 OF THE REVISED MUNICIPAL CODE OF THE CITY OF COMMERCE CITY, COLORADO RELATIVE TO GENERAL AGENCY ASSIGNMENTS AND SPECIFIC HAZARD ASSIGNMENTS SET FORTH IN THE EMERGENCY OPERATIONS PLAN FOR THE CITY OF COMMERCE CITY, COLORADO. **Tab 3**

8. Public Hearing

- a) 7:20 **Ordinance Z-895-11** AN ORDINANCE APPROVING THE PUD ZONE DOCUMENT ATTACHED HERETO AS EXHIBIT A AND MADE A PART HEREOF WHICH REZONES THE PROPERTY DESCRIBED THEREIN, WHICH IS LOCATED AT 6120 EAST 58TH AVENUE, COMMERCE CITY, COLORADO, FROM I-1 TO PUD ZONE DISTRICT AND AMENDING THE ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO TO REFLECT SAID REZONING. **Tab 4**

9. Ordinance on 1st Reading

- a) 7:40 **Ordinance 1856** AN ORDINANCE AMENDING THE 2011 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE COLORADO DEPARTMENT OF TRANSPORTATION GRANT IN THE AMOUNT OF \$6,000 FOR THE POLICE SEATBELT ENFORCEMENT OF THE CLICK IT OR TICKET PROGRAM AND AUTHORIZATION OF THE EXPENDITURE THEREOF. **Tab 5**
- b) 7:45 **Ordinance 1857** AN ORDINANCE AMENDING THE 2011 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE GOVERNOR’S ENERGY OFFICE SPECIAL EVENT **Tab 6**

9. Ordinance on 1st Reading

GRANT IN THE AMOUNT OF \$500 TO PURCHASE TREE SEEDLINGS AND PRINTED MATERIAL PROMOTING EFFECTIVE WATER USAGE AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.

10. Ordinance on 2nd Reading

- a) 7:50 **Ordinance 1851** AN ORDINANCE AMENDING CHAPTER 7 OF THE COMMERCE CITY REVISED MUNICIPAL CODE BY THE ADDITION OF SECTION 7-1014 PROHIBITING SMOKING IN CITY PARKS, TRAILS, OPEN SPACES AND RECREATION FACILITIES, WITH CERTAIN EXCEPTIONS. **Tab 7**

11. Council Business

- a) 7:55 Discussion regarding meeting requested by Congresswoman DeGette on naming the Rocky Mountain Arsenal National Wildlife Refuge Visitors Center. **Tab 8**

12. Executive Session - 8:20

- a) Executive Session pursuant to C.R.S. 24-6-402(4)(e) for the purpose of determining positions relative to matters that may be subject to negotiations concerning an economic development opportunity in Commerce City

13. Administrative Council Business - 8:50

14. Legislative Update - 9:05

15. Reports - 9:10

16. Adjourn - 9:25



Council Communication

City Council Meeting: 04 Apr 2011

Prepared: 07 Mar 2011

Number of Attachments: None

Subject: Metropolitan Mayors and Commissioners Youth Award (MMCYA)

Presenter: Mayor Paul Natale

Recommended City Council Action:

Recognize the Commerce City MMCYA nominees.

Summary Statement:

The Metropolitan Mayors and Commissioners Youth Award (MMCYA) is an award that recognizes teenagers between the ages of 13 and 19 who have overcome personal adversity and created positive change in their lives. The awards program provides business, community, and civic leaders an opportunity to actively demonstrate their belief in and support for the young people in our communities.

How it works:

- Teens in the community are nominated by parents, teachers, coaches, etc.
- Their nominations are submitted with all other cities nominees in the representing county (Commerce City participates in the Adams County selection process.) The 20 highest scoring names in Adams County are recognized at the county recognition dinner.
- All nominees from the individual cities are recognized at their local City Council meetings.

Tonight we are here to recognize our Commerce City nominees. This year we had two individuals nominated, both of whom we will recognize at tonight's City Council meeting.

Mulbah Dolley

Mulbah is 17 and is a junior at Venture Prep. Although life has dealt him tough cards to work with, Mulbah has come out on top. Despite the overwhelming situations of his past, Mulbah is an amazing young man who has helped his 11 person Liberian refugee family adjust to and succeed with life in America. He is currently working, holding a 3.75 GPA at school, and is college bound after graduation. It is no wonder he is a great role model for his younger siblings and others around him.

Rosa Carmona

Rosa is 14 and an 8th grader at Adams City Middle School. Despite family hardships, Rose is a determined young lady who doesn't quit in the face of adversity. She is a member of the National Junior Honor Society, a part of her school's Get Real coalition chapter, AVID student, holds a 3.47 GPA, and was accepted into the University of Colorado's Pre Collegiate Development Program. On top of all that, she cares for the needs of others and is always willing to help out. It is obvious why her nominator states that "Rosa makes Adams City Middle School a better place with her presence and hard work."

Next Steps: N/A

Expenditure Required: N/A

Source of Funds:

Policy Issue: N/A

Alternative: N/A

Background Information:

N/A



Council Communication

City Council Meeting: 04 Apr 2011

Prepared: 01 Mar 2011

Number of Attachments: one

Subject: Municipal Code Amendment: "Fraud by Check"

Presenter: Roger Tinklenberg

Recommended City Council Action:

Approve the ordinance on its second reading.

Summary Statement:

The City has been experiencing difficulty with regard to receipt of bad checks for payment of sales and use taxes owed to the City. The process has been for Finance to first notify the taxpayer of the bad check. If a satisfactory response is not received, then the case is referred to the City Attorney's Office in order for that office to contact the taxpayer and advise of the need to satisfy the tax obligation.

If the City Attorney's Office fails to receive cooperation with regard to payment of the bad check, there is no choice to the City but to either write off the claim or to proceed with legal action. The recommended approach is to proceed in the Municipal Court rather than the Adams County Court in Brighton for checks written for less than \$1,000.00. If the check is written for \$1,000.00 or more, it is a felony and the case must be filed in the District Court of Adams County.

In order to proceed in the Municipal Court, an ordinance is necessary to amend the Revised Municipal Code.

Next Steps: Approve the ordinance on second reading.

Expenditure Required: None

Source of Funds: N.A.

Policy Issue: It is desirable to handle cases involving less than \$1,000.00 locally in the Municipal Court.

Alternative: Take no action.

Background Information:

Certain businesses have become chronic issuers of bad checks and it is necessary to have another enforcement tool available.

ORDINANCE NO. 1850

INTRODUCED BY: BENSON, BULLOCK, CARSON, JOHNSON, MCELDFOWNEY, MORENO, NATALE, SNYDER, TETER

AN ORDINANCE AMENDING SECTION 12-8001 ENTITLED "FRAUD BY CHECK" OF THE REVISED MUNICIPAL CODE OF THE CITY OF COMMERCE CITY.

WHEREAS, an amendment to Section 12-8001 entitled "Fraud by check" of the Revised Municipal Code of the City of Commerce City is required in order to prosecute the writer of a check for issuance of a check when the writer has no account with the bank upon which the check is drawn at the time he issues the check or has insufficient funds upon deposit with the bank on which the check is drawn with which to pay the check.

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

SECTION 1. Section 12-8001 entitled "Fraud by check" of the Commerce City Revised Municipal Code is amended to read as follows:

Sec. 12-8001. Fraud by check.

- (1) It shall be unlawful for any person knowing he/she has insufficient funds with the drawee to issue a check in an amount less than one thousand dollars (\$1,000.00) for the payment of services, wages, salary, commissions, labor, rent, money, property, taxes, debt or other thing of value.
- (2) For purposes of this section, the issuer's knowledge of insufficient funds is presumed except in the case of a post-dated check or order, if:
 - (a) He has no account upon which the check or order is drawn with the bank or other drawee at the time he issues the check or order; or
 - (b) He has insufficient funds upon deposit with the bank or other drawee to pay the check or order on presentation within thirty (30) days after issue.
- (3) If a deferred prosecution, deferred sentence or suspended sentence is ordered, the court as a condition of supervision or suspended sentence shall require the defendant to make restitution on all checks issued by the defendant which are the subject of charges in the case and are unpaid as of the date of imposition of the suspended sentence or as of the date of commencement of the order for deferred prosecution or deferred sentence in addition to other terms and conditions as determined by the court to be appropriate for the treatment or rehabilitation of the defendant.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED THIS 7th DAY OF MARCH, 2011.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THIS 4th DAY OF APRIL,
2011.

CITY OF COMMERCE CITY, COLORADO

BY: _____
Paul Natale, Mayor

ATTEST:

Laura J. Bauer, CMC, City Clerk



Council Communication

City Council Meeting: 04 Apr 2011

Prepared: 24 Feb 2011

Number of Attachments: 1

Subject: Ordinance Amending the City Emergency Operations Plan, reflecting the City's assumption of the responsibilities of the Designated Emergency Response Authority

Presenter: Alan Colon

Recommended City Council Action:

Approval and adoption of the ordinance on second reading

Summary Statement:

- An Ordinance amending Sections 23-4 and 23-5 of Chapter 23 of the Revised Municipal Code of the City of Commerce City, Colorado relative to general agency assignments and specific hazard assignments set forth in the Emergency Operations Plan for the City of Commerce City, Colorado.
- The proposed ordinance would modify the current agency and department assignments of responsibility, moving the responsibility for hazardous materials from the Fire Department to the City of Commerce City.

Next Steps: Second reading and final passage.

Expenditure Required: No direct costs.

Source of Funds: Current budgets.

Policy Issue: The current ordinance conflicts with the proposed Resolution 2011-10, which would make the City the Designated Emergency Response Authority

(DERA) for hazardous materials incidents. Without the ordinance amendment, there would be a conflict between our statutory responsibilities as the DERA as assumed by Resolution 2011-10, and the task assignments specified in ordinance.

Alternative: Decline to adopt Resolution 2011-10 and this proposed ordinance amendment.

Background Information:

The Board of Directors for the South Adams County Fire Protection District has passed a resolution supporting the City becoming the Designated Emergency Response Authority. A copy of the signed Fire Board resolution is attached to the Council Communications for this ordinance, and to the Council Communications for Resolution 2011-10.

ORDINANCE NO. 1855

INTRODUCED BY: BENSON, BULLOCK, CARSON, JOHNSON, MCELDFOWNEY, MORENO, NATALE, SNYDER, TETER

AN ORDINANCE AMENDING SECTIONS 23-4 AND 23-5 OF CHAPTER 23 OF THE REVISED MUNICIPAL CODE OF THE CITY OF COMMERCE CITY, COLORADO RELATIVE TO GENERAL AGENCY ASSIGNMENTS AND SPECIFIC HAZARD ASSIGNMENTS SET FORTH IN THE EMERGENCY OPERATIONS PLAN FOR THE CITY OF COMMERCE CITY, COLORADO.

WHEREAS, Colorado Revised Statute 29-22-102(3)(a) provides that the fire district having jurisdiction within the city limits of a municipality shall be the Designated Emergency Response Authority (“DERA”) unless such municipality passes an ordinance or resolution designating itself as the DERA; and

WHEREAS, it is most expedient if Commerce City takes responsibility as the DERA and relieves the fire district from such responsibility; and

WHEREAS, the Board of Directors of the South Adams County Fire Protection District has endorsed Commerce City taking upon itself the statutory responsibilities of the DERA.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO AS FOLLOWS:

SECTION 1. Section 23-4 of Chapter 23 of the Revised Municipal Code of the City of Commerce City entitled “Task assignments” under the Emergency Operations Plan of the City of Commerce City is amended as follows:

Sec. 23-4. Task assignments.

(a) *General agency assignments (see also emergency support function matrix, Table A)*

...

Decontamination	Commerce City Emergency Management
Concurrent Responsibilities	South Adams County Fire
	Tri-County Health
	Public Works

...

(b) *Specific hazard assignments (see also specific hazard emergency support matrix, Table B)*

...

Hazardous Materials	
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Lead Agency	Commerce City Emergency Management
Concurrent Responsibilities	South Adams County Fire
	Commerce City Police
	Public Works
	Tri-County Health

SECTION 2. Subsection (b)(13) of Section 23-5 of Chapter 23 of the Revised Municipal Code of the City of Commerce City relative to the responsibilities of the Fire Department under the Emergency Operations Plan of the City of Commerce City is amended to delete subsections f. and g. of said subsection (b)(13) and renumbering the subsections thereafter to read as follows:

Sec. 23-5. Organization and responsibilities.

...

(b) Responsibilities.

(13) The Fire Department is responsible for:

- a. Directing and conducting all types of fire-related and emergency medical events, unless the nature of the emergency requires the Police Department to take lead agency status;
- b. Providing all regularly assigned functions relating to fire prevention and control to minimize loss of life and property due to fire;
- c. Establishing a field command post or supplying personnel to an already established command post in an emergency or disaster situation;
- d. Providing a representative to the City emergency operations center;
- e. Providing initial communications between the emergency operations center and the affected area when needed, and providing the initial damage report to the emergency operations center;
- f. Providing emergency medical transportation to a hospital or other designated emergency medical treatment facility;
- g. Providing emergency medical assistance to all shelters in operation in order of most emergent situation;
- h. Providing emergency medical care triage sites;
- i. Concurrent search and rescue operations with Adams County sheriff's office;
- j. Urban search and rescue, and technical rescue are the responsibility of the South Adams County Fire Department.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED THIS
7th DAY OF MARCH, 2011.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THIS
4th DAY OF APRIL, 2011.

CITY OF COMMERCE CITY, COLORADO

BY: _____
Paul Natale, Mayor

ATTEST:

Laura J. Bauer, CMC, City Clerk

**RESOLUTION OF THE
BOARD OF DIRECTORS OF THE SOUTH ADAMS
COUNTY FIRE PROTECTION DISTRICT NO. 4
IN SUPPORT OF THE CITY COUNCIL OF THE CITY OF COMMERCE CITY
ASSUMING THE DUTIES AND RESPONSIBILITIES OF THE DESIGNATED
EMERGENCY RESPONSE AUTHORITY (“DERA”) FOR COMMERCE CITY**

Resolution No. 2011- 01

WHEREAS, Colorado Revised Statutes, § 29-22-102(3)(a) provides as follows:

“The governing body of every town, city, and city and county shall designate by ordinance or resolution an emergency response authority or authorities for hazardous substance incidents occurring within the corporate limits of such town, city, and city and county. Unless otherwise designated by ordinance or resolution, the fire authority having responsibility for the corporate limits of such town, city, or city and county shall be the designated emergency response authority;” and

WHEREAS, pursuant to said section, the South Adams County Fire Protection District has served as the DERA for the City of Commerce City; and

WHEREAS, as the DERA, the South Adams County Fire Protection District has been responsible for providing and maintaining the capability for emergency response to hazardous substance incidents occurring within its jurisdiction, and for providing substantial administrative and financial resources in connection with the fulfillment of that responsibility; and

WHEREAS, the City of Commerce City has determined that it is prepared to assume all of the responsibilities inherent in serving as the DERA for the City of Commerce City; and

WHEREAS, the Board of Directors of the South Adams County Fire Protection District hereby finds that the City of Commerce City is willing and able to assume and fulfill all of the responsibilities inherent in becoming the DERA.

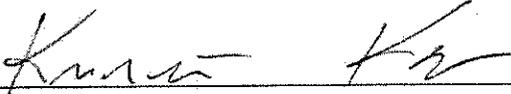
IT IS HEREBY RESOLVED AS FOLLOWS:

1. That the Board of Directors of the South Adams County Fire Protection District supports and encourages the passage of an appropriate Resolution by the City Council of the City of Commerce City, designating the City of Commerce City as the DERA throughout the municipal boundaries of the Commerce City, and

2. That the South Adams County Fire Protection District will continue to assist and cooperate with the City of Commerce City to support the City’s fulfillment of its responsibilities as the DERA.

RESOLVED AND APPROVED BY MOTION this 15th day of February, 2011.

BY THE BOARD OF DIRECTORS OF THE SOUTH
ADAMS COUNTY FIRE PROTECTION DISTRICT



Kenneth Koger,
Board President

ATTEST:



Randy Buckalew, Secretary



Council Communication

City Council Meeting: 04 Apr 2011

Prepared: 18 Mar 2011

Number of Attachments: 6

Subject: Case Z-895-11: A request to rezone property from an I-1 designation to a PUD designation.

Presenter: Paul Workman, City Planner

Recommended City Council Action:

Approval with conditions per Planning Commission's recommendation

Summary Statement:

Certol International is requesting to rezone their property located at 6120 E. 58th Avenue from the current I-1 Light Intensity Industrial designation to a Planned Unit Development (PUD) designation.

Next Steps: N/A

Expenditure Required: N/A

Source of Funds: N/A

Policy Issue: N/A

- Alternative:**
1. Approve the request as submitted by the applicant.
 2. Approve the request subject to conditions (recommend by Planning Commission).
 3. Deny the request.

Background Information:

Certol International is a manufacturer of medical, dental, and industrial infection control products. They have submitted this application so that the current use of their property is legal and conforming. The applicant purchased the property in 2003 and

has been running their business at this site since that time. In order to continue their successful business operations, the applicant needs to move their existing storage tanks for Hydrochloric Acid and Alcohol outside the building and they hope to install additional tanks in the future as their business continues to grow. Certol blends these materials with other ingredients to produce some of their infection control and cleaning products. This process and their materials require a more intense industrial zone district (I-3) than the current designation (I-1) for the property. Rather than rezone the property to a straight zone district that would allow for their use plus a variety of more intense industrial uses, the applicant has submitted this PUD Zone Document that would generally keep the integrity of the I-1 zone district while allowing Certol's operations. The Development Review Team (DRT) and Planning Commission felt that this request was a good compromise in order to meet the needs of the applicant and maintain the zoning integrity of the area. Please see the attached Planning Commission minutes for detailed background and discussion

ORDINANCE NO: Z-895-11

INTRODUCED BY: _____

AN ORDINANCE APPROVING THE PUD ZONE DOCUMENT ATTACHED HERETO AS EXHIBIT A AND MADE A PART HEREOF WHICH REZONES THE PROPERTY DESCRIBED THEREIN, WHICH IS LOCATED AT 6120 EAST 60TH AVENUE, COMMERCE CITY, COLORADO, FROM I-1 TO PUD ZONE DISTRICT AND AMENDING THE ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO TO REFLECT SAID REZONING.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO, AS FOLLOWS:

SECTION 1. The City Council of the City of Commerce City, Colorado, finds and declares that it has caused to be published in the Commerce City Sentinel Express, a legal newspaper of general circulation in the City of Commerce City, Notice of Public Hearing by the Planning Commission of the City of Commerce City, held March 1, 2011, concerning land hereinafter described, and that said Notice was published February 22, 2011, and that said Hearing was conducted all in compliance with law.

SECTION 2. The City Council of the City of Commerce City, Colorado further finds and declares that it has caused to be published in the Commerce City Sentinel Express, a legal newspaper of general circulation in the City of Commerce City, Notice of Public Hearing held on April 4, 2011, regarding rezoning of land hereinafter described, and that said Notice was published March 22, 2011, and that said Hearing was conducted all in compliance with law.

SECTION 3. That the PUD Zone Document attached hereto as Exhibit "A" and incorporated by this reference is approved and that the land specifically described in Exhibit "A" is hereby rezoned from I-1 to PUD as defined in the Commerce City Land Development Code subject to the conditions stated below.

SECTION 4. That the zoning map of the City of Commerce City, Colorado be and is hereby amended to reflect the zoning amendment as provided in this ordinance.

SECTION 5. That the rezoning is approved from I-1 to PUD subject to the following conditions:

- A. The applicant shall be required to maintain accurate records with the City's Office of Emergency Management and they shall be responsible for immediately notify the City's Office of Emergency Management in the case of emergency.
- B. The applicant shall be required to stay current with all necessary permits from regulating bodies.

SECTION 6. Failure to comply with any or all of the said conditions shall constitute basis for rezoning of the subject property to that zoning existing immediately prior to passage of this ordinance, it being expressly determined by this City Council that the rezoning herein granted is not proper zoning 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 violations of any 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 any of the conditions set forth in this ordinance, 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.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED this 4th day of April, 2011.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED this 25th day of April, 2011.

CITY OF COMMERCE CITY, COLORADO

BY _____
Paul Natale, Mayor

ATTEST:

Laura J. Bauer, City Clerk

Exhibit "A"
**(SHOULD BE THE ZONE DOCUMENT BEING
APPROVED)**

CERTOL INTERNATIONAL, LLC

A PLANNED UNIT DEVELOPMENT IN THE CITY OF COMMERCE CITY, COUNTY OF ADAMS, STATE OF COLORADO

SHEET 1 OF 2

APPROVAL CERTIFICATES:

PLANNING COMMISSION:

APPROVED BY THE CITY OF COMMERCE CITY PLANNING COMMISSION
THIS ____ DAY OF _____, 2011

CHAIRPERSON _____

CITY COUNCIL:

APPROVED BY THE CITY OF COMMERCE CITY, CITY COUNCIL
THIS ____ DAY OF _____, 2011

ATTEST: _____
CITY CLERK MAYOR

OWNER'S CERTIFICATE:

EDWARD A. CASSINIS BEING THE OWNER OF THE PROPERTY LOCATED
IN THE COUNTY OF ADAMS, STATE OF COLORADO, DOES HEREBY
SUBMIT THIS PLANNED UNIT DEVELOPMENT AND AGREE TO PERFORM
UNDER THE TERMS NOTED HEREON.

EDWARD A. CASSINIS _____

ACKNOWLEDGEMENT:

STATE OF COLORADO)
COUNTY OF _____)

THE FOREGOING OWNERSHIP CERTIFICATE WAS ACKNOWLEDGED
BEFORE ME
THIS ____ DAY OF _____, 2011 BY _____
AS _____
ON ITS BEHALF.

NOTARY PUBLIC _____
MY COMMISSION EXPIRES _____

CLERK & RECORDER

THIS PUD ZONE DOCUMENT WAS FILED FOR RECORD IN THE OFFICE OF
ADAMS COUNTY CLERK AND RECORDER IN THE STATE OF COLORADO
AT ____ O'CLOCK ____ M, THIS ____ DAY OF _____, 2011

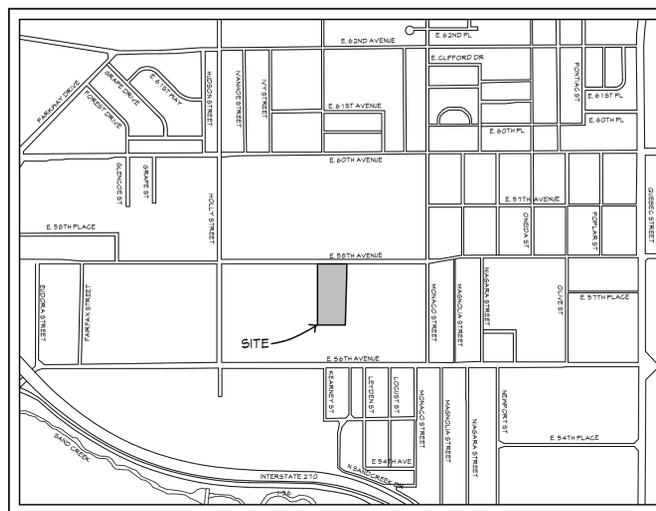
COUNTY CLERK AND RECORDER _____

RECEPTION NO: _____

LAND USE SCHEDULE	
SITE AREA	6.1943 ACRES (269,822 SQ. FT.)
EXISTING BUILDING AREA	37,716 SQ. FT.
EXISTING F.A.R.	0.139
EXISTING DETENTION POND	10,471 SQ. FT. (STORMWATER DETENTION)
EXISTING CONTAINMENT POND	3,111 SQ. FT. (INTERIOR/EXTERIOR SPILL CONTROL & CONTAINMENT)
PAVED AREA	68,282 SQ. FT. (ASPHALT DRIVE LANES & PARKING) 14,970 SQ. FT. (CONCRETE DOCK & DELIVERY AREAS) 83,252 SQ. FT. TOTAL PAVED AREA
LANDSCAPED AREA	44,874 SQ. FT.
UNDEVELOPED (NATIVE SEED AREA)	90,398 SQ. FT.

DEVELOPMENT STANDARDS	
MINIMUM GROSS FLOOR AREA	NONE
MINIMUM DENSITY	NONE
MAXIMUM DENSITY	NONE
MINIMUM FLOOR AREA RATIO	0.15 WITH THE OPTION OF 0.10 WITH THE DIFFERENCE IN ADDITIONAL LANDSCAPING. THE LOCATION OF ADDITIONAL LANDSCAPING SHALL CORRESPOND TO THE REQUIREMENTS OUTLINED IN THE COMMERCE CITY LANDSCAPE ORDINANCE AS ADOPTED OR AMENDED
MAXIMUM FLOOR AREA RATIO	NONE
MINIMUM LOT SIZE	30,000 S.F.
MAXIMUM LOT SIZE	NONE
MINIMUM LOT FRONTAGE	80 FEET
MINIMUM FRONT YARD SETBACK	20 FEET
MAXIMUM FRONT YARD SETBACK	75 FEET
MINIMUM SIDE YARD SETBACK	5 FEET ON EITHER SIDE WITH A MINIMUM OF 30 FEET TOTAL FOR BOTH SETBACKS. MAINTAIN A MINIMUM STRUCTURE SEPARATION OF 25 FEET BETWEEN BUILDINGS ACROSS SIDE PROPERTY LINES
MAXIMUM SIDE YARD SETBACK	NONE
MINIMUM REAR YARD SETBACK	20 FEET
MINIMUM BUILDING HEIGHT	15 FEET
MAXIMUM BUILDING HEIGHT	50 FEET
BUILDING LOCATION	NO BUILDING SHALL BE LOCATED LESS THAN 25 FEET FROM THE BOUNDARY OF ANY RESIDENTIAL ZONE DISTRICT
BUILDING SEPARATION	25 FEET
LANDSCAPE AND OPEN SPACE	ALL APPLICABLE LANDSCAPE AREAS AND OPEN SPACE TREATMENT AREAS SHALL BE GOVERNED BY THE COMMERCE CITY LAND DEVELOPMENT CODE AS ADOPTED OR AMENDED
PARKING	PARKING AND LOADING THROUGHOUT THE PUD AREA SHALL CONFORM WITH ALL COMMERCE CITY REQUIREMENTS GOVERNING PARKING
SIGNAGE	THE EXISTING SIGN IDENTIFIED ON THE SITE PLAN ON THE NORTH END OF THE PROPERTY IS MADE LEGAL AND CONFORMING BY THIS PUD. HOWEVER, ANY CHANGES TO THE HEIGHT, SIZE, OR LOCATION OF THIS SIGN WILL REQUIRE THE SIGN TO MEET THE REQUIREMENTS OF THE COMMERCE CITY LAND DEVELOPMENT CODE AS ADOPTED OR AMENDED. NON-ILLUMINATED INFORMATIONAL OR INSTRUCTIONAL SIGNAGE AS CLASSIFIED IN THE COMMERCE CITY LAND DEVELOPMENT CODE THAT ARE 10-SQUARE FEET OR LESS AND USED FOR THE PURPOSE OF DIRECTING VEHICLE TRAFFIC, PEDESTRIAN TRAVEL, OR EMERGENCY RESPONSE SHALL BE ALLOWED AS NECESSARY AND DO NOT REQUIRE A SIGN PERMIT TO BE APPROVED BY THE COMMERCE CITY PLANNING DIVISION OR THE COMMERCE CITY BUILDING SAFETY DIVISION ANY SIGNAGE NOT FALLING INTO THE ABOVE MENTIONED CATEGORIES SHALL MEET THE STANDARDS IDENTIFIED IN THE COMMERCE CITY LAND DEVELOPMENT CODE AS ADOPTED OR AMENDED

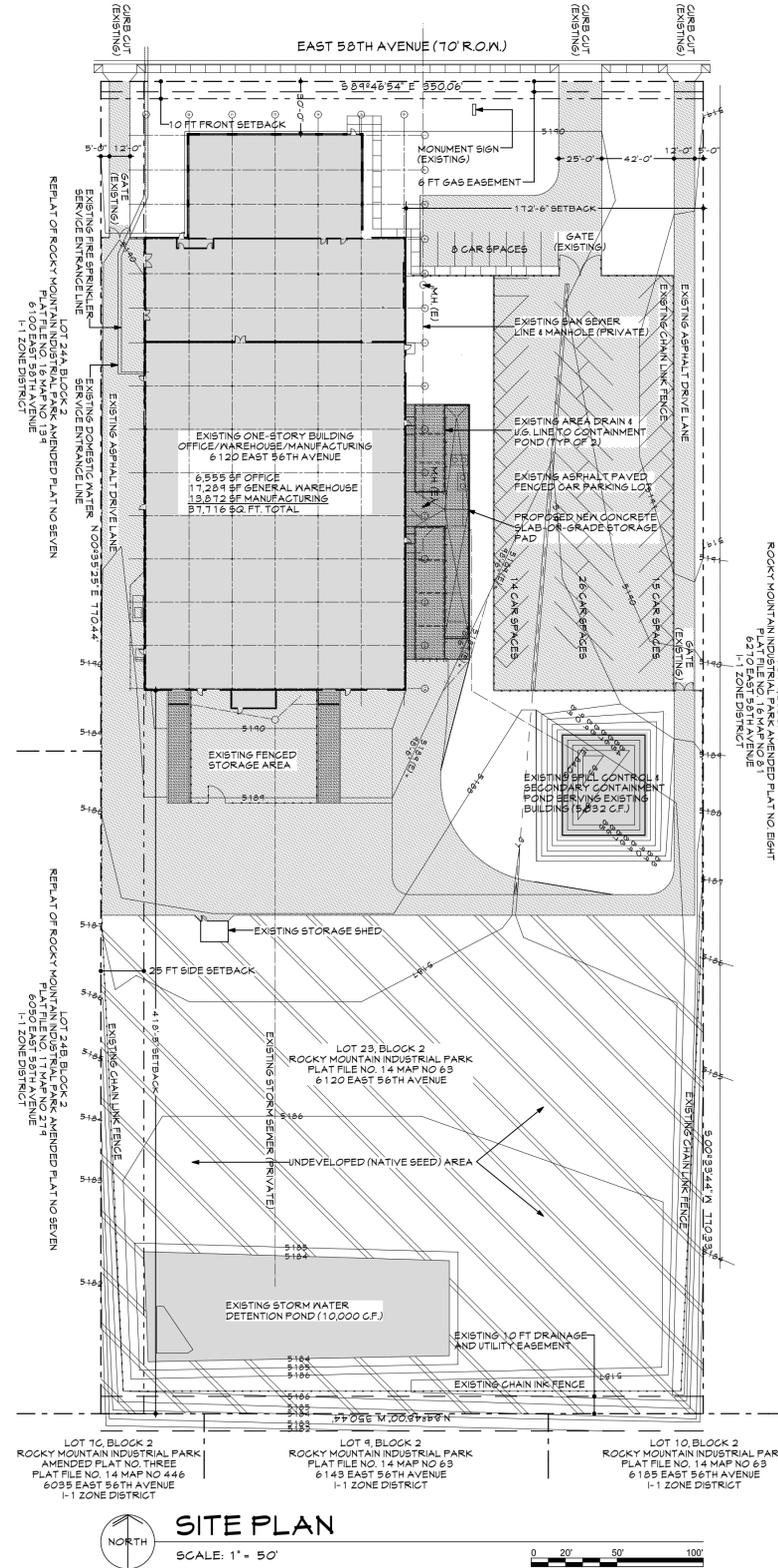
GENERAL NOTES AND DESIGN STANDARDS	
ADDITIONAL REQUIREMENTS:	ITEMS NOT ADDRESSED IN THIS PUD ZONE DOCUMENT SHALL MEET THE REQUIREMENTS FOUND FOR THOSE ITEMS IN THE COMMERCE CITY LAND DEVELOPMENT CODE AS ADOPTED OR AMENDED. PROPOSED USES THAT ARE NOT SPECIFICALLY ADDRESSED AS A PART OF THIS PUD SHALL BE GOVERNED BY THE I-1 ZONE DISTRICT IN THE LAND USE TABLE FOUND IN THE COMMERCE CITY LAND DEVELOPMENT CODE AS ADOPTED OR AMENDED AND ANY CONFLICTS BETWEEN THE LAND USE TABLE IN THIS PUD AND THE LAND USE TABLE IN THE LAND DEVELOPMENT CODE SHALL BE GOVERNED BY THE LAND USE TABLE IN THIS PUD. CHANGES TO THE SITE PLAN ON 'SHEET TWO' OF THIS PUD SHALL NOT REQUIRE A PUD AMENDMENT, BUT MAY BE SUBJECT TO STANDARD REVIEW PROCESSES FOUND IN THE COMMERCE CITY LAND DEVELOPMENT CODE AS ADOPTED OR AMENDED.
ARCHITECTURAL STANDARDS:	ANY NEW STRUCTURES OR ADDITIONS TO THE EXISTING STRUCTURE SHALL MEET THE INDUSTRIAL DESIGN GUIDELINES IN THE COMMERCE CITY LAND DEVELOPMENT CODE AS ADOPTED OR AMENDED AND SHALL BE COMPATIBLE WITH THE MATERIALS FOUND ON THE EXISTING STRUCTURE AND GENERALLY FOUND IN THE NEIGHBORHOOD
FENCING, WALL, AND GATE STANDARDS:	ALL FENCING, WALLS, AND GATES LOCATED ON THIS PROPERTY MUST MEET THE CRITERIA FOR THESE ITEMS FOUND IN THE COMMERCE CITY LAND DEVELOPMENT CODE AS ADOPTED OR AMENDED.
BULK STANDARD MEASUREMENTS:	REQUIREMENTS FOR BUILDING AND STRUCTURE SETBACKS SHALL BE MEASURED FROM THE FACE OF THE BUILDING OR STRUCTURE FOUNDATION WALL TO THE PROPERTY LINE AND OVERHANGS INTO THE IDENTIFIED SETBACK REQUIREMENTS SHALL BE GOVERNED BY THE COMMERCE CITY LAND DEVELOPMENT CODE AS ADOPTED OR AMENDED. THE HEIGHT OF OUTDOOR STORAGE TANKS SHALL BE MEASURED FROM GRADE.
THE PROPERTY OWNER WILL MAINTAIN DETENTION, WATER QUALITY AND/OR RETENTION AREAS:	DETENTION AREAS WILL BE RE-VEGETATED WITH NON-IRRIGATED NATIVE GRASS. THE PROPERTY OWNER WILL NOT ALLOW MORE THAN 12 INCHES OF RAIN OR SNOWMELT WATER ACCUMULATION WITHIN THE CONTAINMENT POND AND SHALL PROMPTLY REMOVE SUCH ACCUMULATION WITHOUT DIRECTION FROM ANY COMMERCE CITY AGENCY



CERTOL INTERNATIONAL, LLC

A PLANNED UNIT DEVELOPMENT IN THE CITY OF COMMERCE CITY, COUNTY OF ADAMS, STATE OF COLORADO

SHEET 2 OF 2



SITE PLAN
SCALE: 1" = 50'

USE CLASSIFICATION	SPECIFIC USE TYPE	USE BY RIGHT	EXCLUDED
COMMERCIAL			
ADULT BUSINESSES	SEXUALLY ORIENTED BUSINESSES	X	
	ANIMAL BOARDING (INDOOR/OUTDOOR KENNELS) AND TRAINING	X	
ANIMAL SERVICES	DOG/DAY CARE CENTERS	X	
	VETERINARY OFFICES OR CLINICS	X	
BUILDING MATERIALS & SERVICES (RETAIL)	RETAIL SALE OF PLUMBING, ELECTRICAL, LUMBER & BUILDING EQUIPMENT - WITHOUT OUTDOOR STORAGE	X	
	RETAIL SALE OF LANDSCAPE EQUIPMENT, HARDSCAPE MATERIALS - WITHOUT OUTDOOR STORAGE	X	
EATING & DRINKING ESTABLISHMENTS	BAR, TAVERN, NIGHT CLUB	X	
	CATERING SERVICES	X	
	RESTAURANT WITH DRIVE-THRU/UP	X	
	RESTAURANT WITHOUT DRIVE-THRU/UP	X	
FINANCIAL INSTITUTIONS	BANK OR FINANCIAL INSTITUTION	X	
FOOD AND BEVERAGE SERVICES	CONVENIENCE STORE/SMOCCO STORE (WITH OR WITHOUT FUEL SALES), LIQUOR STORE, ALL OTHER SIMILAR USES (DELICATESSEN, RETAIL BAKERY, SPECIALTY FOOD MARKET, COFFEE SHOP)	X	
FUNERAL AND INTERMENT SERVICES	CEMETERY/PET CEMETERY/MAUSOLEUM, CREMATORY OR MAUSOLEUM WHEN INCIDENTAL OR SUPPLEMENTAL TO PRIMARY CEMETERY USE, CREMATORY AS PRINCIPAL USE, FUNERAL HOME	X	
OFFICE	BUSINESS OR PROFESSIONAL (INCLUDING MEDICAL/DENTAL OFFICE/CLINICS) COURIER SERVICES	X	
	MASSAGE THERAPY OFFICES/CLINICS	X	
	MEDICAL MARIJUANA DISPENSARIES	X	
PERSONAL SERVICES	INSTRUCTIONAL SERVICES/STUDIOS, AND SIMILAR USES	X	
	BAIL BONDS, TEMPORARY/DAY LABOR FACILITIES/OFFICES	X	
RECREATION OR AMUSEMENT FACILITIES, PRIVATE	BINGO ESTABLISHMENTS/SOCIAL GAMING OUTLET PERFORMANCE CENTERS, BOWLING, BILLIARDS, AND SIMILAR USES	X	
	MOVIE THEATERS, HEALTH CLUBS, AND SIMILAR USES	X	
REPAIR SERVICES (NOT INCLUDING VEHICLES)	FURNITURE OR MAJOR HOUSEHOLD APPLIANCE REPAIR	X	
RETAIL ESTABLISHMENTS	FLEA MARKETS (INDOOR/OUTDOOR), FARM SHOP, RETAIL BUSINESS STORE, TATTOO PARLOR, THRIFT/CONSIGNMENT STORE	X	
	MACHINERY SALES EXCLUDING TRUCK TRAILERS, HEAVY EQUIPMENT, AND FARM MACHINERY	X	
TELECOMMUNICATIONS FACILITIES AND ANTENNAS	ANTENNAS FOR COMMERCIAL/INDUSTRIAL USE ACCESSORY TO PRINCIPAL USE	X	
	ANTENNA AND SUPPORT STRUCTURE FOR RADIO OR TELEVISION BROADCASTING FACILITIES/OFFICES	X	
	TELECOMMUNICATION FACILITY (FREE-STANDING)	X	
	AUTOMOBILE RENTALS, LIMITED EQUIPMENT RENTAL (U-HAUL TYPE BUSINESSES)	X	
	AUTOMOBILE WASHING FACILITY	X	
VEHICLE/EQUIPMENT SALES AND SERVICES	MOBILE HOME DEALERS/SALES, MOTOR VEHICLE DEALER/SALES (NEW OR USED AUTOMOBILES) MOTOR VEHICLE DEALER/SALES (NEW OR USED RV'S, TRAILERS, CAMPERS)	X	
	VEHICLE STORAGE (OPERABLE OR INOPERABLE VEHICLES)	X	
	VEHICLE TOWING SERVICES (OFFICE SPACE ONLY, NO VEHICLE STORAGE)	X	
VISITOR ESTABLISHMENTS	BED AND BREAKFAST ESTABLISHMENTS, HOTEL OR MOTEL LODGING ESTABLISHMENTS, OVERNIGHT CAMPGROUND	X	
INDUSTRIAL			
AUCTION HOUSE OR YARD	AUCTION HOUSE OR YARD (INSIDE OF OUTSIDE)	X	
CONTRACTOR OPERATIONS	OFFICE FOR BUILDING, DEVELOPING, GENERAL CONTRACTING, OR SPECIAL TRADE CONTRACTORS	X	
	CONTRACTORS SHOP AND STORAGE YARD (EXCEPT JUNK)	X	
	HEAVY CONSTRUCTION EQUIPMENT (NEW/USED SALES AND STORAGE)	X	
MANUFACTURING, CHEMICAL	BASIC CHEMICAL MANUFACTURING, EXPLOSIVES (INCLUDING AMMUNITION AND FIREWORKS), FERTILIZER MANUFACTURE (ORGANIC OR NONORGANIC) AND PESTICIDES, FIBERGLASS MANUFACTURING, GLUE, GELATIN (ANIMAL) OR CAULKING COMPOUND MANUFACTURING, INDUSTRIAL LAUNDERERS/DRY CLEANING PLANT	X	
	INSECTICIDES, FUNGICIDES, DISINFECTANTS, AND RELATED INDUSTRIAL AND HOUSEHOLD CHEMICAL COMPOUNDS (BLENDING ONLY)	X	
	NITRATE MANUFACTURING, PAINT, COATING AND ADHESIVE PRODUCT MANUFACTURING	X	
	PHARMACEUTICAL AND MEDICAL PRODUCT MANUFACTURING (NOT INCLUDING CONSUMABLE MEDICATIONS)	X	
	PLASTIC PRODUCT MANUFACTURING THAT IS NOT FOR RE-SALE, INCLUDING EXTRUSION OF PLASTIC	X	
	RESIN, SYNTHETIC RUBBER, ARTIFICIAL AND SYNTHETIC FIBERS/FILL MANUFACTURING, RUBBER PRODUCT MANUFACTURING, TIRE MANUFACTURING	X	
	SOAPS, CLEANERS, AND TOILET PREPARATION MANUFACTURING	X	
MANUFACTURING, FOOD	BAKERIES, PASTA AND TORTILLA MANUFACTURING, BEVERAGE MANUFACTURING, DAIRY PRODUCT MANUFACTURING, FRUIT AND VEGETABLE PRESERVING, SPECIALTY FOOD MANUFACTURING, MEAT PRODUCTS (PACKING & PROCESSING, NO SLAUGHTERING), OTHER FOOD MANUFACTURING	X	
	ANIMAL FOOD MANUFACTURING, GRAIN AND OILSEED MILLING, INCLUDING GRAIN ELEVATOR, MEAT PRODUCTS (INCLUDING SLAUGHTER), RENDERING AND MEAT BYPRODUCT PROCESSING, POULTRY PACKING & SLAUGHTERING, SUGAR AND CONFECTIONARY PRODUCT MANUFACTURING, TOBACCO MANUFACTURING	X	
MANUFACTURING, MACHINERY	AEROSPACE PRODUCT AND PARTS MANUFACTURING	X	
	COMMERCIAL AND SERVICE INDUSTRY MACHINERY MANUFACTURING, COMPUTER AND ELECTRONIC PRODUCT MANUFACTURING, ELECTRICAL EQUIPMENT, APPLIANCE AND COMPONENT MANUFACTURING, FURNITURE & RELATED PRODUCT MANUFACTURING	X	
	HVAC AND COMMERCIAL REFRIGERATION EQUIPMENT MANUFACTURING	X	
	METALWORKING MACHINERY	X	
	MOTOR VEHICLE & TRANSPORTATION MANUFACTURING, POWER DISTRIBUTION AND SPECIALTY TRANSFORMER MANUFACTURING, RELAY AND INDUSTRIAL CONTROL MANUFACTURING, SHIP AND BOAT BUILDING/REPAIR, SIGNS MANUFACTURING, SWITCHGEAR AND SWITCHBOARD APPARATUS	X	

USE CLASSIFICATION	SPECIFIC USE TYPE	USE BY RIGHT	EXCLUDED
INDUSTRIAL			
MANUFACTURING, METAL	CUTLERY AND HAND TOOL MANUFACTURING, MACHINERY SHOPS, TURN PRODUCTS, SCREEN, NIT AND BOAT MANUFACTURING	X	
	ALUMINA REFINING AND PRODUCTION, ARCHITECTURAL METALS MANUFACTURING, BOILER TANK AND SHIPPING CONTAINER MANUFACTURING, COATINGS/ENGRAVING/HEAT TREATING PROCESSES, ELECTROMETALLURGICAL MANUFACTURING, FABRICATED METAL PRODUCT MANUFACTURING, FERRIC ALLOY PRODUCT MANUFACTURING, GALVANIZING, OTHER FABRICATED METAL PRODUCT MANUFACTURING	X	
MANUFACTURING, NON-METALLIC MINERAL	BRICK, FIREBRICK, REFRACTORIES AND CLAY PRODUCTS, CONCRETE/CEMENT BATCHING PLANT (READY-MIX) AND CONCRETE PRODUCT MANUFACTURING, CONSTRUCTION BUILDING, MASONRY/VENEER/BLOCK MANUFACTURING/FABRICATION, MONUMENT OR GRAVESTONE PROCESSING AND SHAPING (INCLUDING SALES) STUCCO MANUFACTURING	X	
	NONMETALLIC MINERAL PRODUCT MANUFACTURING	X	
MANUFACTURING, OIL AND GAS	ASPHALT BATCH PLANT, PETROLEUM AND COAL PRODUCTS MANUFACTURING, PETROLEUM PRODUCT CONTAINMENT (INCLUDING ASPHALTIC OIL), SUPPORT ACTIVITIES FOR OIL AND GAS OPERATIONS (PIPELINES, ETC.)	X	
MANUFACTURING, TEXTILE	APPAREL MANUFACTURING	X	
	FABRIC MILLS, LEATHER AND ALLIED PRODUCT MANUFACTURING, LEATHER AND HIDE TANNING AND FINISHING, TEXTILE/FABRIC FINISHING/FABRIC COATING MILLS, TEXTILE PRODUCTS MILLS	X	
MANUFACTURING, WOOD PRODUCTS	BASKET AND HAMPER (WOOD, REED, RATTAN, ETC.) MANUFACTURING, BOX AND CRATE MANUFACTURING, WOOD PRODUCT MANUFACTURING	X	
	PULP GOOD, PRESSED OR MOLDED (INCLUDING PAPER MACHE PRODUCTS), VENEER, PLYWOOD AND ENGINEERED WOOD PRODUCT MANUFACTURING, WOOD PRESERVATION	X	
MOTION PICTURE AND VIDEO INDUSTRY	MOTION PICTURE AND VIDEO INDUSTRY	X	
OUTDOOR STORAGE	OUTDOOR STORAGE SHALL MEET THE REQUIREMENTS FOR OUTDOOR STORAGE AS IDENTIFIED IN THE COMMERCE CITY LAND DEVELOPMENT CODE AS ADOPTED OR AMENDED	X	
	STORAGE OF VEHICLES AND/OR TRACTOR TRAILERS	X	
	ABOVE GROUND STORAGE TANKS: UP TO 30,000 GALLON CAPACITY MAXIMUM INDIVIDUAL TANK CAPACITY: 30,000 GALLONS MAXIMUM NUMBER OF INDIVIDUAL TANKS: EIGHT (8) MAXIMUM TOTAL STORAGE CAPACITY: 240,000 GALLONS MAXIMUM HEIGHT: 30 FEET MINIMUM SETBACK FROM PUBLIC RIGHT-OF-WAY: 100 FEET MINIMUM SETBACK FROM ADJACENT PROPERTY: 25 FEET MINIMUM SEPARATION FROM OTHER STRUCTURES - AS REGULATED BY THE FIRE CODE FOR THE TYPE OF MATERIAL CONTAINED IN THE TANK MINIMUM SEPARATION FROM OTHER TANKS - AS REGULATED BY THE FIRE CODE FOR THE TYPE OF MATERIAL CONTAINED IN THE TANK(S) LOCATION - MUST BE LOCATED IN THE SIDE OR REAR YARD OF THE PROPERTY	X	
	ABOVE GROUND STORAGE TANKS; GREATER THAN 30,000 GALLONS	X	
PRINTING AND PUBLISHING	PRINTING AND RELATED SUPPORT ACTIVITIES, PUBLISHING INDUSTRY	X	
RAILROAD SERVICES	RAILROAD SPUR, RAIL TRANSPORTATION AND SUPPORT FACILITIES INCLUDING RAIL YARD	X	
RESEARCH AND DEVELOPMENT SERVICES	SCIENTIFIC R & D SERVICES, TESTING LABORATORIES, NON-MEDICAL, TRADE AND TECHNICAL USES	X	
RESOURCE EXTRACTION	SOLAR PANEL ARRAY, PRODUCTION AND DISTRIBUTION, TESTING OF JET ENGINES OR ROCKETS	X	
RESOURCE EXTRACTION	RESOURCE EXTRACTION - ALL TYPES	X	
TOXIC/HAZARDOUS USES	THE BLENDING, PROCESSING, USE, SALE, OR STORAGE OF ANY FLAMMABLE, CORROSIVE, EXPLOSIVE, OR TOXIC SUBSTANCE	X	
WAREHOUSING AND DISTRIBUTION	WAREHOUSING AND STORAGE (GENERAL)	X	
	HOUSEHOLD MOVING CENTER, MOTOR FREIGHT TRANSPORTATION TERMINAL AND SHIPPING (EXCLUDING COURIERS) MINI-STORAGE AND WAREHOUSE (WITH OR WITHOUT OUTDOOR STORAGE)/PRODUCE STORAGE AND WAREHOUSING, RETAIL	X	
	RETAIL SALES IN CONJUNCTION WITH WAREHOUSE ESTABLISHMENT	X	
WASTE-MANAGEMENT AND REMEDIATION SERVICES	WASTE-MANAGEMENT AND REMEDIATION SERVICES - ALL TYPES	X	
	RETAIL SALES IN CONJUNCTION WITH WHOLESALE, WHOLESALE ESTABLISHMENTS IN CONJUNCTION TO OTHER PRINCIPAL USES	X	
WHOLESALE ESTABLISHMENTS (INCLUDING ACCESSORY OFFICES)	AUTO CRUSHING, AUTO DISMANTLING, STORAGE OR USED PARTS SALES (INOPERABLE VEHICLES), JUNKYARDS (OPEN OR CLOSED), MACHINERY, EQUIPMENT AND SUPPLIES (WHOLESALE), METAL AND MINERAL (EXCEPT PETROLEUM) WHOLESALE, SALVAGE YARD, WHOLESALE HOUSES AND DISTRIBUTORS (INCLUDING WAREHOUSE CLUBS)	X	
	BUILDING MATERIALS, GARDEN EQUIPMENT AND SUPPLY DEALERS, FOOD PRODUCTION, GROCERY AND RELATED PRODUCT WHOLESALE, WAREHOUSING AND WHOLESALE ESTABLISHMENTS EXCLUDING EXPLOSIVES AND LIVE ANIMALS	X	
PUBLIC, INSTITUTIONAL AND CIVIC USES			
AIRPORT/HELIPORT	PUBLIC OR PRIVATE AIRPORT OR HELIPORT	X	
AMBULANCE SERVICE	GARAGE AND OFFICE FOR AMBULANCE SERVICE	X	
CLUBS AND LODGES	CLUBS AND LODGES - ALL TYPES	X	
COMMUNITY SERVICES	EVENTS CENTER - ALL TYPES	X	
DAY CARE FACILITIES, ADULT OR CHILD	CHILD CARE CENTER, ADULT DAY CARE CENTER, DAY CARE HOME	X	
GOLF COURSES	GOLF COURSE/DRIVING RANGE	X	
HOSPITALS	HOSPITAL/OUTPATIENT SURGICAL CENTER	X	
PUBLIC LANDS, PARKS, AND BUILDINGS	LIBRARY, PUBLIC ADMINISTRATIVE OFFICE OR SERVICE BUILDING	X	
	PUBLIC PARK OR RECREATIONAL FACILITIES	X	
	PUBLIC STADIUM, ARENA, OR AUDITORIUM	X	
	POLICE OR FIRE STATION, OTHER PUBLIC FACILITY	X	
RELIGIOUS INSTITUTIONS	CHURCH OR RELIGIOUS INSTITUTION	X	
EDUCATIONAL FACILITIES	EDUCATIONAL FACILITIES - ALL TYPES	X	
TRANSPORTATION FACILITIES	TRANSPORTATION FACILITIES - ALL TYPES	X	
UTILITIES	ELECTRIC SUBSTATION OR GAS REGULATOR STATION, POWER PLANT, PUBLIC UTILITY INSTALLATION, PUBLIC UTILITY OFFICE, PUBLIC UTILITY STORAGE YARD, WATER OR WASTEWATER TREATMENT FACILITY	X	
ZOOS, ARBORETUM, BOTANICAL GARDENS	WIND ENERGY CONVERSION SYSTEMS (WINDMILLS - PRIVATE SUBJECT TO HEIGHT AND LOCATION LIMITATIONS OF CITY LAND DEVELOPMENT CODE)	X	
	ZOOS, ARBORETUM, BOTANICAL GARDENS	X	

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The R T O Group, Ltd.
Architects

PUD ZONE DOCUMENT FOR:
CERTOL INTERNATIONAL, LLC
6120 EAST 58TH AVENUE
COMMERCE CITY, COLORADO

Date	Issue
11/19/10	SUBMITTAL
01/07/11	REVISION
02/01/11	REVISION
02/22/11	PG COMMISSION

Project No: 59-1448

Drawing
2
OF
2

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CASE: Z-895-11

Location: 6120 East 60th Avenue, Commerce City, CO 80022

Applicant: Certol International, 6120 East 60th Avenue, Commerce City, CO 80022

Owner: Same as Applicant

Request: The applicant is requesting to rezone their property from the current I-1 Light Intensity Industrial designation to a Planned Unit Development (PUD) designation.

Staff Recommendation: Approval with conditions.

Current Zone District: I-1 (Light Intensity Industrial District)

Comp Plan Designation: Office/Distribution

Case History:

There is one previous case for the subject property and it is directly related to the current use of the site:

<u>Case</u>	<u>Date</u>	<u>Request</u>	<u>Action</u>
A-406-79	August 21, 1979	The property owner requested a variance in order to allow outdoor storage and a determination regarding whether or not the use of the property was compliant with the I-1 zone district.	Approval with Conditions

In August of 1979, the Rexnord Company applied to the Board of Adjustment for a variance to allow outdoor storage on the site and a determination if the proposed use of the property was compatible with the I-1 zone district. Rexnord was a custom formulator for resin products and used a variety of harsh chemicals in their production. At the time of the case, Rexnord's use was not identified in the City's zoning ordinance and the process at that time for determining the compatibility of a use that was not identified in the zoning ordinance was to allow the Board of Adjustment to interpret the code in order to determine if the use was an appropriate use for the zone district in which the property was located. The Board granted the variance for outdoor storage and approved the use of the property unanimously, subject to 5 conditions which were met.

DRT Analysis:

DRT concluded that when Rexnord was granted approval to operate their chemically based business in 1979 this site was approved for chemical related operations and would continue to be attractive to those sorts of businesses (due to building construction, layout, location, etc). In reviewing the application, DRT concluded that one of the benefits to the submitted application is that it allows the City to narrow the scope of the chemical related operations that may be permitted at this site. In addition, DRT felt that this would not be considered a 'spot zoning' because the submitted PUD is generally consistent with the I-1 Light Intensity Industrial Zone District, which is the predominate zoning for surrounding

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properties and what this area is identified for in the Comprehensive Plan. DRT also felt that the PUD is a better option than rezoning the site to the otherwise required I-3 designation because the PUD has been created so as to maintain the integrity of the I-1 Zone District, which would not allow for the more intense industrial uses that would otherwise be allowed in the straight I-3 Zone District.

After reviewing the applicant's submitted PUD, the Tri-County Health Department (TCHD), the South Adams County Fire District (SACFD), and the City's Office of Emergency Management (OEM) have no objection to the submitted zoning document. Therefore, DRT was comfortable that Certol International has ensured that this site will continue to operate as safely as possible and the proposed changes to the existing site do not pose a significant additional risk to the risks that already exist from the applicant's use. Therefore, DRT is recommending approval for the proposed PUD zone document.

In short, this application narrows the type of chemical related operations that would be allowed at this site, it allows the applicant to continue to operate their successful business, and it allows the City to generally maintain the zoning integrity of the area.

Criteria Met?	Sec. 21-3251. PUD Zone Documents	Rationale
☒	The PUD zone document is consistent with the policies and goals of the comprehensive plan, any applicable adopted area plan, or community plan of the city, or reflects conditions that have changed since the adoption of the comprehensive plan	The PUD zone document is generally consistent with the policies and goals of the comprehensive plan in that the PUD generally allows for light industrial types of uses, which is consistent with the Future Land Use Plan.
☒	The PUD zone document is consistent with any previously reviewed PUD concept schematic	There was no concept schematic required because the site is already developed and it is a single lot development which does not traditionally require a concept schematic. Therefore, this criterion is not applicable.
☒	<p align="center">The PUD:</p> <p>Addresses a unique situation, confers a substantial benefit to the city, or incorporates creative site design such that it achieves the purposes set out in section 21-4370 (PUD Zone District) and represents an improvement in quality over what could have been accomplished through strict applications of the otherwise applicable district or development standards. This may include but is not limited to improvements in open space; environmental protection; tree/vegetation preservation; efficient provision of streets, roads, and other utilities and services; unique architecture or design, or increased choice of living and housing environments;</p> <p align="center">or</p> <p>The PUD is required to avoid completely prohibiting a legal, permitted business use within the city.</p>	This PUD addresses a unique situation. This site has been used for intense industrial uses with a variety of harsh chemicals since 1979 (via A-406-79), which is not traditionally allowed in the I-1 zone district. The applicant purchased the property in 2003 and has been in operation since 2004. The submitted PUD will allow the applicant to continue to operate at this site as a conforming use and it will allow them to include additional outdoor storage tanks, which they need in order to continue to be successful. It also allows the City to generally maintain the zoning integrity of the area as a light industrial area.

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Criteria Met?	Sec. 21-3251. PUD Zone Documents	Rationale
☒	The PUD complies with all applicable city standards not otherwise modified or waived by the city	The submitted PUD zone document makes the necessary changes to allow the current use while maintaining the zoning integrity of the area. The PUD allows for most of the traditional I-1 uses plus the uses that are necessary for Certol's operations. The additional uses that are allowed in this PUD generally fall into these categories: A. Blending & storing chemicals (which they need in order to operate). B. Outdoor Storage as a Use-by-Right (the site was granted this ability in 1979). C. Above ground storage tanks up to 30,000 gallon tank capacity, up to 8 tanks, and 240,000 gallons total capacity.
☒	The PUD is integrated and connected with adjacent development through street connections, sidewalks, trails, and similar features	This site and the area around it are already developed. Therefore, this area is already integrated and connected.
☒	To the maximum extent feasible, the proposal mitigates any potential significant adverse impacts on adjacent properties or on the general community	The Tri-County Health Department (TCHD), the South Adams County Fire District (SACFD), and the City's Office of Emergency Management (OEM) have all reviewed this proposal and have no objection to the PUD. Therefore, DRT determined that the applicant has mitigated the potential significant adverse impacts to the surrounding property and the general community to the maximum extent possible.
☒	Sufficient public safety, transportation, and utility facilities and services are available to serve the subject property, while maintaining sufficient levels of service to existing development	This site and the area in general are already served by public safety, transportation, and utilities. This application will not impact the level of service in the area.
☒	As applicable, the proposed phasing plan for development of the PUD is rational in terms of available infrastructure, capacity, and financing; and	There is no proposed phasing plan for this PUD zone document because it is already developed. Therefore, this criterion is not applicable to this case.
☒	The same development could not be accomplished through the use of other techniques, such as height exceptions, variances, or minor modifications.	In order to achieve the same development as proposed by the PUD zone document, the property would need to be rezoned to an I-3 designation with a Conditional Use Permit. The I-3 designation would then compromise the zoning integrity of the area and allow for all of the prescribed I-3 uses rather than the use requested in the submitted PUD. Therefore, the PUD is a better option for the City because it does not allow for all I-3 uses. Instead, the submitted PUD generally allows I-1 uses plus the applicants use.

Comprehensive Planning Documents

The DRT recommendation for this case is supported by the following Comprehensive Planning Goals:

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<u>Section</u>	<u>Goal</u>	<u>Description</u>
Land Use	LU 1a	<u>Future Land Use Plan (FLUP) as Guide:</u> Use the FLUP as a guide to development patterns and mix of uses and amendments to the LDC.
<u>Analysis:</u>	The proposed rezoning keeps the integrity of the FLUP, while allowing the applicants current use of the property.	

<u>Section</u>	<u>Goal</u>	<u>Description</u>
Land Use	LU 4a	<u>Future Land Use Plan (FLUP) as a Guide for Employment:</u> Use the FLUP to guide industrial and employment land patterns.
<u>Analysis:</u>	The proposed rezoning is generally consistent with the prescribed light-industrial nature of the site and surrounding area in the FLUP.	

<u>Section</u>	<u>Goal</u>	<u>Description</u>
Fiscal Stability Strategies	FS 2a	<u>Future Land Use Plan (FLUP) Consistency:</u> Retain, support, and expand the community's industrial base by approving development that is consistent with the FLUP and <i>Economic Development Strategic Plan</i> and modifying the LDC to reflect the FLUP.
<u>Analysis:</u>	The proposed rezoning will allow the City to retain a quality industrial business while remaining consistent with the FLUP.	

The proposed rezoning application is supported by the Comprehensive Plan goals that have been provided above and the application supports the FLUP for this area because it generally allows for light intensity industrial uses and the application promotes the City's goal to retain existing industrial businesses.

Opponents: None

Proponents: None

DISCUSSION:

Mr. Paul Workman explained the subject request. *Details noted in background summary above.*

Mr. Richard Teves, Architect on behalf of Certol International, was present to reply to questions on the request.

The Planning Commission was satisfied with the facts presented to them and did not voice any concerns. There being no further discussion on the case a motion was requested.

MOTION:

Mr. Jones made the following motion: I move that the Planning Commission find that upon satisfying the following conditions:

- A. The applicant shall be required to immediately notify the City's Office of Emergency Management in the case of emergency.
- B. The applicant shall be required to stay current with all necessary permits from regulating bodies.

the requested PUD Zone Document for the property located at 6120 E. 58th Avenue contained in case Z-895-11 meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the PUD Zone Document.

Mr. Dreiling seconded the motion:

Voice Vote: All Voting Affirmed.

DRAFT



STAFF REPORT

Planning Commission

CASE: #Z-895-11

PC Date:	March 1, 2011	Case Planner:	Paul Workman
CC Date:	April 4, 2011	2nd CC Date:	April 25, 2011
Location:	6120 E. 58 th Avenue		
Applicant:	Certol International	Owner:	Ed Cassinis
Address:	6120 E. 58 th Avenue	Address:	Same as Applicant

Case Summary

Request: The applicant is requesting to rezone their property from the current I-1 Light Intensity Industrial designation to a Planned Unit Development (PUD) designation.

Project Description: Certol International is a manufacturer of medical, dental, and industrial infection control products. They have submitted this application so that the current use of their property is legal and conforming. The applicant purchased the property in 2003 and has been running their business at this site since that time. In order to continue their successful business operations, the applicant needs to move their existing storage tanks for Hydrochloric Acid and Alcohol outside the building and they hope to install additional tanks in the future as their business continues to grow. Certol blends these materials with other ingredients to produce some of their infection control and cleaning products. This process and their materials require a more intense industrial zone district (I-3) than the current designation (I-1) for the property. Rather than rezone the property to a straight zone district that would allow for their use plus a variety of more intense industrial uses, the applicant has submitted this PUD Zone Document that would generally keep the integrity of the I-1 zone district while allowing Certol's operations.

- Issues/Concerns:**
- Spot Zoning
 - Business Retention
- Key Approval Criteria:**
- Comprehensive Plan
 - Previous Case History

Staff Recommendation: Approval with conditions

Current Zone District: I-1 (Light Intensity Industrial District)

Comp Plan Designation: Office/Distribution

Attachments for Review: *Checked if applicable to case.*

- | | |
|--|--|
| <input checked="" type="checkbox"/> Site Plan (within the PUD) | <input checked="" type="checkbox"/> Vicinity Map |
| <input checked="" type="checkbox"/> PUD zone document | <input checked="" type="checkbox"/> Staff's Neighborhood Meeting Notes |

Background Information

Site Information	
Site Size:	6.2 acres +/-
Current Conditions:	Site operates as an office/warehouse/blending facility for Certol International
Existing Right-of-Way:	E. 58 th Avenue to the North
Existing Roads:	E. 58 th Avenue to the North
Existing Buildings:	One existing building that is 37,716 square feet
Buildings to Remain?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Site in Floodplain	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Surrounding Properties			
<u>Existing Land Use</u>		<u>Occupant</u>	<u>Zoning</u>
North	Industrial	Old Dominion Freight	I-1
South	Industrial	Multi-tenant industrial buildings	I-1
East	Industrial	Beco, Inc	I-1
West	Industrial	Multi-tenant industrial buildings	I-1

Case History

There is one previous case for the subject property and it is directly related to the current use of the site:

<u>Case</u>	<u>Date</u>	<u>Request</u>	<u>Action</u>
A-406-79	August 21, 1979	The property owner requested a variance in order to allow outdoor storage and a determination regarding whether or not the use of the property was compliant with the I-1 zone district.	Approval with Conditions

In August of 1979, the Rexnord Company applied to the Board of Adjustment for a variance to allow outdoor storage on the site and a determination if the proposed use of the property was compatible with the I-1 zone district. Rexnord was a custom formulator for resin products and used a variety of harsh chemicals in their production. At the time of the case, Rexnord's use was not identified in the City's zoning ordinance and the process at that time for determining the compatibility of a use that was not identified in the zoning ordinance was to allow the Board of Adjustment to interpret the code in order to determine if the use was an appropriate use for the zone district in which the property was located. The Board granted the variance for outdoor storage and approved the use of the property unanimously, subject to 5 conditions which were met.

Development Review Team Analysis

DRT concluded that when Rexnord was granted approval to operate their chemically based business in 1979 this site was approved for chemical related operations and would continue to be attractive to those sorts of businesses (due to building construction, layout, location, etc). In reviewing the application, DRT concluded that one of the benefits to the submitted application is that it allows the City to narrow the scope of the chemical related operations that may be permitted at this site. In addition, DRT felt that this would not be considered a ‘spot zoning’ because the submitted PUD is generally consistent with the I-1 Light Intensity Industrial Zone District, which is the predominate zoning for surrounding properties and what this area is identified for in the Comprehensive Plan. DRT also felt that the PUD is a better option than rezoning the site to the otherwise required I-3 designation because the PUD has been created so as to maintain the integrity of the I-1 Zone District, which would not allow for the more intense industrial uses that would otherwise be allowed in the straight I-3 Zone District.

After reviewing the applicant’s submitted PUD, the Tri-County Health Department (TCHD), the South Adams County Fire District (SACFD), and the City’s Office of Emergency Management (OEM) have no objection to the submitted zoning document. Therefore, DRT was comfortable that Certol International has ensured that this site will continue to operate as safely as possible and the proposed changes to the existing site do not pose a significant additional risk to the risks that already exist from the applicant’s use. Therefore, DRT is recommending approval for the proposed PUD zone document.

In short, this application narrows the type of chemical related operations that would be allowed at this site, it allows the applicant to continue to operate their successful business, and it allows the City to generally maintain the zoning integrity of the area.

Criteria Met?	Sec. 21-3251. PUD Zone Documents	Rationale
<input checked="" type="checkbox"/>	The PUD zone document is consistent with the policies and goals of the comprehensive plan, any applicable adopted area plan, or community plan of the city, or reflects conditions that have changed since the adoption of the comprehensive plan	The PUD zone document is generally consistent with the policies and goals of the comprehensive plan in that the PUD generally allows for light industrial types of uses, which is consistent with the Future Land Use Plan.
<input checked="" type="checkbox"/>	The PUD zone document is consistent with any previously reviewed PUD concept schematic	There was no concept schematic required because the site is already developed and it is a single lot development which does not traditionally require a concept schematic. Therefore, this criterion is not applicable.
<input checked="" type="checkbox"/>	The PUD: Addresses a unique situation, confers a substantial benefit to the city, or incorporates creative site design such that it achieves the purposes set out in section 21-4370 (PUD Zone District) and represents an improvement in quality over what could have been accomplished through strict applications of the otherwise applicable district or development standards. This may include but is not limited to improvements in open space; environmental protection; tree/vegetation preservation; efficient provision of streets, roads, and other utilities and services; unique architecture or design, or increased choice of living and housing environments;	This PUD addresses a unique situation. This site has been used for intense industrial uses with a variety of harsh chemicals since 1979 (via A-406-79), which is not traditionally allowed in the I-1 zone district. The applicant purchased the property in 2003 and has been in operation since 2004. The submitted PUD will allow the applicant to continue to operate at this site as a conforming use and it will allow them to include additional outdoor storage tanks, which they need in order to continue to be successful. It also allows the City to generally maintain the zoning integrity of the area as a light industrial area.

Criteria Met?	Sec. 21-3251. PUD Zone Documents	Rationale
	<p style="text-align: center;">or</p> <p>The PUD is required to avoid completely prohibiting a legal, permitted business use within the city.</p>	
<input checked="" type="checkbox"/>	<p>The PUD complies with all applicable city standards not otherwise modified or waived by the city</p>	<p>The submitted PUD zone document makes the necessary changes to allow the current use while maintaining the zoning integrity of the area. The PUD allows for most of the traditional I-1 uses plus the uses that are necessary for Certol's operations. The additional uses that are allowed in this PUD generally fall into these categories:</p> <ul style="list-style-type: none"> A. Blending & storing chemicals (which they need in order to operate). B. Outdoor Storage as a Use-by-Right (the site was granted this ability in 1979). C. Above ground storage tanks up to 30,000 gallon tank capacity, up to 8 tanks, and 240,000 gallons total capacity.
<input checked="" type="checkbox"/>	<p>The PUD is integrated and connected with adjacent development through street connections, sidewalks, trails, and similar features</p>	<p>This site and the area around it are already developed. Therefore, this area is already integrated and connected.</p>
<input checked="" type="checkbox"/>	<p>To the maximum extent feasible, the proposal mitigates any potential significant adverse impacts on adjacent properties or on the general community</p>	<p>The Tri-County Health Department (TCHD), the South Adams County Fire District (SACFD), and the City's Office of Emergency Management (OEM) have all reviewed this proposal and have no objection to the PUD. Therefore, DRT determined that the applicant has mitigated the potential significant adverse impacts to the surrounding property and the general community to the maximum extent possible.</p>
<input checked="" type="checkbox"/>	<p>Sufficient public safety, transportation, and utility facilities and services are available to serve the subject property, while maintaining sufficient levels of service to existing development</p>	<p>This site and the area in general are already served by public safety, transportation, and utilities. This application will not impact the level of service in the area.</p>
<input checked="" type="checkbox"/>	<p>As applicable, the proposed phasing plan for development of the PUD is rational in terms of available infrastructure, capacity, and financing; and</p>	<p>There is no proposed phasing plan for this PUD zone document because it is already developed. Therefore, this criterion is not applicable to this case.</p>
<input checked="" type="checkbox"/>	<p>The same development could not be accomplished through the use of other techniques, such as height exceptions, variances, or minor modifications.</p>	<p>In order to achieve the same development as proposed by the PUD zone document, the property would need to be rezoned to an I-3 designation with a Conditional Use Permit. The I-3 designation would then compromise the zoning integrity of the area and allow for all of the prescribed I-3 uses rather than the use requested in the submitted PUD. Therefore, the PUD is a better option for the City because it does not allow for all I-3 uses. Instead, the submitted PUD generally allows I-1 uses plus the applicants use.</p>

Comprehensive Planning Documents

The DRT recommendation for this case is supported by the following Comprehensive Planning Goals:

<u>Section</u>	<u>Goal</u>	<u>Description</u>
Land Use	LU 1a	<u>Future Land Use Plan (FLUP) as Guide:</u> Use the FLUP as a guide to development patterns and mix of uses and amendments to the LDC.
<u>Analysis:</u>	The proposed rezoning keeps the integrity of the FLUP, while allowing the applicants current use of the property.	

<u>Section</u>	<u>Goal</u>	<u>Description</u>
Land Use	LU 4a	<u>Future Land Use Plan (FLUP) as a Guide for Employment:</u> Use the FLUP to guide industrial and employment land patterns.
<u>Analysis:</u>	The proposed rezoning is generally consistent with the prescribed light-industrial nature of the site and surrounding area in the FLUP.	

<u>Section</u>	<u>Goal</u>	<u>Description</u>
Fiscal Stability Strategies	FS 2a	<u>Future Land Use Plan (FLUP) Consistency:</u> Retain, support, and expand the community’s industrial base by approving development that is consistent with the FLUP and <i>Economic Development Strategic Plan</i> and modifying the LDC to reflect the FLUP.
<u>Analysis:</u>	The proposed rezoning will allow the City to retain a quality industrial business while remaining consistent with the FLUP.	

The proposed rezoning application is supported by the Comprehensive Plan goals that have been provided above and the application supports the FLUP for this area because it generally allows for light intensity industrial uses and the application promotes the City’s goal to retain existing industrial businesses.

Development Review Team Recommendation

Based upon the analysis above, the Development Review Team believes that the application meets the criteria for a PUD Zone Document set forth in the Land Development Code and recommends that the Planning Commission forward the PUD Zone Document request to the City Council with a favorable recommendation , subject to the following condition(s):

CONDITIONS:

- A. The applicant shall be required to maintain accurate records with the City’s Office of Emergency Management and they shall be responsible for immediately notify the City’s Office of Emergency Management in the case of emergency.
- B. The applicant shall be required to stay current with all necessary permits from regulating bodies.

Alternatives / Motions

To recommend approval:

I move that the Planning Commission find that the requested PUD Zone Document for the property located at **6120 E. 58th Avenue** contained in case **Z-895-11** meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the PUD Zone Document.

To recommend approval subject to condition(s):

I move that the Planning Commission find that upon satisfying the following conditions:

- A. The applicant shall be required to immediately notify the City's Office of Emergency Management in the case of emergency.
- B. The applicant shall be required to stay current with all necessary permits from regulating bodies.

the requested PUD Zone Document for the property located at **6120 E. 58th Avenue** contained in case **Z-895-11** meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the PUD Zone Document.

To recommend denial:

I move that the Planning Commission find that the requested PUD Zone Document for the property located at **6120 E. 58th Avenue** contained in case **Z-895-11** fails to meet the following criteria of the Land Development Code:

-Should the Planning Commission wish to recommend denial of the application, Planning Commission will need to identify the criteria that have not been met.

List the criteria not met

I further move that, based upon this finding, the Planning Commission recommend that the City Council deny the PUD Zone Document.



Staff Notes

Staff Member in Attendance: Paul Workman

Date of Meeting: December 8, 2010

Location: Certol International 6120 E. 58th Ave

RE: Certol's request to rezone the property to a PUD designation

Number of Attendees:

- 4 members on behalf of Certol
- 1 member from City staff (Myself)
- 0 members from the community

Handouts:

- Applicant was prepared to show the PUD document and discuss.

Topics Discussed:

- We discussed the timeline briefly amongst ourselves.

Comments:

- Staff informed the applicant that the PRT was scheduled for 12/22/2010 and the comment letter would be provided shortly after that.

Next Steps:

- PRT needs to meet and discuss the application.

Z-895-11

Location: 6120 E. 58th Avenue

Applicant: Certol International

Request: Rezone property
from I-1 to PUD

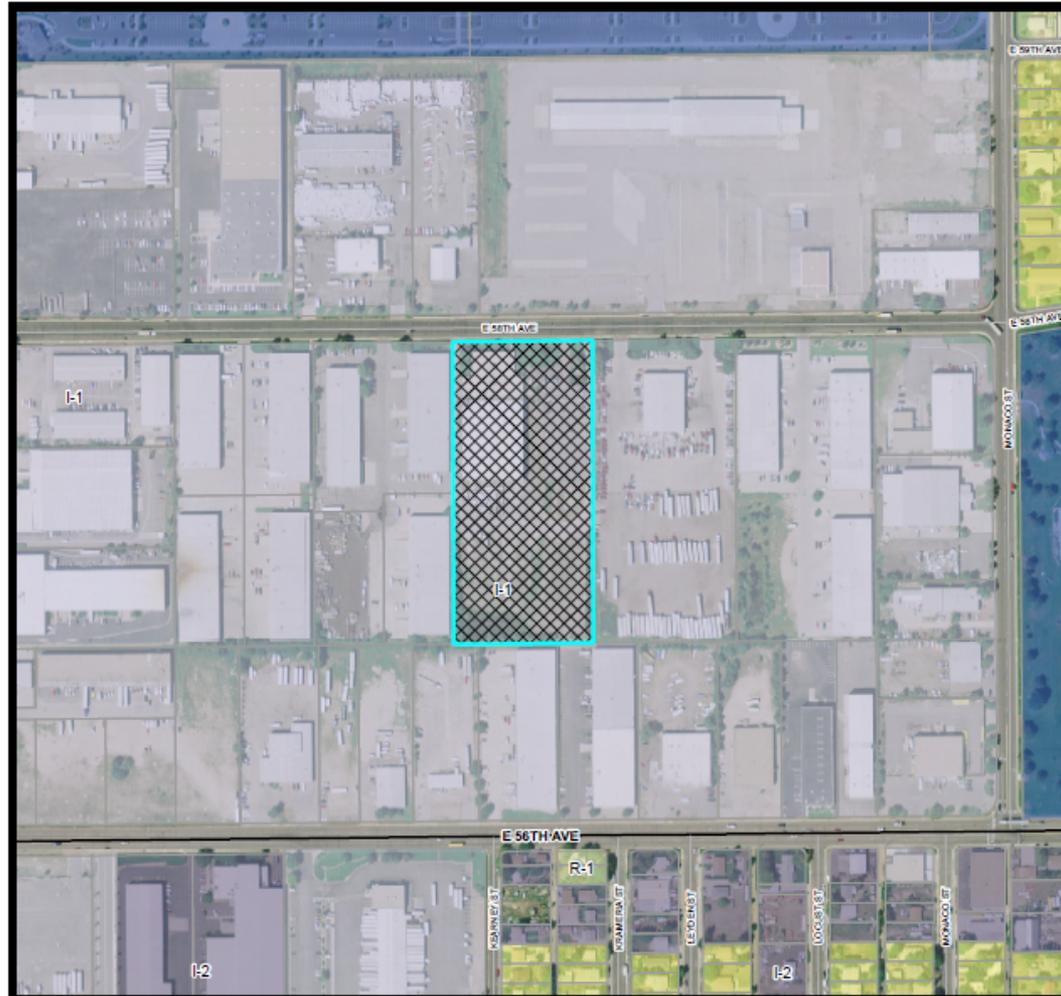


Commerce City Vicinity Map

Z-895-11

Property Zoned:

I-1



Area shown is approx. 1/4 mile square

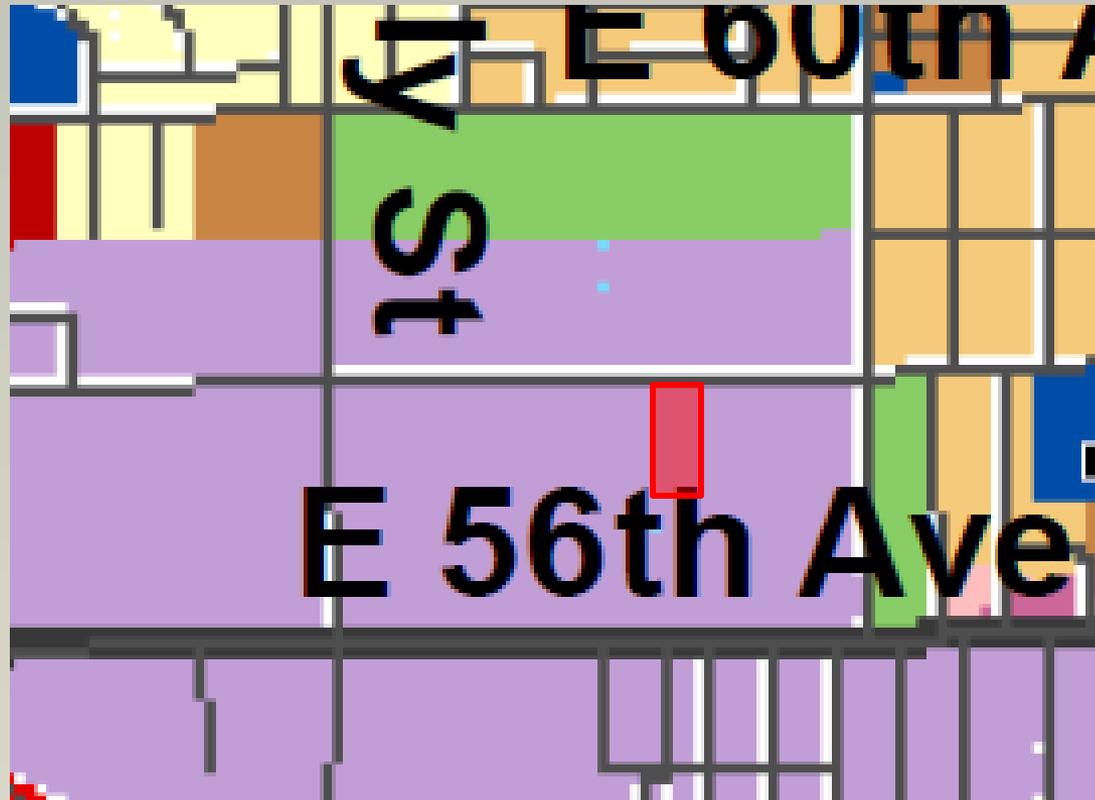
PIN: 182308302023

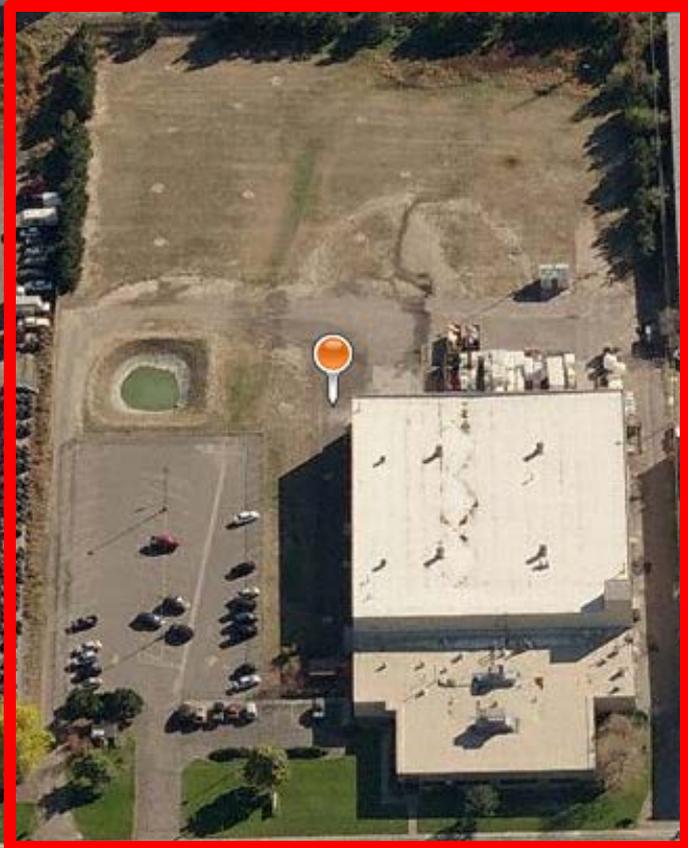
Prepared By: Paul Workman
Printing Date: February 24, 2011
File: Z-895-11
Commerce City Planning Department

Legend

- Subject Property
- I-1 - Light Intensity Industrial District
- I-2 - Medium Intensity Industrial District
- PUBLIC - Public District
- R-1 - Single-Family Detached Residential District
- R-2 - Single-Family Attached Residential District

Comp Plan: Ind. / Dist.





E 58th Ave

E 58th Ave

E 58th Ave

Page 39 of 58



100 feet 25 m

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Site History

- A-406-79:
 - Variance approved:
 - Outdoor storage
 - Use approved:
 - Rexnord approved to manufacture resin products
 - Harsh chemical process
 - Site attractive to businesses with chemicals

Certol International

- Infection control & cleaning products:
 - Medical
 - Dental
 - Industrial
- Purchased site in 2003
- Growing & successful business

Certol International

- Need additional warehouse storage
 - Move existing tanks outside
- Need additional capacity for hydrochloric acid and alcohol storage.

Alternatives

- Certol Needs: I-3 plus CUP

1. I-3 plus CUP:

- Allows for all I-3 uses
- Spot zoning
 - Compromises zoning integrity of the area
- No Comp Plan Compatibility

2. PUD:

- I-1 uses plus Certol uses
 - Limits the allowable I-3 uses
- Generally maintains zoning integrity – not spot zoning
- Generally compatible with the Comp Plan – I-1 uses
- Narrows the scope of businesses with chemical uses at the site

Request

- Chose to rezone from I-1 to PUD:
 - Allows for I-1 uses plus Certol's use

Analysis – Site History

- Site History:
 - A-406-79
 - Historically been used by a business with chemicals
 - Attractive to businesses with chemicals
 - Certol has been in operation at this site since 2003

Analysis – PUD Advantages

- Rezone from I-1 to PUD:
 - Allows for I-1 uses plus Certol
 - Maintain zoning integrity of the area
 - Generally allows I-1
 - Not a spot zoning
 - Generally allows I-1
 - Narrows the scope of the allowable businesses with chemicals

Analysis – Agency Review

- Tri-County Health Department
- South Adams County Fire District
- City's Office of Emergency Management

PC Recommendation:

- Approval, subject to 2 conditions.

Conditions:

1. The applicant shall be required to maintain accurate records with the City's Office of Emergency Management and they shall be responsible for immediately notify the City's Office of Emergency Management in the case of emergency.
2. The applicant shall be required to stay current with all necessary permits from regulating bodies.



Council Communication

City Council Meeting: 04 Apr 2011

Prepared: 17 Mar 2011

Number of Attachments: 1

Subject: Grant Recognition - Click It or Ticket - \$6,000

Presenter: Leigh Ann Noell / Phil Baca

Recommended City Council Action:

Staff recommends City Council approve Ordinance No. 1856 on first reading, allowing the city to accept and recognize funds applied for and awarded by CDOT for the Click it or Ticket program.

Summary Statement:

Grant recognition for funds received from the Colorado Department of Transportation for overtime for police officers to enforce the seatbelt and child restraint laws.

Next Steps: Consent or 2nd Reading agenda scheduled in one month.

Expenditure Required: \$6,000

Source of Funds: Colorado Department of Transportation

Policy Issue: N/A

Alternative: The City could refuse the funds and complete the project on their own or choose not to proceed.

Background Information:

Each year CDOT grants funds for special enforcement of the seatbelt and child safety restraint laws. The officers will work the campaign from May 23-June 5 and July 21-27, 2011.

ORDINANCE NO. 1856

INTRODUCED BY: _____

AN ORDINANCE AMENDING THE 2011 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE COLORADO DEPARTMENT OF TRANSPORTATION GRANT IN THE AMOUNT OF \$6,000 FOR THE POLICE SEATBELT ENFORCEMENT OF THE CLICK IT OR TICKET PROGRAM AND AUTHORIZATION OF THE EXPENDITURE THEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO AS FOLLOWS:

An amendment is made to the 2011 budget of the City of Commerce City, Colorado for recognition of the funds from the Colorado Department of Transportation Grant in the amount of \$6,000 for the Police seatbelt enforcement of the Click It or Ticket Program (Fund 180).

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED THIS 4th DAY OF APRIL, 2011.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THIS 2nd DAY OF MAY, 2011.

CITY OF COMMERCE CITY, COLORADO

By: _____
PAUL NATALE, MAYOR

ATTEST

Laura J. Bauer, City Clerk



Council Communication

City Council Meeting: 04 Apr 2011

Prepared: 17 Mar 2011

Number of Attachments: 1

Subject: Grant Recognition - GEO Event Support - \$500

Presenter: Leigh Ann Noell

Recommended City Council Action:

Staff recommends City Council approve Ordinance 1857 on first reading to accept and recognize funds applied for and awarded by the Governor's Energy Office for event support.

Summary Statement:

Grant recognition for funds received from the Governor's Energy Office (GEO) to purchase tree seedlings, flower seeds and printed information about using water more efficiently.

Next Steps: Consent or 2nd Reading agenda scheduled in one month.

Expenditure Required: \$500

Source of Funds: Governor's Energy Office (GEO)

Policy Issue: N/A

Alternative: The City could refuse the funds and complete the project on their own or choose not to proceed.

Background Information:

The Governor's Energy Office (GEO) provides funds for event sponsorship to promote making events "green" in an effort to reduce costs, build the City's reputation as an environmentally conscious organization and to do the right thing for our planet. Tree seedlings, flower seeds and printed information about using water more efficiently will be distributed at both Neighborhood Outreaches.

ORDINANCE NO. 1857

INTRODUCED BY: _____

AN ORDINANCE AMENDING THE 2011 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE GOVERNOR'S ENERGY OFFICE SPECIAL EVENT GRANT IN THE AMOUNT OF \$500 TO PURCHASE TREE SEEDLINGS AND PRINTED MATERIAL PROMOTING EFFECTIVE WATER USAGE AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO AS FOLLOWS:

An amendment is made to the 2011 budget of the City of Commerce City, Colorado for the recognition of the funds from the Governor's Energy Office in the amount of \$500.00 to be used to purchase tree seedlings and printed material promoting effective water usage. (Fund 180)

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED THIS 4th DAY OF APRIL, 2011.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THIS 2nd AY OF MAY, 2011.

CITY OF COMMERCE CITY, COLORADO

By: _____
PAUL NATALE, MAYOR

ATTEST

Laura J. Bauer, City Clerk



Council Communication

City Council Meeting: 04 Apr 2011

Prepared: 20 Jan 2011

Number of Attachments: 1

Subject: ORDINANCE NO. 1851 Smoking Prohibition in or on Park Property

Presenter: Mizraim Cordero and Karen Stevens

Recommended City Council Action:

Staff recommends that City Council Approve Ordinance No. 1851 on second reading.

Summary Statement:

There is significant data available to the public which suggests there are significant health risks related to second hand smoking as well as environmental risks posed by improperly discarded cigarette butts in public places. At the direction of City Council, staff has prepared Ordinance No. 1851 for City Council's consideration to work toward addressing the issue of smoking in parks.

Next Steps: Once approved Parks and Receptions Department will prepare signs to inform the public of the new ordinance.

Expenditure Required: The bulk of the expense would be in developing signs to inform the public of this new ordinance. However, there will be no significant new expense generated by this ordinance. New signage informing members of the public will be part of already pre-budgeted signage project by the Parks and Recreation Department.

Source of Funds: To be determined.

Policy Issue: The protection of public health, safety and welfare by discouraging the inherently dangerous behavior in circumstances where other persons will be exposed to secondhand smoke.

Alternative: Not to approve, redirect staff to study the issue further from a different

angle.

Background Information:

Get Real Colorado in collaboration with children from the Adams County School District 14 and Boys and Girls Clubs have been working to raise awareness of the effects of smoking and second hand smoking. As a result of this work, children from the School District 14 presented to City Council and requested that City Council consider some type of action to discourage smoking in our local parks and trails. Following a presentation on December 13th City council deliberated and directed staff to draft an ordinance banning smoking in city parks.

ORDINANCE NO. 1851

INTRODUCED BY: BENSON, BULLOCK, CARSON, JOHNSON, MCELDOWNEY,
MORENO, NATALE, SNYDER, TETER

AN ORDINANCE AMENDING CHAPTER 7 OF THE COMMERCE CITY REVISED MUNICIPAL CODE BY THE ADDITION OF SECTION 7-1014 PROHIBITING SMOKING IN CITY PARKS, TRAILS, OPEN SPACES AND RECREATION FACILITIES, WITH CERTAIN EXCEPTIONS.

WHEREAS, scientific studies have concluded that cigarette smoking causes chronic lung disease, coronary heart disease, stroke, cancer of the lungs, larynx, esophagus, mouth, and bladder, and contributes to cancer of the cervix, pancreas, and kidneys;¹ and

WHEREAS, the use of cigars is known to cause lung, larynx, esophageal, and oral cancer;² and

WHEREAS, more than 440,000 people die in the United States from tobacco related diseases every year, making it the nation's leading cause of preventable illness;³ and

WHEREAS, the World Health Organization (WHO) estimates that tobacco will account for 10 million deaths per year by 2030, making it the greatest cause of death worldwide;⁴ and

WHEREAS, deaths from smoking around the world will soon outnumber those from AIDS, tuberculosis, traffic accidents, murder, and suicide combined;⁵ and

WHEREAS, the United States Environmental Protection Agency (EPA) has found secondhand smoke to be a risk to public health, and has classified secondhand smoke as a group A carcinogen, the most dangerous class of carcinogen;⁶ and

WHEREAS, exposure to secondhand smoke is the third leading cause of preventable death in this country, killing over 52,000 non-smokers each year,⁷ including 3,000 deaths from lung cancer;⁸ and

¹ U.S. Dep't of Health and Human Servs., Centers for Disease Control and Prevention, *Targeting Tobacco Use: The Nation's Leading Cause of Death 2002*.

² U.S. Dep't of Health and Human Servs., Centers for Disease Control and Prevention, *Annual Smoking – Attributable Mortality, Years of Potential Life Lost, and Economic Costs – United States 1995-1999* (2002)

³ U.S. Dep't of Health and Human Servs., Centers for Disease Control and Prevention, *Highlights Annual Smoking – Attributable Mortality, Years of Potential Life Lost, and Economic Costs – United States 1995-1999* (2002)

⁴ U.S. Dep't of Health and Human Servs., Centers for Disease Control and Prevention, *Reducing Tobacco Use: A Report of the Surgeon General*, 437 (2001).

⁵ Macksood Aftab, et. al., *International Cigarette Labeling Practices*, 8:4 TOBACCO CONTROL 368 (1999).

⁶ U.S. Dep't of Health and Human Servs., Centers for Disease Control and Prevention, *Clean Indoor Air Regulations Fact Sheet* (2001).

⁷ S.A. Glantz & W. Parmley, *Passive Smoking and Heart Disease: Epidemiology, Physiology, and Biochemistry*, 83(1) *Circulation* 1 (1991) and California Environmental Protection Agency, Office of Env'tl. Health Hazard Management, *Health Effects of Exposure to Environmental Tobacco Smoke: Final Report* (1997).

⁸ U.S. Dep't of Health and Human Servs., Centers for Disease Control and Prevention, *Targeting Tobacco Use:*

WHEREAS, 87.9% of non-smokers showed detectable levels of cotinine (a metabolite of nicotine) in their blood, the most likely source of which is secondhand smoke exposure;⁹ and

WHEREAS, secondhand smoke exposure adversely affects fetal growth, with elevated risk of low birth weight and increased risk of Sudden Infant Death Syndrome (SIDS) in infants of mothers who smoke;¹⁰ and

WHEREAS, secondhand smoke exposure causes as many as 300,000 children in the United States to suffer from lower respiratory tract infections, such as pneumonia and bronchitis,¹¹ exacerbates childhood asthma, and increases the risk of acute, chronic, middle ear infection in children;¹² and

WHEREAS, almost 90% of adult smokers started smoking at or before age 18;¹³ and

WHEREAS, smoking in front of children is likely to increase the likelihood that they will smoke; and

WHEREAS, it is the intent of the City Council in enacting this ordinance to provide for the public health, safety, and welfare by striking a reasonable balance between the needs of persons who smoke and the needs of non-smokers, including children, to breath smoke-free air, given the hazards associated with secondhand smoke; and

WHEREAS, it is the purpose of this ordinance to protect the public health, safety and welfare by discouraging the inherently dangerous behavior in circumstances where other persons will be exposed to secondhand smoke; by protecting children from exposure to smoking and reducing the potential that they associate such activity with a healthy lifestyle; by protecting the public from litter and pollution related to smoking; and by affirming and promoting the family-friendly atmosphere of the City's parks, trails and open spaces.

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

SECTION 1. Chapter 7 of the Commerce City Revised Municipal Code is hereby amended by the addition of Section 7-1014 which shall read as follows:

The Nation's Leading Cause of Death 2002, 2 (2002).

⁹ Pirkle, et al., JOURNAL OF AMERICAN MEDICINE, 275: 1233-40 (1996).

¹⁰ 11 Cal. Env'tl. Prot. Agency, Office of Env'tl Health Hazard Assessment, *Health Effects of Exposure to Environmental Tobacco Smoke, Final Report ES-5* (1997).

¹¹ U.S. Dep't of Health and Human Servs., Centers for Disease Control and Prevention, *Targeting Tobacco Use: The Nation's Leading Cause of Death 2002*, 2 (2002).

¹² U.S. Dep't of Health and Human Servs., Centers for Disease Control and Prevention, *Clean Indoor Air Regulations Fact Sheet* (2001),

¹³ National Household Surveys on Drug Abuse, unpublished data, 1998. *See also*, U.S. Dep't of Health & Human Servs. et al., *Preventing Tobacco Use Among Young People: A Report of the Surgeon General*, 101 (1994).

Sec. 7-1014 Smoking Prohibited

- (1) General Prohibition. Except as provided in paragraph (2), it is unlawful for any person to smoke in or on park property.
- (2) Exempt Areas. The following areas shall be exempt from the prohibition contained in paragraph (1) of this section unless specifically posted otherwise at the site:
 - (a) The Buffalo Run Golf Course; and
 - (b) Any areas of park property that are designed and intended for the parking of automobiles.

SECTION 2. This Ordinance shall be effective on April 1, 2011.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED THIS 7th DAY OF MARCH, 2011.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THIS 4th DAY OF APRIL, 2011.

CITY OF COMMERCE CITY, COLORADO

Paul Natale, Mayor

ATTEST:

Laura J. Bauer, CMC, City Clerk



Council Communication

City Council Meeting: 04 Apr 2011

Prepared: 29 Mar 2011

Number of Attachments: None

Subject: Ongoing discussion of City Council's recommendation for naming of RMNWR Visitors Center

Presenter: Council Discussion

Recommended City Council Action:

This a City Council discussion item, no formal action is requested at this time.

Summary Statement:

This discussion is regarding several years of ongoing discussions of Council's recommendation to Congress Members DeGette and Perlmutter for the possible naming of the RMANWR visitors center.

City Council at their Monday, March 28, 2011 Council meeting requested staff add this as a discussion item for the April 4, 2011 meeting.

Next Steps: Discussion by City Council regarding the potential for a meeting, who else should attend, and scheduling of the meeting.

Expenditure Required: None at this time.

Source of Funds: N/A

Policy Issue: N/A

Alternative: N/A

Background Information:

See the summary statement above.