

**RESOLUTION NO. 09-2017**

**A RESOLUTION AUTHORIZING CHANGE OF A NON-CONFORMING USE TO A DIFFERENT NON-CONFORMING USE**

WHEREAS, the Les Matson Construction Company has been operating a crane service and other type of construction business on the subject property since prior to the initiation of zoning in the Town of Garden City; and

WHEREAS, such use is an industrial zone and the property was zoned Commercial District property at the time of initiation of zoning; and

WHEREAS, Les Matson Construction Company intends to cease operations on the property and Naranjo Civil Constructors desires to acquire the property and to operate a construction business on the property; and

WHEREAS, the Board of Trustees conducted a public hearing on the change of non-conforming use on the property on January 20, 2017, and at such hearing no opposition to the continued use as a construction company was voiced by nearby residents, and both Seller and Buyer desire that the Town of Garden City authorize the continued use of the property as a construction company operating site; and

WHEREAS, the Town of Garden City has imposed certain restrictions on Naranjo Civil Constructors, and Naranjo has agreed to such restrictions as a quid pro quo for the continued use of the property as a construction company, and because the Town of Garden City has an obligation under Colorado law to prevent expansion of a non-conforming use, the restrictions are intended to limit Naranjo Civil Constructor's ability to expand the use but are also intended to allow enhancements to the property which will at some point in the future encourage bringing the use into conformance.

NOW THEREFORE, BE IT RESOLVED as follows:

Section 1. The property previously owned by Les Matson Construction Company, and which is now or will soon be occupied by Naranjo Civil Constructors for a general construction site, is described as Garden City 6015 Lot 7 South of Railroad and all of Lot 8, Block 4, Second Addition, together with vacant alley adjacent thereto, with a common address of 627 27<sup>th</sup> Street, Garden City, Weld County, Colorado.

Section 2. The Board of Trustees hereby approves a change in ownership of the property and a change in the use of the property from a specialized construction company to a general contracting construction company operated by Naranjo Civil Constructors.

Section 3. Naranjo Civil Constructors understands that the property has been and continues to be a pre-existing non-conforming use, and changes to the property are necessarily limited by Colorado law and by the ordinances of the Town of Garden City, and Naranjo further understands that Garden City is required to and desires to continue to encourage use of the property to come into conformance with the Garden City Municipal Code.

Section 4. Naranjo Civil Constructors will require its employees to enter the property from 7<sup>th</sup> Avenue north of 27<sup>th</sup> Street and from 27<sup>th</sup> Street to the extent possible and will not have employees or employee vehicles traveling southbound on 7<sup>th</sup> Avenue in the residential portion of 7<sup>th</sup> Avenue, and upon a street not properly constructed for heavy vehicles and heavy traffic.

Section 5. Naranjo Civil Constructors understands that the area across 7<sup>th</sup> Avenue to the south is a residential area, and the company will strive to keep early morning noise and noise in general to a minimum, given its proximity to the residential neighborhood.

Section 6. Naranjo Civil Constructors will store its construction equipment and conduct its operations to the extent possible to the north of the primary structure.

Section 7. Naranjo Civil Constructors understands that the footprint of the buildings on the site cannot be increased under a business operating as a pre-existing non-conforming use, but Naranjo will be allowed to make certain interior changes to the property and apply a new façade to the front of the property so as to create a better appearance and to enhance the possibility of eventual transition to a commercial use. As part of this goal, it is agreed between the parties that the surface to the west of the primary structure will be allowed to be paved, with proper consideration given to drainage as a result of the change of the surface from a pervious surface to an impervious surface and drainage issues that plague the neighborhood. As part of installing a hard surface, Naranjo will install 4 inch curbing so as to direct ingress and egress to the site properly rather than the current lack of curb. Naranjo will install fencing or take other appropriate measures to protect the off-road fuel tanks which may be stored at the property from theft and vandalism and to store them to the extent possible away from the residential neighborhood.

Section 8. Naranjo Civil Constructors agrees that it will monitor the speed of its employee vehicles and will cooperate with the Town of Garden City to limit driving through residential and commercial neighborhoods and to encourage responsible driving.

PASSED, ADOPTED AND APPROVED BY THE BOARD OF TRUSTEES OF THE TOWN OF GARDEN CITY, COLORADO, THIS 19<sup>th</sup> DAY OF JUNE 2017.

BY: \_\_\_\_\_  
MAYOR

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TOWN CLERK