



City Council of Commerce City

Regular Meeting Agenda

Council Chambers, 7887 E. 60th Ave.

Monday, April 18, 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 Arbor Day Proclamation

Tab 1

6. Citizen Communication - 6:50

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. Approval of Minutes - 7:05

a) Regular Meeting Minutes of March 7, 2011

Tab 2

8. Consent Agenda - 7:10

- a) **Ordinance 1854** AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE LAND DEVELOPMENT CODE **Tab 3**

9. Resolution

- a) 7:15 **Resolution 2011-17** RESOLUTION APPROVING BUSINESS INCENTIVE FOR HIGH MESA INVESTMENTS, LLC **Tab 4**

- b) 7:25 **Resolution 2011-18** RESOLUTION APPROVING BUSINESS INCENTIVE FOR C W ,LLC **Tab 5**

- c) 7:35 **Resolution 2011-19** RESOLUTION APPROVING BUSINESS INCENTIVE FOR DIRECT TRUCK SHOP, INC. **Tab 6**

- d) 7:45 **Resolution 2011-20** RESOLUTION APPROVING BUSINESS INCENTIVE FOR G. & K. MACHINE COMPANY **Tab 7**

- e) 7:55 **Resolution 2011-21** RESOLUTION APPROVING BUSINESS INCENTIVE FOR BY THE ROCKIES, LLC **Tab 8**

10. Ordinance on 1st Reading

- a) 8:05 **Ordinance 1859** AN ORDINANCE AMENDING ORDINANCE 1761 OF THE ORDINANCES OF THE CITY OF COMMERCE CITY RELATIVE TO AMENDMENT OF THE DESCRIPTION OF THE BOUNDARIES OF WARD 3 IN THE CITY OF COMMERCE CITY. **Tab 9**

11. Administrative Council Business - 8:15

12. Legislative Update - 8:30

13. Reports - 8:35

14. Adjourn - 8:50



Council Communication

City Council Meeting: 18 Apr 2011

Prepared: 05 Apr 2011

Number of Attachments: 1

Subject: Arbor Day Proclamation

Presenter: Mayor Pro-Tem Tracey Snyder

Recommended City Council Action:

Issue Arbor Day Proclamation

Summary Statement:

Commerce City proclaims April 30, 2011 Arbor Day. Commerce City has been recognized as a "Tree City USA" by the National Arbor Day Foundation for the twentieth consecutive year. The Tree City USA program is sponsored as part of Arbor Day celebrations across the country by The National Arbor Day Foundation in cooperation with the USDA Forest Service and the National Association of State Foresters. The program provides direction, technical assistance, public attention, and national recognition for urban and community forestry programs in towns and cities throughout the United States. The Commerce City Arbor Day event will take place April 30, 2011 at 9:30am at Veterans Memorial Park. Prior to the event, three large Colorado Blue Spruce will be planted as a backdrop to the Veterans Memorial. Participants attending the Arbor Day celebration will have the opportunity to help celebrate the planting of an Autumn Purple Ash tree near the Veterans Memorial.

Next Steps:

Expenditure Required: N/A

Source of Funds: N/A

Policy Issue: N/A

Alternative: N/A

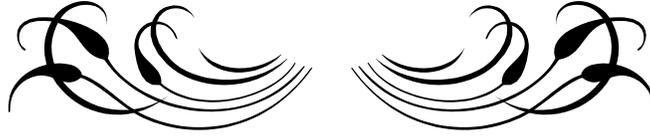
Background Information:

Commerce City has been recognized as a "Tree City USA" by the National Arbor Day Foundation for the twentieth consecutive year.

Office of the Mayor

Commerce City, Colorado

Proclamation



WHEREAS, the City of Commerce City desires to recognize and observe the special day known as Arbor Day along with others across the nation and throughout the world; and

WHEREAS, the City of Commerce City has been recognized as a "Tree City USA" by the National Arbor Day Foundation for the twentieth consecutive year and desires to retain this designation; and

WHEREAS, the City staff and City Council wish to promote an interest in the planting of trees in residential areas, as well as in City-owned parks, trails and open space; and

WHEREAS, trees in our City increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, in furtherance of this desire the City has instituted programs to assist its citizens in caring for their trees and shrubs, thus promoting a better ecological climate in the City;

NOW, THEREFORE, I, Tracey Snyder, Mayor Pro-Tem of the City of Commerce City, Colorado, do hereby proclaim April 30, 2011 as

ARBOR DAY IN COMMERCE CITY

and I urge all citizens to support efforts to care for our trees and woodlands and to support our City's community forestry program, and

FURTHER PROCLAIM it to be in the best interests of all citizens of Commerce City to take part in the Arbor Day ceremonies to be held at Veterans Memorial Park at nine thirty on the morning of April 30, 2011.

In witness whereof I have hereunto set my hand and caused this seal to be affixed.

Attest _____

Date _____

MINUTES
REGULAR MEETING OF
COMMERCE CITY COUNCIL

March 7, 2011

CALL TO ORDER

A regular meeting of the City Council of the City of Commerce City was called to order by Mayor Pro-Tem Snyder on March 7, 2011, at 6:39 p.m.

ROLL CALL

Present:

Mayor Natale – arrived after roll call
Mayor Pro-Tem Snyder - presiding
Councilman Moreno
Councilman Benson
Councilwoman Carson
Councilwoman Teter
Councilman Johnson – arrived after roll call
Councilman McEldowney
Councilman Bullock

Staff Reporting:

City Manager Jerry Flannery
City Attorney Bob Gehler
Deputy City Manager Tom Acre
Emergency Manager Alan Colon
Community Development Director Brian McBroom
Neighborhood Services Manager David Lutter
Intergovernmental Relations Manager Mizraim Cordero

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

AUDIENCE INTRODUCTION

The audience members introduced themselves.

CITIZEN COMMUNICATION

None

CONSENT AGENDA

Council members McEldowney and Teter moved and seconded to approve the consent agenda as presented.

City Attorney Gehler read the title of Ordinance Z-894-11: *AN ORDINANCE REZONING FROM I-1 TO I-3 ZONE DISTRICT THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, LOCATED AT 6450 YORK STREET, COMMERCE CITY, COLORADO, AND AMENDING THE ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO TO REFLECT SAID REZONING*

City Attorney Gehler read the title of Ordinance 1852: *AN ORDINANCE AMENDING THE 2011 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE COLORADO DIVISION OF EMERGENCY MANAGEMENT GRANT IN THE AMOUNT OF \$10,000 FOR THE REPLACEMENT OF WORKSTATIONS IN THE EMERGENCY OPERATIONS CENTER AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF*

City Attorney Gehler read the title of Ordinance 1853: *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 \$40,000 FOR (DUI) ENFORCEMENT EFFORTS AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF*

ROLL CALL VOTE: 9 aye

AMEND AGENDA

Council members Moreno and McEldowney moved and seconded to amend the agenda in order to move Ordinance 1851 to follow the consent agenda.

VOICE VOTE: Unanimous; all present affirmed

Ordinance 1851

City Attorney Gehler advised Council that this ordinance was drafted in response to local youth asking Council to prohibit smoking in parks and on trails included in the city's recreational system.

Proponents

Several local youth
Adams County School District #14 President Jeanette Lewis

Council members Teter and McEldowney moved and seconded to introduce Ordinance 1851 by Council as seated and approve the ordinance on first reading.

City Attorney Gehler read the title of 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*

ROLL CALL VOTE: 8 aye, 1 nay (Johnson)

RESOLUTIONS

Resolution 2011-15

Councilman Moreno stated that he sponsored this resolution in response to a local business's concern.

Opponents

Preston Gibson, Xcel Energy

Proponents

Kate Bechtholdt, Douglas Colony

Jeff Martin, Douglas Colony

RJ Harrington, Colorado Solar Industries Association

Osea Nelson, Astralux Power Systems

Council members Moreno and McEldowney moved and seconded to approve Resolution 2011-15

City Attorney Gehler read the title of Resolution 2011-15: *RESOLUTION OPPOSING XCEL REQUEST TO REDUCE SOLAR REBATE*

VOICE VOTE: Unanimous; all present affirmed

Resolution 2011-12

Deputy City Manager Tom Acre stated the current resolution reflects the changes recommended by City Council.

Council expressed how important it is to them that the build-out of the light rail system includes the northern communities.

Council members McEldowney and Benson moved and seconded to approve Resolution 2011-12 with requested updates from RTD.

City Attorney Gehler read the title of Resolution 2011-12: *RESOLUTION REGARDING SUPPORT FOR A TAX INCREASE TO FUND COMPLETION OF FASTRACKS INCLUDING THE NORTH METRO CORRIDOR FROM DENVER UNION STATION TO 160TH AVENUE, BY 2019*

VOICE VOTE: Unanimous; all present affirmed

Resolution 2011-10

Emergency Manager Alan Colon stated that every municipality and county must have a Designated Emergency Response Authority to handle, manage, respond to and do cost recovery from the responsible party for hazardous materials incidents. In the past, the fire department had that responsibility as the Designated Emergency Response Authority. In the last year, the city sent to the fire department for collection approximately \$100,000 in expenses for hazardous materials incidents because the City had to perform the mitigation, recovery and clean-up after a hazardous material incident in order to assure the work was completed. Cost recovery is a large administrative task for which the fire department is not staffed. Therefore, the City desires to serve as the Designated Emergency Response Authority and the fire department supports the proposal.

Council members Teter and McEldowney moved and seconded to approve Resolution 2011-10.

City Attorney Gehler read the title of Resolution 2011-10: *RESOLUTION DESIGNATING THE CITY OF COMMERCE CITY AS DESIGNATED EMERGENCY RESPONSE AUTHORITY*

VOICE VOTE: Unanimous; all present affirmed

ORDINANCES ON FIRST READING

Ordinance 1855

Council members Bullock and McEldowney moved and seconded to introduce Ordinance 1855 by Council as seated and approve the ordinance on first reading.

City Attorney Gehler read the title of 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*

ROLL CALL VOTE: 9 aye

Ordinance 1850

Council members McEldowney and Moreno moved and seconded to introduce Ordinance 1850 by Council as seated and approve the ordinance on first reading.

City Attorney Gehler read the title of Ordinance 1850: *AN ORDINANCE AMENDING SECTION 12-8001 ENTITLED "FRAUD BY CHECK" OF THE REVISED MUNICIPAL CODE OF THE CITY OF COMMERCE CITY*

ROLL CALL VOTE: 9 aye

STUDY ITEMS

Residential Trash Storage

Community Development Director Brian McBroom stated that prior to the municipal code rewrite in August of 2010, the language regarding residential trash storage was vague. In response to community feedback, the code was amended to provide more specific language to what constituted a violation. The current regulation is consistent with surrounding communities.

Neighborhood Services Manager David Lutter stated that staff's first obligation is to contact a homeowner and work with the homeowner in an effort to bring the property into compliance. To date, 519 notices of violation have been issued and only 6% have resulted in fines in cases where voluntary compliance was not obtained.

I-70 EIS Pact

Deputy City Manager Acre reported that he has attended three meetings since his last update to Council. The focus of these meetings has been cost of construction, environmental concerns, economic development, air pollution, and noise. Members of the group have been asked if they are leaning towards one option or another.

EXECUTIVE SESSION

Council members Teter and Moreno moved and seconded to enter into an executive session for the purpose of instructing negotiators on the I-70 EIS alignment pursuant to CRS 24-6-402(4)(e).

VOICE VOTE: Unanimous; all present affirmed

The regular meeting resumed at 10:20 p.m.

Council members McEldowney and Moreno moved and seconded to direct staff to maintain the positions raised in the original comment letter sent by Commerce City to I-70, which supports keeping the existing alignment.

VOICE VOTE: Unanimous; all present affirmed

ADMINISTRATIVE COUNCIL BUSINESS

Mayor Natale stated that if Council had no objection, Staff would continue to determine which proclamations would be placed on a Council agenda for Council approval.

LEGISLATIVE UPDATE

Intergovernmental Relations Manager Mizraim Cordero provided Council with a tentative schedule for their Washington DC trip, and that approximately 23 ballot initiatives have been filed to date.

REPORTS

Council members Bullock, Benson and Moreno reported on attending the Congressional District 7 redistricting meeting.

Councilman McEldowney reported on attending a Metro Vision Committee meeting, and that a post-retreat press release is being drafted.

Council members Johnson, Carson and Snyder had no report.

Councilwoman Teter reported on attending a Sand Creek Regional meeting and the funeral of a local citizen.

Mayor Natale reported on his attendance at numerous events and meetings.

ADJOURNMENT:

The meeting adjourned at 10:40 p.m.

CITY OF COMMERCE CITY

ATTEST

Tracey Snyder, Mayor Pro-Tem

Laura Bauer, City Clerk



Council Communication

City Council Meeting: 18 Apr 2011

Prepared: 10 Mar 2011

Number of Attachments: 4

Subject: Ordinance #1854: Commerce City Staff is requesting a series of minor amendments to the Land Development Code.

Presenter: Karen Stevens and Steve Timms

Recommended City Council Action:

City Council is asked to approve these minor amendments to the Land Development Code. These were previously discussed as a discussion item on February 28, 2011.

Summary Statement:

The Land Development Code (LDC) (Ordinance #1798) was adopted by City Council in January 2009 and went into effect on March 1, 2009. The Land Development Code was a comprehensive update to the Commerce City Zoning Ordinance, which included a wide variety of topics dealing with development and land use, such as application types, zoning districts, use standards, subdivision procedures, design standards and signs.

After working with the document for approximately two years, there have been periodic updates to the code (approximately every 9-12 months). For 2011, several additional items have arisen that require modification or attention. These updates fall generally into three different categories. First, some of these items are legal in nature and scope, and have been initiated from the city attorney's office. Second, a couple of the items are clarifications to the existing code, which involves uses or processes, which will make reviews and processes clearer for all involved. Third, some of the updates involve changes and clarifications of the definitions. City staff will continue to monitor issues that may be identified through the development review process and which may necessitate future amendments to the LDC at a later date.

Next Steps:

Expenditure Required: N/A

Source of Funds: N/A

Policy Issue: N/A

Alternative: City Council may accept staff's recommended changes or request modifications prior to bringing forward for approval.

Background Information:

On March 1, 2011, the Planning Commission voted (5-0) to forward the request to City Council with a favorable recommendation.

In addition, these items were discussed at an informational meeting before City Council on February 28, 2011. Comments during this meeting were positive and supportive of having a discussion presentation prior to voting on these updates.

Please see attached Planning Commission minutes for detailed background and discussion.

ORDINANCE NO: 1854

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

AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE LAND DEVELOPMENT CODE

WHEREAS, the City Council of the City of Commerce City adopted the Land Development Code by Ordinance 1720; and

WHEREAS, the Land Development Code became effective March 1, 2009; and

WHEREAS, the ongoing application and interpretation of the Land Development Code has identified areas where additional regulation and/or clarification are needed; and

WHEREAS, the City Council of the City of Commerce City wishes to address those areas.

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

SECTION 1. The following sections of the Land Development Code of the City of Commerce City are hereby amended to read as follows:

Sec. 21-1160. Proscribed Acts

It shall be unlawful for any person to do any of the following, or cause or allow the same to be done, without first obtaining all requisite city approvals, or in violation of this land development code, any land use or zoning ordinance lawfully enacted by the city, any condition imposed in a land use approval, or the municipal code: ***

Sec. 21-5212. Above Ground Storage Tanks

- (5) Tanks for the storage of liquid materials shall be located in side or rear yards.

Sec. 21-5420. Standards

- (7) **Accessory Living Space Restricted.** Except as expressly allowed, no accessory structure shall be used to provide any type of living area normally associated with

a dwelling unit, including without limitation sleeping, recreation, dining, cooking, and bathroom facilities.

Sec. 21-5360. Organized Events

- (7) **Notification to Nearby Property Owners.** Any person who intends to hold an event that meets three or more of the criteria listed in this paragraph shall make a reasonable attempt to notify every person who own property within 660 feet of the proposed event. Notification shall be provided in a manner that is satisfactory to the city.
- (a) The event will occur on more than one calendar day;
 - (b) Any part of the event will occur after 8:00 p.m. or before 8:00 a.m.;
 - (c) Attendance at the event is reasonably anticipated to exceed 200 people;
 - (d) Alcoholic beverages will be served during the event;
 - (e) Live or amplified sound will occur during the event.

Sec. 21-5270. Transportation Terminals and Truck Stops

- (1) All new business and fellowship activities shall be contained within the primary structure. No detached garage, tent, trailer, vehicle, storage container, or accessory building shall be used to house any new, ongoing for-profit, non-profit, charitable, or religious business or establishment. A temporary use, the duration of which shall not exceed one calendar week, may be allowed on the property, subject to all applicable standards and permitting requirements contained in this code. In no event shall more than one temporary use occur on the same property at the same time.

Sec. 21-6130. Construction Standards

All development shall be conducted in accordance with all standards adopted by the city, including but not limited to: the design standards and plan requirements of these subdivision regulations; the city's engineering construction standards and specifications; the storm drainage criteria manual; the parks and recreation master plans; and, where applicable, the requirements and authorization of the appropriate federal, state, county, local agency or utility company.

Sec. 21-7233. Off-Street Parking Requirements

- (2) **Maximum Parking.** With the exception of single-family residential uses, parking shall not exceed 150 percent of the amount of parking prescribed by table VII-2.

Sec. 21-7238. Modifications Related to Off-Street Parking Requirements

- (3) **Increases in Parking.** The director may approve an increase in parking of up to 200 percent of the required parking if the increased number of spaces will provide a greater service to prospective users and a greater benefit to the community, while minimizing any aesthetic and visual impacts of the additional paving areas on surrounding areas.

Sec. 21-9230 Water Acquisition Fee

- (2) **Fee.** The water acquisition fee is set at \$732.79 for each dwelling unit or non residential structure for calendar year 2009 and shall escalate at a rate of 10 percent per year effective upon January 1 of each successive year. The monies collected pursuant to this section shall be used to acquire water rights for the purpose of watering city parks, recreational facilities and other city owned facilities.

Sec. 21-11200. Definitions

- (267) **Outdoor Storage** - shall mean the placement of materials, merchandise, stock, supplies, shipping containers, mobile storage containers, machines, operable vehicles, equipment, manufacturing materials, or chattels of any nature that are not kept in a structure having at least four walls and a roof, for a continuous period of 24 hours or more. Outdoor storage shall not include: ***

SECTION 2. The Land Development Code of the City of Commerce City is hereby amended by the addition of the following sections:

Sec. 21-5235 Fuel Sales

- (1) **General Standards.** All businesses where fuel sales occur shall comply with the following standards:
 - (a) No more than two may be located within 660 feet of an arterial/arterial intersection;
 - (b) Street access shall conform to the requirements imposed by the engineering division; and
 - (c) Vehicle access and circulation shall be designed so that the impacts to adjacent residential uses or properties from the movement of vehicles or the lights from vehicles are minimized.

- (2) **Pump Islands.** A maximum 2 pump islands shall be permitted on a 12,000-square foot lot. One pump island may be added for each additional 2,000-square feet of lot area, provided that the total number of pump islands shall not exceed 4 per lot.

- (3) **Building and Equipment Setbacks and Buffers.**
 - (a) The principal building and any accessory structures, except for fuel pumps, pump islands, detached canopies, and similar equipment, shall be set back a minimum of 15 feet from any street right-of-way and a minimum of 20 feet from all property lines abutting a residential zoning district.
 - (b) When the facility abuts a residential district, use, or property, a minimum 20-foot wide landscape buffer shall be provided along the shared boundary in accordance with section 21-7516 (Landscaping Buffers).
 - (c) Fuel pumps, pump islands, detached canopies, and similar equipment shall be set back a minimum of 40 feet from all street rights-of-way and from all property lines abutting a residential zoning district.
 - (d) Compressed air and vacuum connections shall be setback from public rights-of-way a minimum distance equal to the minimum landscape buffer. They shall be set back from any residential zoned property a minimum of 40 feet.

- (4) **Supplemental Development and Design Standards.** In addition to any other development or design standard set forth in article VII (Design Standards), the following standards shall apply:
 - (a) Any fuel pump canopy or accessory structures shall utilize the same architectural treatment as the primary or principal building. The material used on the underside of the canopy shall not be highly reflective.
 - (b) A maximum of 25 percent of each canopy fascia area visible from any public street may be internally illuminated, and no portion of any fascia may be externally illuminated. Each side of a fuel pump canopy shall be considered a separate fascia area.
 - (c) Where the use abuts or is across the street from a residential zoning district, sight lighting or other lights illuminating the fuel pumps or other areas of the site shall be extinguished at the close of business.

- (5) **Accessory Car Wash Bays.** A fully-enclosed, single-bay car wash is allowed as an accessory use subject to the following development and design standards:
 - (a) To the maximum extent possible, the entrance to the car wash bay shall be sited so as not to be visible from the lot's primary street frontage;
 - (b) The car wash bay shall be limited in size to a single vehicle;
 - (c) The car wash bay shall be located outside of the 20 foot landscape buffer required by paragraph (3)(b) of this section;
 - (d) In addition to any other off-street parking requirements or vehicles stacking requirements, the car wash shall have its own stacking requirements, found in section 21-7236 (Stacking Requirements);
 - (e) Where the use abuts a residential zoning district, the hours of operation for the car wash shall be limited to between 7 a.m. and 9 p.m.

Sec. 21-5271 Truck and Vehicle Repair

- (1) **General Standards.** All truck and vehicle repair use shall comply with the following standards:
 - (a) Street access shall conform to the requirements imposed by the engineering division; and
 - (b) Vehicle access and circulation shall be designed so that the impacts to adjacent residential uses or properties from the movement of vehicles or the lights from vehicles are minimized.
- (2) **Equipment, Activity, and Materials Enclosure.**
 - (a) All repair work, vehicle washing, installation of parts, hydraulic hoists, pits, and all lubrications, greasing, automobile detailing, or repairing equipment shall be entirely enclosed within a building. When any such building or portion of a building faces, abuts, or is adjacent to residentially zoned property, the closest, adjacent building wall or face shall consist of a solid wall with no window or door openings other than those required by applicable building codes.
 - (b) All vehicle parts, dismantled vehicles and similar materials, and all discarded materials such as tires, cans, and drums, shall be stored within an enclosed building or meet the criteria for outdoor storage.
- (3) **Vehicle and Truck Storage.** All vehicles awaiting repair shall be stored on site in approved parking spaces and under no circumstances shall such vehicles be stored outside in an unassembled condition, on an unapproved parking surface, or stored on or obstruct access to a public right-of-way.
- (4) **Accessory Car Wash Bays.** A fully-enclosed, single-bay car wash is allowed as an accessory use subject to the following development and design standards:
 - (a) To the maximum extent possible, the entrance to the car wash bay shall be sited so as not to be visible from the lot's primary street frontage;
 - (b) The car wash bay shall be limited in size to a single vehicle;

- (c) The car wash bay shall be located outside of the 20 foot landscape buffer required by paragraph (3)(b) of this section;
- (d) In addition to any other off-street parking requirements or vehicles stacking requirements, the car wash shall have its own stacking requirements, found in section 21-7236 (Stacking Requirements);
- (e) Where the use abuts a residential zoning district, the hours of operation for the car wash shall be limited to between 7 a.m. and 9 p.m.

SECTION 3. Section 21-10060 of the Land Development Code of the City of Commerce City is hereby repealed and reenacted to read as follows:

Sec. 21-10060. Penalties and Other Remedies

In the event that any person violates, disobeys, or fails or neglects to comply with the requirements of this land development code or any land use or zoning ordinance adopted by the city, the city may, in addition to employing the enforcement methods enumerated in this article, impose the penalties provided in chapter 1 of the municipal code or take any action authorized by the municipal code, the charter, or state or federal law to prevent, enjoin, abate or remove such violation, failure or omission and, in addition, shall be entitled to recover any costs and charges incurred in undertaking such action.

SECTION 4. Section 21-5226 of the Land Development Code of the City of Commerce City is hereby repealed.

SECTION 5. Section 21-11200 of the Land Development Code of the City of Commerce City is hereby amended by the removal of the numbering of the individual definitions and by the addition of the following defined terms:

Guard House - shall mean a structure, located on a private road or on private property for the purpose of manually or electronically regulating and monitoring pedestrian and/or vehicular traffic into a development or neighborhood and promoting security within the development or neighborhood; provided however, a guardhouse shall include only those structures that are not designed or used for sleeping or living purposes.

Lot - shall mean a unit of subdivided land occupied or designed to be occupied by a primary use or building or a group of such buildings and accessory buildings.

Modular Non-Residential Unit (Sales/Service) - shall mean a factory-built structure not built on-site, which is not designed for residential use or human habitation.

Parcel - shall mean a plot of land of any size that may or may not be subdivided or improved.

Tire Store - shall mean a retail business where the principal use is the sale or installation of new, used, or retread tires or tubes. Any land or structures with a primary or principal use of tire collection, reduction, or transfer shall not be considered a tire store.

Tract - shall mean a unit of subdivided land not occupied or designed to be occupied by a primary building, such as open space or drainage.

Vehicle Repair, Major - shall mean extensive repair of automobiles, motorcycles, and light trucks that may include body repair, fender work, or engine repair. In no case shall major vehicle repair include repair of heavy equipment or trucks.

SECTION 6. Table V-1 of the Land Development Code is hereby amended as follows:

- (a) “Dwelling in conjunction with and supplementary to the principal use,” “convenience store with fuel sales,” and “service stations” shall be removed.
- (b) “Support activities for oil and gas operations” shall be modified to reflect that the use is permitted as a conditional use in all zone districts.
- (c) “Vehicle repairs – minor” shall be listed as a use by permit in the C2 zone district and a use by right in the C3, I1, I2, and I3 zone districts.
- (d) “Vehicle repairs – major” shall be listed as a use by right in the I1, I2, and I3 zone districts.
- (e) “Tire Shop” shall be listed as a use by right in the C3, I1, I2, and I3 zone districts.
- (f) “Fuel Sales – w/no repair” shall be listed as a use by permit in the C2 zone district and a use by right in the C3, I1, and I2 zone districts.
- (g) “Fuel Sales - w/minor vehicle repairs” shall be listed as a use by permit in the C2 district and a use by right in the C3, I1, I2, and I3 zone districts.
- (h) “Fuel Sales - w/major vehicle repairs” shall be listed as a use by right in the I1, I2, and I3 zone districts.
- (i) “Modular non-residential unit sales, rental, and service” shall be listed as a use-by-right in the I2 and I3 zone districts.

SECTION 7. Table V-5 of the Land Development Code is hereby amended as follows:

- (a) The term “Night Watchman’s Quarters” shall replace the term “Guard house/ Watchman’s/ Caretaker’s Quarters.”
- (b) “Guard house” shall be listed as a use-by-right in the I1, I2, I3 and Public zone districts.

SECTION 8. Table VII-2 of the Land Development Code shall be amended to provide that the minimum off-street parking for “warehousing” shall be 1 space per 1000 square feet.

SECTION 9. Except as specifically modified herein, the provisions of the Land Development Code shall remain unchanged and in full force and effect.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE
ORDERED THIS 21ST DAY OF MARCH, 2011.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE
ORDERED THIS 18TH DAY OF APRIL, 2011.

CITY OF COMMERCE CITY,
COLORADO

Tracey Snyder, Mayor Pro-Tem

ATTEST:

Laura J. Bauer, CMC, City Clerk

Commerce City Planning Commission
March 1, 2011

Commerce City Civic Center
Page 7

CASE:	Ordinance # 1854
Location:	City-wide
Applicant:	City of Commerce City
Request:	Commerce City Staff is requesting a series of minor amendments to the Land Development Code.
Staff Recommendation:	Approval of proposed text updates.

Background:

The Land Development Code (LDC) (Ordinance #1798) was adopted by City Council in January 2009 and went into effect on March 1, 2009. This Land Development Code was a comprehensive update to the Commerce City Zoning Ordinance, which included a wide variety of topics dealing with development and land use, such as application types, zoning districts, use standards, subdivision procedures, design standards and signs. Thousands of items are included within the Land Development Code and overall, the updated code has been a tremendous help to staff and applicants when reviewing development proposals.

Since that time, there have been several amendments to this document. This is the second “comprehensive update” of LDC items before Planning Commission. The first occurred in late 2009, with a few additional single-item amendments in 2010.

Request – Text Amendments and Clarifications

The Land Development Code is a “living document” that acts as a tool to guide future development of a community, protect neighborhoods, focus development, and enhance the environment. As a part of the public review process for the LDC, it was mentioned that the code would be an “on-going work in progress,” and that this document would continually evolve to reflect the needs and desires of the city. As a way to implement this ongoing evolution, changes, or amendments, will be implemented periodically. Currently, there are no limitations or preclusions related to the number of zoning code amendments that the city may adopt.

After working with the document for approximately two years, several items have arisen that require modification or attention. These updates fall into three different categories. These updates fall into three different categories. First, several items are legal in nature and scope, and have been initiated from the city attorney’s office. Second, a couple of the items are clarifications to the existing code, which will only make reviews and processes clearer for all involved. Third, several definitions are being included or reworded based on a greater understanding of City issues and real life applications. City staff will continue to monitor issues that may be raised through the development review process and which may necessitate future amendments to the LDC at a later date.

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In addition, three sections of the LDC have been identified to receive more substantial updates. These sections are 1) fences, 2) signs, and 3) regulations concerning alcohol uses. Because these topics will be addressed later in the year, they are not included within this set of updates.

Analysis:

For this ordinance, staff is proposing 20 text amendments to the LDC at this time. Staff has reviewed the proposed updates and finds that these are all minor in nature. In the future, proposed amendments will be classified into three categories: Major revisions, Mid Level Revisions, and Minor Revisions. As described in detail below, the proposed minor amendments are related to the usability and clarity of the Code, consistency of the Code with other adopted City codes, legal clarifications, and the insertion of previously omitted sections. The proposed amendments are not intended to change the intent of the Land Development Code's provisions. In addition, no properties will be rezoned as a result of these actions.

The actual proposed amendments to the Land Development Code are listed in full in Attachments A and B and are summarized below by Article and Section:

Update #	Article	Section	Subject/ Heading	Description of Amendment	Reason for Amendment
1	I	1160	General Provision/Proscribed Acts	Establishing the legal basis for regulating land use	Legal clarification and interpretation
2	V	Table V-1	Land Use Table	Update of terms: "manufacturing oil and gas- support activities, dwelling in conjunction with principal use, vehicle repair- minor, vehicle repair-major, tire shop, fuel sales, convenience stores, and service stations	Additions to help distinguish and differentiate vehicle repair and fuel service uses. Legal clarification and interpretation
3	V	5212	Above Ground Storage Tanks	Change in required setback and location in side or rear yards.	Brings code consistent with fire and building codes.
4	V	5235/5271	Fuel Sales and Vehicle Repair	More clearly defines and distinguishes facilities with fuel sales and vehicle repair.	Additions to help distinguish and differentiate these users. Modernize terminology and uses.
5	V	5270	Truck Stops	More clearly defines and distinguishes temporary uses for truck stops.	To allow mobile chapel trailer and to make allowances for limited trucking

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Update #	Article	Section	Subject/ Heading	Description of Amendment	Reason for Amendment
					related temporary uses.
6	V	5360	Organized Events	Requires organized events that meet certain criteria to notify neighborhood of event.	Council direction to update this section.
7	V	Table V-5	Accessory Use Table	More clearly defines and distinguishes night watchmen and guard house uses.	To allow night watchmen quarters and guard houses in certain districts.
8	V	5420	Accessory Dwelling Unit Prohibition	More clearly prohibits accessory dwelling units	Legal clarification
9	VI	6130	Storm Drainage Standards	Updated terminology to include storm drainage standards	Legal clarification on terminology
10	VII	7233/7238/ Table VII-2	Parking Flexibility	Updates standards for industrial warehousing (1/1000) and lessens the maximum parking lot requirement.	Update standards to be more business friendly and allow greater flexibility to new developments in regards to parking.
11	IX	9230	Water Acquisition Fee	Updated terminology to reflect language in previous code with regards to new residential development.	Legal clarification on terminology
12	X	10060	Enforcement/Penalties	Updated section to reflect municipal code	Legal clarification on terminology
13	XI	11200	Definitions	Update in definition for outdoor storage	Legal clarification and interpretation
14	XI	11200	Definitions	Addition of definition for guard house	Legal clarification and interpretation
15	XI	11200	Definitions	Addition of definition for modular non-residential unit	Legal clarification and interpretation
16	XI	11200	Definitions	Addition of definition for tire store	Legal clarification and interpretation
17	XI	11200	Definitions	Addition of definition for vehicle repair, major	Legal clarification and interpretation
18	XI	11200	Definitions	Addition of definition for lot	Legal clarification and interpretation
19	XI	11200	Definitions	Addition of definition for parcel	Legal clarification and interpretation
20	XI	11200	Definitions	Addition of definition for tract	Legal clarification and interpretation

Alternatives:

The Planning Commission has several options when reviewing this request. One option would be to forward to City Council these amendments with a favorable recommendation, with, or without, changes. Another option would be to send the amendments back to staff for additional work. A third option would be to forward the ordinance request to City Council with an unfavorable recommendation.

Recommendation:

In conclusion, staff is recommending that the Planning Commission forward these proposed amendments to the Land Development Code to City Council with a favorable recommendation.

Opponents: None

Proponents: None

DISCUSSION:

Mr. Steve Timms explained the subject request. *Details noted in background summary above.*

The Planning Commission was satisfied with the information in the presentation and did not voice any concerns. There being no further discussion a motion was requested.

MOTION:

Mr. Jones made the following motion: I move that the Planning Commission recommend that City Council approve Ordinance #1854, an ordinance amending the Commerce City Land Development Code as outlined in Exhibit A.

Mr. Dreiling seconded the motion:

Voice Vote: All Voting Affirmed.



Council Communication

City Council Meeting: 18 Apr 2011

Prepared: 11 Apr 2011

Number of Attachments: 1

Subject: Resolution Approving Business Incentive for High Mesa Investments, LLC

Presenter: Brittany A. Morris

Recommended City Council Action:

Staff recommends City Council approve Resolution No. 2011-17 - Existing Business Incentives for High Mesa Investments, LLC.

Summary Statement:

High Mesa Investments, LLC is requesting Existing Business Incentives pursuant to the Commerce City Incentive Program approved by Resolution 2010-33. Approval is being requested for incentives totaling an estimated \$1,681.

Next Steps: Following approval, this incentive application will be forwarded to the Finance Department for appropriate processing.

Expenditure Required: Estimated expenditure is \$1,681, based on the stated estimated investment of \$125,000. Actual expenditure will be based on actual sales and/or use tax and fees.

Source of Funds: Incentive funding will be a rebate of actual sales and/or use tax and fees remitted and/or paid.

Policy Issue: This incentive request is consistent with the Commerce City Incentive Program initially approved by City Council in 2010 and extended until June 2011.

Alternative: N/A

Background Information:

High Mesa Investments, LLC is a company that owns and leases commercial

property in Commerce City. The company recently completed a tenant finish/remodel of an existing facility for dual tenant use. These capital improvements totaled \$125,000. Under the incentive program, the company is eligible for a 10% rebate on sales and/or use taxes associated with these capital improvements, as well as a 50% rebate of city fees associated with these capital improvements.

Although the incentive request is part of an existing program, City Council approval is needed for the rebate of taxes. Approval is being requested for incentives totaling an estimated \$1,681.

**RESOLUTION APPROVING BUSINESS INCENTIVE FOR
HIGH MESA INVESTMENTS, LLC**

NO. 2011-17

WHEREAS, on May 24, 2010, the City Council passed Resolution 2010-33, which accepted certain recommendations of the Business Advancement Task Force including the 2010 Commerce City Business and Development Incentive Package (the “Incentive Package” or the “Program”);

WHEREAS, pursuant to Resolution 2010-33, certain applications must receive approval from the City Council before any incentives may be paid out under the Incentive Package;

WHEREAS, High Mesa Investments, LLC (the “Business”), has submitted a Business Incentive Application under the Incentive Program for Existing Business Incentives; and

WHEREAS, the City Council has reviewed the attached application and staff report and finds that the information provided in the application supports the incentives detailed herein, the total of which is currently estimated at **One Thousand Six Hundred Eighty-one dollars (\$1,681.00)**.

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

1. Approval. The following incentive described in the Business Incentive Application is hereby approved: Existing Business Incentives
2. Existing Business Incentives.
 - a. The estimated combined value of capital improvements planned for the Business, including fixed value assets and new construction, is One Hundred Twenty-five Thousand dollars (\$125,000.00).
 - b. Upon verification of the value of the capital improvements actually made, the Economic Development Division is hereby authorized and directed to provide to the Business, in accordance with Program terms and conditions, a Use Tax rebate in the amount of **Four Hundred Thirty-seven dollars (\$437.00)**; provided, however, that in the event the value of the capital improvements actually made by the Business is more or less than estimated, the amount of the Use Tax rebate shall be adjusted accordingly.
 - c. Upon the payment by the Business of the applicable City Fees, the Economic Development Division is hereby authorized and directed to provide to the Business, in accordance with Program terms and conditions, a City Fees rebate in the amount of **One Thousand Two**

Hundred Forty-four dollars (\$1,244.00); provided, however, that in the event the value of the capital improvements actually made by the Business is more or less than estimated, the amount of the City Fees rebate shall be adjusted accordingly.

RESOLVED AND PASSED THIS 18th DAY OF APRIL, 2010.

CITY OF COMMERCE CITY

Tracey Snyder, Mayor *pro tem*

ATTEST:

Laura J. Bauer, CMC, City Clerk



Council Communication

City Council Meeting: 18 Apr 2011

Prepared: 11 Apr 2011

Number of Attachments: 1

Subject: Resolution Approving Business Incentive for C W ,LLC

Presenter: Brittany A. Morris

Recommended City Council Action:

Staff recommends City Council approve Resolution No. 2011-18 - Existing Business, Existing Retailer and Job Creation Incentives for C W ,LLC.

Summary Statement:

C W ,LLC is requesting Existing Business, Existing Retailer and Job Creation Incentives pursuant to the Commerce City Incentive Program approved by Resolution 2010-33. The Existing Business Incentives and Job Creation Incentives are expected to total \$1,616. Existing Retailer Incentives will be determined by the Finance Department. Approval is being requested for these incentives.

Next Steps: Following approval, this incentive application will be forwarded to the Finance Department for appropriate processing.

Expenditure Required: Estimated expenditure will be \$1,616, for Existing Business and Job Creation Incentives based on the stated estimated investment of \$60,000. Actual expenditure will be based on actual sales and/or use tax and fees and number of employees. Existing Retailer Incentive expenditure will be determined by the Finance Department based on actual sales tax received from the business in 2010.

Source of Funds: Incentive funding will be a rebate of actual sales and/or use tax and fees remitted and/or paid.

Policy Issue: This incentive request is consistent with the Commerce City Incentive Program initially approved by City Council in 2010 and extended until June 2011.

Alternative: N/A

Background Information:

C W ,LLC operates as Charlotte's Web Restaurant. The company is planning facility improvements including remodeling, repair or replacement of existing coolers, and upgrade sound and security systems. These capital improvements are estimated at \$60,000. In addition, the company plans to hire four (4) new employees. Under the incentive program, the company is eligible for a 10% rebate of City sales and/or use taxes associated with these capital improvements, as well as a 50% rebate of City fees associated with these capital improvements. The company is also eligible for a 5% rebate of City sales tax received from the business in 2010 for use in marketing the business. In addition, the company is eligible for a tax rebate for creating new jobs.

Although the incentive request is part of an existing program, City Council approval is needed for the rebate of taxes. Approval is being requested for these incentives.

**RESOLUTION APPROVING BUSINESS INCENTIVE FOR
C W ,LLC**

NO. 2011-18

WHEREAS, on May 24, 2010, the City Council passed Resolution 2010-33, which accepted certain recommendations of the Business Advancement Task Force including the 2010 Commerce City Business and Development Incentive Package (the “Incentive Package” or the “Program”);

WHEREAS, pursuant to Resolution 2010-33, applications for certain incentives must receive approval from the City Council before any incentives may be paid out under the Incentive Package;

WHEREAS, C W ,LLC d/b/a Charlotte’s Web Restaurant (the “Business”), has submitted a Business Incentive Application under the Incentive Program for Existing Business Incentives, Existing Retailer Incentives and Job Creation Incentives; and

WHEREAS, the City Council has reviewed the attached application and staff report and finds that the information provided in the application supports the incentives detailed herein.

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

1. Approval. The following incentives described in the Business Incentive Application are hereby approved:
 - a. Existing Business Incentives
 - b. Existing Retailer Incentives (Grocery & Eating Places)
 - c. Job Creation Incentives

2. Existing Business Incentives.
 - a. The estimated combined value of capital improvements planned for the Business, including new construction, is Sixty Thousand dollars (\$60,000.00).

 - b. Upon verification of the value of the capital improvements actually made, the Economic Development Division is hereby authorized and directed to provide to the Business, in accordance with Program terms and conditions, a Use Tax rebate in the amount of **One Hundred Fifty-one dollars and twenty cents (\$151.20)**; provided, however, that in the event the value of the capital improvements actually made by the Business is more or less than estimated, the amount of the Use Tax rebate shall be adjusted accordingly.

- c. Upon the payment by the Business of the applicable City Fees, the Economic Development Division is hereby authorized and directed to provide to the Business, in accordance with Program terms and conditions, a City Fees rebate in the amount of **Four Hundred Sixty-four dollars and eighty-five cents (\$464.85)**; provided, however, that in the event the value of the capital improvements actually made by the Business is more or less than estimated, the amount of the City Fees rebate shall be adjusted accordingly.
3. Existing Retailer Incentives. Upon verification of the City sales tax received from the Business for fiscal year 2010, the Economic Development Division is hereby authorized and directed to provide to the Business, in accordance with Program terms and conditions, Sales Tax Rebates in the amount of five percent (5%) of the City sales tax received for fiscal year 2010.
4. Job Creation Incentives. The Business anticipates creating four (4) Full Time Equivalent* (“FTE”) jobs earning below the average wage for Adams County. Upon verification of the creation of such jobs the Economic Development Division is hereby authorized and directed to provide to the Business, in accordance with Program terms and conditions, Job Creation Incentives in the amount of **One Thousand dollars (\$1,000.00)**; provided, however, that in the event the Business creates more or fewer jobs, the Job Creation Incentives shall be adjusted accordingly.

*Full Time Equivalent is calculated as follows: number of positions in the particular pay category (earning below average wage or earning above average wage) multiplied by the total number of hours to be worked per week by all positions in such category, divided by 40 (hours).

RESOLVED AND PASSED THIS 18th DAY OF APRIL, 2011.

CITY OF COMMERCE CITY

Tracey Snyder, Mayor *pro tem*

ATTEST:

Laura J. Bauer, CMC, City Clerk



Council Communication

City Council Meeting: 18 Apr 2011

Prepared: 11 Apr 2011

Number of Attachments: 1

Subject: Resolution Approving Business Incentive for Direct Truck Shop, Inc.

Presenter: Brittany A. Morris

Recommended City Council Action:

Staff recommends City Council approve Resolution No. 2011-19 - Existing Business and Job Creation Incentives for Direct Truck Shop, Inc.

Summary Statement:

Direct Truck Shop, Inc. is requesting Existing Business Incentives pursuant to the Commerce City Incentive Program approved by Resolution 2010-33. Approval is being requested for incentives totaling an estimated \$887.

Next Steps: Following approval, this incentive application will be forwarded to the Finance Department for appropriate processing.

Expenditure Required: Estimated expenditure is \$887, based on the stated estimated investment of \$81,263. Actual expenditure will be based on actual sales and/or use tax and fees.

Source of Funds: Incentive funding will be a rebate of actual sales and/or use tax and fees remitted and/or paid.

Policy Issue: This incentive request is consistent with the Commerce City Incentive Program initially approved by City Council in 2010 and extended until June 2011.

Alternative: N/A

Background Information:

Direct Truck Shop, Inc. is a trucking and truck repair company in Commerce City.

The company recently completed a facility improvements that included replacing an interior wall, installing a new heating system and replacing lights with high efficiency bulbs and ballasts. These capital improvements totaled \$81,263. Under the incentive program, the company is eligible for a 10% rebate of City sales and/or use taxes associated with these capital improvements, as well as a 50% rebate of City fees associated with these capital improvements.

Although the incentive request is part of an existing program, City Council approval is needed for the rebate of taxes. Approval is being requested for incentives totaling an estimated \$887.

**RESOLUTION APPROVING BUSINESS INCENTIVE FOR
DIRECT TRUCK SHOP, INC.**

NO. 2011-19

WHEREAS, on May 24, 2010, the City Council passed Resolution 2010-33, which accepted certain recommendations of the Business Advancement Task Force including the 2010 Commerce City Business and Development Incentive Package (the “Incentive Package” or the “Program”);

WHEREAS, pursuant to Resolution 2010-33, certain applications must receive approval from the City Council before any incentives may be paid out under the Incentive Package;

WHEREAS, Direct Truck Shop, Inc. (the “Business”), has submitted a Business Incentive Application under the Incentive Program for Existing Business Incentives; and

WHEREAS, the City Council has reviewed the attached application and staff report and finds that the information provided in the application supports the incentives detailed herein, the total of which is currently estimated at **Eight Hundred Eighty-seven dollars (\$887.00)**.

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

1. Approval. The following incentive described in the Business Incentive Application is hereby approved: Existing Business Incentives
2. Existing Business Incentives.
 - a. The estimated combined value of capital improvements planned for the Business, including fixed value assets and new construction, is Eighty-one Thousand Two Hundred Sixty-three dollars (\$81,263.00).
 - b. Upon verification of the value of the capital improvements actually made, the Economic Development Division is hereby authorized and directed to provide to the Business, in accordance with Program terms and conditions, a Use Tax rebate in the amount of **One Hundred Seventy dollars and sixty-five cents (\$170.65)**; provided, however, that in the event the value of the capital improvements actually made by the Business is more or less than estimated, the amount of the Use Tax rebate shall be adjusted accordingly.
 - c. Upon the payment by the Business of the applicable City Fees, the Economic Development Division is hereby authorized and directed to provide to the Business, in accordance with Program terms and conditions, a City Fees rebate in the amount of **Seven Hundred Fifteen dollars and ninety cents (\$715.90)**; provided, however, that

in the event the value of the capital improvements actually made by the Business is more or less than estimated, the amount of the City Fees rebate shall be adjusted accordingly.

RESOLVED AND PASSED THIS 18th DAY OF APRIL, 2011.

CITY OF COMMERCE CITY

Tracey Snyder, Mayor *pro tem*

ATTEST:

Laura J. Bauer, CMC, City Clerk



Council Communication

City Council Meeting: 18 Apr 2011

Prepared: 11 Apr 2011

Number of Attachments: 1

Subject: Resolution Approving Business Incentive for G. & K. Machine Company

Presenter: Brittany A. Morris

Recommended City Council Action:

Staff recommends City Council approve Resolution No. 2011-20 - Existing Business and Job Creation Incentives for G. & K. Machine Company.

Summary Statement:

G. & K. Machine Company is requesting Existing Business and Job Creation Incentives pursuant to the Commerce City Incentive Program approved by Resolution 2010-33. The Existing Business Incentives and Job Creation Incentives are expected to total \$3,374.

Next Steps: Following approval, this incentive application will be forwarded to the Finance Department for appropriate processing.

Expenditure Required: Estimated expenditure is \$3,374, based on the stated estimated investment of \$300,000. Actual expenditure will be based on actual sales and/or use tax and fees and number of employees.

Source of Funds: Incentive funding will be a rebate of actual sales and/or use tax and fees remitted and/or paid.

Policy Issue: This incentive request is consistent with the Commerce City Incentive Program initially approved by City Council in 2010 and extended until June 2011.

Alternative: N/A

Background Information:

G. & K. Machine Company is a manufacturer that specializes in the machining and repair requirements for the underground mining industry. Gear manufacturing was an outgrowth of these needs and has become the backbone of the company. The company is planning extensive improvements to their facility at 4833 Newport St, totalling an estimated \$300,000. These improvements will include an upgrade in electrical service, construction of new offices and a new entrance on East 48th Street. In addition, the company plans to hire three (3) new employees. Under the incentive program, the company is eligible for a 10% rebate of City sales and/or use taxes associated with these capital improvements, as well as a 50% rebate of City fees associated with these capital improvements. The company is also eligible for a tax rebate for creating new jobs.

Although the incentive request is part of an existing program, City Council approval is needed for the rebate of taxes. Approval is being requested for incentives totaling an estimated \$3,374.

**RESOLUTION APPROVING BUSINESS INCENTIVE FOR
G. & K. MACHINE COMPANY**

NO. 2011-20

WHEREAS, on May 24, 2010, the City Council passed Resolution 2010-33, which accepted certain recommendations of the Business Advancement Task Force including the 2010 Commerce City Business and Development Incentive Package (the “Incentive Package” or the “Program”);

WHEREAS, pursuant to Resolution 2010-33, certain applications must receive approval from the City Council before any incentives may be paid out under the Incentive Package;

WHEREAS, G. & K. Machine Company (the “Business”), has submitted a Business Incentive Application under the Incentive Program for Existing Business Incentives; and

WHEREAS, the City Council has reviewed the attached application and staff report and finds that the information provided in the application supports the incentives detailed herein, the total of which is currently estimated at **Three Thousand Three Hundred Seventy-four dollars (\$3,374.00)**.

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

1. Approval. The following incentives described in the Business Incentive Application are hereby approved:
 - a. Existing Business Incentives
 - b. Job Creation Incentives
2. Existing Business Incentives.
 - a. The estimated combined value of capital improvements planned for the Business, including fixed value assets and new construction, is Three Hundred Thousand dollars (\$300,000.00).
 - b. Upon verification of the value of the capital improvements actually made, the Economic Development Division is hereby authorized and directed to provide to the Business, in accordance with Program terms and conditions, a Use Tax rebate in the amount of **Six Hundred Thirty dollars (\$630.00)**; provided, however, that in the event the value of the capital improvements actually made by the Business is more or less than estimated, the amount of the Use Tax rebate shall be adjusted accordingly.

c. Upon the payment by the Business of the applicable City Fees, the Economic Development Division is hereby authorized and directed to provide to the Business, in accordance with Program terms and conditions, a City Fees rebate in the amount of **One Thousand Seven Hundred Forty-three dollars and eighty-five cents (\$1,743.85)**; provided, however, that in the event the value of the capital improvements actually made by the Business is more or less than estimated, the amount of the City Fees rebate shall be adjusted accordingly.

3. Job Creation Incentives. The Business anticipates creating three (3) Full Time Equivalent* (“FTE”) jobs earning below the average wage for Adams County. Upon verification of the creation of such jobs the Economic Development Division is hereby authorized and directed to provide to the Business, in accordance with Program terms and conditions, Job Creation Incentives in the amount of **One Thousand dollars (\$1,000.00)**; provided, however, that in the event the Business creates more or fewer jobs, the Job Creation Incentives shall be adjusted accordingly.

*Full Time Equivalent is calculated as follows: number of positions in the particular pay category (earning below average wage or earning above average wage) multiplied by the total number of hours to be worked per week by all positions in such category, divided by 40 (hours).

RESOLVED AND PASSED THIS 18th DAY OF APRIL, 2011.

CITY OF COMMERCE CITY

Tracey Snyder, Mayor *pro tem*

ATTEST:

Laura J. Bauer, CMC, City Clerk



Council Communication

City Council Meeting: 18 Apr 2011

Prepared: 11 Apr 2011

Number of Attachments: 1

Subject: Resolution Approving Business Incentive for By the Rockies, LLC

Presenter: Brittany A. Morris

Recommended City Council Action:

Staff recommends City Council approve Resolution No. 2011-21 - Existing Business and Job Creation Incentives for By the Rockies, LLC.

Summary Statement:

By the Rockies, LLC is requesting Existing Retailer Incentives pursuant to the Commerce City Incentive Program approved by Resolution 2010-33. The amount of Existing Retailer Incentives will be determined by the Finance Department. Approval is being requested for these incentives.

Next Steps: Following approval, this incentive application will be forwarded to the Finance Department for appropriate processing.

Expenditure Required: Existing Retailer Incentive expenditure will be determined by the Finance Department based on actual sales tax received from the business in 2010.

Source of Funds: Incentive funding will be a rebate of actual sales and/or use tax and fees remitted and/or paid.

Policy Issue: This incentive request is consistent with the Commerce City Incentive Program initially approved by City Council in 2010 and extended until June 2011.

Alternative: N/A

Background Information:

By the Rockies, LLC is the franchisee for the Commerce City Carl's Jr. Under the

current incentive program, the company is eligible for a 5% rebate of City sales tax received from the business in 2010 for use in marketing the business.

Although the incentive request is part of an existing program, City Council approval is needed for the rebate of taxes. Approval is being requested for this incentive.

**RESOLUTION APPROVING BUSINESS INCENTIVE FOR
BY THE ROCKIES, LLC**

NO. 2011-21

WHEREAS, on May 24, 2010, the City Council passed Resolution 2010-33, which accepted certain recommendations of the Business Advancement Task Force including the 2010 Commerce City Business and Development Incentive Package (the “Incentive Package” or the “Program”);

WHEREAS, pursuant to Resolution 2010-33, applications for certain incentives must receive approval from the City Council before any incentives may be paid out under the Incentive Package;

WHEREAS, By the Rockies, LLC (the “Business”), has submitted a Business Incentive Application under the Incentive Program for Existing Retailer Incentives; and

WHEREAS, the City Council has reviewed the attached application and staff report and finds that the information provided in the application supports the incentives detailed herein.

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

1. Approval. The following incentive described in the Business Incentive Application is hereby approved: Existing Retailer Incentives (Grocery & Eating Places)
2. Existing Retailer Incentives. Upon verification of the City sales tax received from the Business for fiscal year 2010, the Economic Development Division is hereby authorized and directed to provide to the Business, in accordance with Program terms and conditions, Sales Tax Rebates in the amount of five percent (5%) of the City sales tax received for fiscal year 2010.

RESOLVED AND PASSED THIS 18th DAY OF APRIL, 2011.

CITY OF COMMERCE CITY

Tracey Snyder, Mayor *pro tem*

ATTEST:

Laura J. Bauer, CMC, City Clerk



Council Communication

City Council Meeting: 18 Apr 2011

Prepared: 30 Mar 2011

Number of Attachments:

Subject: Ordinance amending Ordinance 1761 relative to amendment of Ward 3 boundaries

Presenter: Robert R. Gehler, City Attorney

Recommended City Council Action:

Passage of ordinance on first reading

Summary Statement:

During the process of updating Neighborhood Services districts, it was discovered that the boundaries of Ward 3 needed to also be updated due to annexations that had been completed since the passage of Ordinance 1761 in June of 2009.

Next Steps: Passage on second reading.

Expenditure Required: none

Source of Funds: n/a

Policy Issue: n/a

Alternative:

Background Information:

ORDINANCE NO. 1859

INTRODUCED BY:

AN ORDINANCE AMENDING ORDINANCE 1761 OF THE ORDINANCES OF THE CITY OF COMMERCE CITY RELATIVE TO AMENDMENT OF THE DESCRIPTION OF THE BOUNDARIES OF WARD 3 IN THE CITY OF COMMERCE CITY.

WHEREAS, Ordinance 1761 of the City of Commerce City established the four ward boundaries of the City of Commerce City; and

WHEREAS, it has been determined that the boundaries of Ward 3 of the City of Commerce City need to be amended in order to provide a correct description of the boundaries of Ward 3 in the City of Commerce City.

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

SECTION 1. Ordinance 1761 is amended as follows: The description of the boundaries of Ward III in the City of Commerce City is amended to provide that all of that part of the City of Commerce City described as follows shall constitute the boundaries of Ward 3 of the City of Commerce City:

Beginning at the intersection of East 72ND Avenue and the western city limit boundary in the vicinity of Colorado Boulevard; thence north along the westerly city limit boundary and continuing north past East 74th Avenue to Interstate 76; thence northeasterly along the centerline of Interstate 76 to the intersection of Dahlia Street; thence northerly along the centerline of Dahlia Street to the intersection of the westerly city limit boundary; thence northerly along the city limit boundary to the centerline of Dahlia Street; thence continuing northerly along the centerline of Dahlia Street to East 88TH Avenue; thence westerly along the centerline of East 88TH Avenue to the western bank of the South Platte River; thence northeasterly along the west bank of the South Platte River to the intersection of East 89th Avenue extended; thence easterly along the centerline of East 89TH Avenue extended to the west bank of the South Platte River; thence northeasterly along the west bank of the South Platte River to the intersection of the city limit boundary in the vicinity of East 114TH Avenue extended; thence easterly along the city limit boundary to the point where the city limit boundary proceeds north in the vicinity of Ulster Street extended; thence northerly along the city limit boundary to the point where the city limit boundary proceeds east in the vicinity of East 115TH Drive extended; thence easterly along the city limit boundary to the intersection of the westerly right-of-way boundary of Brighton Road; thence northeasterly along the westerly right-of-way boundary of Brighton Road continuing northeasterly past East 120TH Parkway to the intersection of the city limit boundary; thence following the city limit boundary past East 120th Avenue; thence easterly along the city limit boundary to the intersection of Peoria Street; thence southerly along the centerline of Peoria Street to the intersection of East 104th Way extended; thence southwesterly (paralleling along the west side of the Burlington Northern Santa Fe Railroad tracks) to the intersection of East 104TH

Avenue and Oswego Street extended; thence easterly along the centerline of East 104TH Avenue to the intersection of Chambers Road; thence southerly along the centerline of Chambers Road to the intersection of East 96TH Avenue; thence westerly along the centerline of East 96TH Avenue to the intersection of Colorado State Highway 2; thence southwesterly along the centerline of Colorado State Highway 2 to the intersection of East 80TH Avenue extended; thence easterly along the centerline of East 80TH Avenue extended to the intersection of Spruce Street extended; thence southerly along the centerline of Spruce Street extended to the intersection of East 64TH Avenue extended; thence easterly along the centerline of East 64TH Avenue extended to the intersection of Yosemite Street; thence southerly along the centerline of Yosemite Street to the intersection of East 56TH Avenue; thence westerly along the centerline of East 56TH Avenue to the intersection of Quebec Street; thence northerly along the centerline of Quebec Street to the intersection of Colorado State Highway 2; thence southwesterly along the centerline of Colorado State Highway 2 to the intersection of East 72ND Avenue; thence westerly along the centerline of East 72ND Avenue to the intersection of the western city limit boundary in the vicinity of Colorado Boulevard, the true point of beginning; and excluding property not annexed into the city.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED THIS ____ DAY OF _____, 2011.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THIS ____ DAY OF _____, 2011.

CITY OF COMMERCE CITY, COLORADO

BY: _____
Paul Natale, Mayor

ATTEST:

Laura J. Bauer, CMC, City Clerk

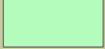
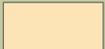


City of Commerce City

Ward 3 Map

April 2011

Wards

-  Ward 1
-  Ward 2
-  Ward 3
-  Ward 4
-  Ward 3 Changes
-  Enclaves
-  City Limits
-  SouthPlatteRiver



0 0.25 0.5 Miles
 1 inch equals 4,197 feet

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