

RESOLUTION WAIVING DEVELOPMENT-RELATED FEES FOR THE NEW FULL-SERVICE RESTAURANTS IN THE CITY OF COMMERCE CITY

NO. 2019-29

WHEREAS, the City Council of the City of Commerce City ("City") desires to attract full-service restaurants to the City to improve the quality of life of the City's residents, to create new employment opportunities, and to attract other commercial development;

WHEREAS, the City imposes certain fees to offset the direct or indirect cost of regulating development and performing its regulatory function, as detailed in the City's Directory of Fees & Charges (November 19, 2018);

WHEREAS, the City Council desires to waive certain development fees established in Sections 2, 4, 5, and 17 of the Directory of Fees & Charges, as more fully set forth in Exhibit "A," for new full-service, sit-down restaurants to induce such businesses to open in the City, in addition to those incentives that may be available through the Commerce City Economic Development Incentives Program, approved pursuant to Resolution No. 2014-56;

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

1. **Finding of Public Purpose.** The City Council finds and determines that waiving certain development-related fees consistent with this resolution will serve a public purpose and public need and be in the public interest by attracting full-service restaurant amenities to the City, thereby improving the quality of life of the City's residents, creating new employment opportunities, and attracting other commercial development.
2. **Fee Waiver.** The City-imposed development fees identified in Exhibit A shall be waived by the City with respect to the development of any new free-standing, full-service restaurant providing full table-service, whether incurred directly by a restaurant operator, an affiliated entity developing property for the restaurant's use, or a contractor or consultant acting on behalf of the restaurant or its affiliated entity. This waiver applies only to the end-user of a development and to that portion of a development attributable to a restaurant. Fees payable after the expiration or revocation of this resolution shall not be subject to this waiver.
3. **City Manager Authority to Waive Additional Fees.** Consistent with Section 1(A) of the Directory of Fees & Charges, the City Manager is authorized to waive any other City-imposed fee for a full-service restaurant project if the City Manager deems such a waiver to be in the best interests of the City, to the extent allowed by law.
4. **Expiration.** This resolution shall expire on February 4, 2020.
5. **Authority to Suspend.** The City Manager is authorized to suspend the fee waivers authorized by this resolution, in their entirety or with respect to a particular fee or particular development, if the City Manager determines that the cost to the City is excessive or the program is being abused or misused, in the City Manager's opinion.
6. **Limitation.** This resolution does not waive any fee not listed in Exhibit A; any tax, fine, or penalty; any legislatively-imposed impact fees; any fees charged by or for other entities;

or any conditions of regulatory approval. This resolution shall not vest rights upon any person and nothing contained in it shall give or allow any claim or right of action by any person against the City.

7. **Directory of Fees & Charges.** No other City fees shall be increased to offset the cost of this waiver. The Directory of Fees & Charges shall be deemed modified as set forth in this resolution until this resolution expires or is terminated.

RESOLVED AND PASSED THIS 4TH DAY OF MARCH, 2019.

CITY OF COMMERCE CITY

Sean Ford, Mayor

ATTEST:

Laura J. Bauer, MMC, City Clerk



Section 2: BUILDING PERMIT FEE SCHEDULE (TABLE 1-A)

A) Total Valuation

1) \$1.00 to \$500.00		\$23.50
2) \$501.00 to \$2,000.00	\$23.50 for the first \$500.00 plus \$3.05 for each additional \$100.00, or fraction thereof, to and including \$2,000.00	
3) \$2,001 to \$25,000.00	\$69.25 for the first \$2,000.00 plus \$14.00 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00	
4) \$25,001.00 to \$50,000.00	\$391.25 for the first \$25,000.00 plus \$10.10 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00	
5) \$50,000.00 to \$100,000.00	\$643.75 for the first \$50,000.00 plus \$7.00 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00	
6) \$100,000.00 to \$500,000.00	\$993.75 for the first \$100,000.00 plus \$5.60 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00	
7) \$500,000.00 to \$1,000,000.00	\$3,233.75 for the first \$500,000.00 plus \$4.75 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00	
8) \$1,000,001.00 and up	\$5,608.75 for the first \$1,000,000.00 plus \$3.65 for each additional \$1,000.00 or fraction thereof	

B) Plan Review (of the Building Permit Fee)	65%
(1) If identical plans are submitted (per identical plan)	\$150.00

C) Other Inspections and Fees

1) Hourly fee or the total hourly cost to the jurisdiction, whichever is the greatest. The cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.	
(a) Inspection outside of normal business hours (per hour)	\$50.00
(b) Re-inspection fees assessed under provision of Section 108.8 (per hour)	\$50.00
(c) First Re-inspection Fee	\$50.00
(d) Second Re-inspection Fee	\$75.00
(e) Inspections for which no fee is specifically indicated (per hour)	\$50.00
(f) Additional Plan Review required by changes, additions or revisions to plans (per hour)	\$50.00
(1) For use of outside consultants for plan checking and inspections, or both	

Section 4: BUSINESS LICENSING

A) Business License Information

- 1) All License and Application fees are due at time of submittal of application.
- 2) All Business License fees are non-refundable unless indicated by City Municipal Code.
- 3) Business License information pull, includes all media types (flat fee) \$5.00

B) Business Licenses

- 1) New General Business License \$20.00
- 2) ~~kennel License \$100.00~~
 - (a) ~~Hobby Breeder License \$25.00~~
- 3) ~~Public Bench Advertising Permit (per bench) \$30.00~~

C) ~~Special Business Licenses~~

- 1) ~~Special Business Licenses may be required to provide city at business' expense, a CBI Criminal History Report , fingerprinting, proof of insurance and/or bond as set by Municipal Code.~~
- 2) ~~Auctioneer's and Auction House Licenses~~
 - (a) ~~Fixed Location License \$150.00~~
 - (b) ~~Non-Fixed Location License \$100.00~~
- 3) ~~Entertainment Establishments \$20.00~~
 - (a) ~~All classes, as defined in Sec. 9-3401 of the Municipal Code~~
- 4) ~~Massage Parlor License \$550.00~~
 - (a) ~~License Renewal \$330.00~~
 - (b) ~~Manager's License - (per manager) \$75.00~~
 - (c) ~~Investigation Charge \$150.00~~
- 5) ~~Outdoor Vendor License \$35.00~~
- 6) ~~Pawnbroker License \$5,000.00~~
 - (a) ~~License Renewal \$500.00~~
- 7) ~~Sexually Oriented Business License Application \$980.00~~
 - (a) ~~License Renewal Application \$780.00~~
 - (b) ~~Manager's License - (per manager) \$75.00~~
 - (c) ~~Investigation Charge \$150.00~~
- 8) ~~Ice Cream Vendor License \$35.00~~

D) ~~Landfill Operations Business License~~

- 1) ~~Refuse Transfer Station License \$1,500.00~~
- 2) ~~Inert Landfill License \$1,500.00~~

Section 5: COMMUNITY DEVELOPMENT

A) General Service Fees

1) Recording Costs	Actual Costs
2) Change of Address	\$30.00
3) Organized Event / Temporary Use Permit	
(a) Neighborhood Events 0-100 People	
(1) Non Refundable Application Fee	\$50.00
(2) Event Type - Neighborhood	\$50.00
(3) 3+ Add'l Options	\$25.00 each
(b) Community Events 101-500 People	
(1) Non Refundable Application Fee	\$75.00
(2) Event Type - Community Neighborhood	\$100.00
(3) 3+ Add'l Options	\$50.00 each
(c) Regional Events 501+ People	
(1) Non Refundable Application Fee	\$100.00
(2) Event Type - Community Neighborhood	\$500.00
(3) 3+ Add'l Options	\$75.00 each
4) Temporary Sign Permit	\$25.00
5) Outdoor Storage Permit	\$300.00
6) Floodplain Development Permit	\$200.00

B) Applications to the Board of Adjustment

1) Variance	
(a) R-1 and R-2 Zone Districts	\$250.00
(b) All other Zone Districts	\$350.00
(c) Minor Modification (R-1 and R-2 Zone Districts)	\$200.00
(d) Minor Modification (All other Zone Districts)	\$300.00
2) Height Exception	\$350.00

C) Use-by-Permit \$600.00

1) Child Care Center (Residential Zones Only)	\$250.00
2) Special Meetings - Double the fee charged for a regular meeting	

D) Applications to the Planning Commission and City Council

1) Requests to rezone nonconforming properties to R-1 and R-2 may be allotted a reduction to \$100, if rezoning is required to bring into conformance with the Comprehensive Plan or Land Development Code.	
(a) Zone Change	\$600.00 plus \$10.00 per acre
(b) Concept Plan	\$500.00
(c) Annexation	\$630.00 plus \$10.00 per Acre
2) Planned Unit Development / Planned Unit Redevelopment	
(a) Schematic	\$775.00
(b) Zone Document	\$600.00 plus \$20.00 per acre
(c) Planned Unit Development Permit (PUD)	\$600.00 plus \$30.00 per acre
(d) Amendment to Zone Document	\$600.00 plus \$10.00 per acre

(e) Design Standard Review	\$500.00
3) Street Right of Way (R.O.W) Vacation	\$950.00
4) Special Meetings - Double the fee charged for the regular meeting	\$500.00
E) Development Plan	
1) Development Plan	\$500.00 plus \$30.00 per acre
2) Development Plan Amendment - Public Hearing	\$600.00 plus \$30.00 per acre
3) Development Plan Amendment - Administrative	\$500.00 plus \$30.00 per acre
4) No Charge for Development Plan Submitted with an application for Vested Rights.	
(a) Vesting Property Rights	\$600.00 plus \$10.00 per acre
(b) Conditional Use	\$1,625.00
5) Miscellaneous Land Development Fees	
(a) Oil/Gas Permit	\$2,000.00
(b) Appeals -	
(1) All Zone Districts	\$1,625.00
6) Land Use Plan Amendment	\$1,370.00
7) Condition Compliance Inspection	\$250.00
F) Subdivision Plat Fee, Full or Partial	
1) Public Hearing	\$300.00 plus \$30.00 per acre
2) Administrative	\$300.00 plus \$10.00 per acre
3) Plat Correction / Lot Line Adjustment	\$250.00
4) Sketch Plat	\$300.00 plus \$10.00 per acre
G) Elevation Review (up to 2 reviews)	\$100.00
1) Each Additional Elevation Review	\$50.00
H) Escrow Requirements	
1) Escrow for Development Requirement	±25% of total costs
I) Special Review Services - Community Development	
1) Each applicant is responsible for the full reimbursement plus a 5% administrative service charge of any legal, professional or specialized consultants contracted or retained by the City and assigned to a review of the applicant's proposal.	
J) Contractor's License	
1) Unlimited General Contractor's Class A License	\$165.00
2) Limited General Contractor's Class B License	\$110.00
3) Residential General Contractor's Class C License	\$80.00
4) Residential Remodeling Contractor's Class D License	\$80.00
5) Sub-Contractor's License	\$75.00

Section 17: PUBLIC WORKS AND ENGINEERING

A) Permits

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| 1) LVC/Oversized/Overweight Moving Permit (per day) | \$55.00 |
| 2) Street Occupancy Permit | \$20.00 |
| (a) Public and Non-Profit Groups | Exempt |
| 3) Right of Way (R.O.W.) Permit | \$50.00 |
| 4) Grading Permit | \$40.00 |
| (a) Grading Plan Review Fee | \$200.00 |
| (b) Grading Permit Inspection Fee (per acre) | \$22.50 |
| 5) Development Permit | 2% of project costs of Streets and Storm Sewer |

B) Concrete

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| 1) Inspection Cut Fee (area) | |
| (a) 0-100 square feet (per square foot) | \$35.00 |
| (b) 101 or more square feet | \$35.00 plus \$0.17 per square foot over 100 square feet |
| 2) Inspection Patch Fee (area) | |
| (a) 0-100 square feet (per square foot) | \$25.00 |
| (b) 101 or more square feet | \$25.00 plus \$0.12 per square foot over 100 square feet |
| 3) Inspection Patch Fee - Curb, Gutter, Sidewalks, etc | |
| (a) Linear Foot Inspection (per linear foot) | \$0.13 |
| (1) Minimum Inspection | \$40.00 |

C) Asphalt

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|---|--|
| 1) Inspection Cut Fee (area) | |
| (a) 0-100 square feet (per square foot) | \$35.00 |
| (b) 101 or more square feet | \$35.00 plus \$0.17 per square foot over 100 square feet |
| 2) Inspection Patch Fee (area) | |
| (a) 0-100 square feet (per square foot) | \$25.00 |
| (b) 101 or more square feet | \$25.00 plus \$0.12 per square foot over 100 square feet |

D) Other Patch, Cut and Inspections Fees

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| 1) Bores | Inspection Cut Fee per bore hole, plus Inspection Patch Fee per bore hole, plus; |
| (a) 0-100 linear feet | \$100.00 |
| (b) 101 or more linear feet | \$100 plus \$0.75 per foot over 100 linear feet |
| 2) Culverts | \$100.00 |
| 3) Inlets, Manholes, etc. (per item) | Inspection Cut Fee per item, plus Inspection Patch Fee per item |
| 4) Additional inspections over the normal amount of inspection time (per hour) | \$45.00 |
| 5) Residential Driveway | \$20.00 |

~~E) Subcontractor Licenses~~

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| 1) Right of Way (R.O.W.) Construction Contractor | \$75.00 |
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~~F) Special Application Review Services~~

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| 1) Each applicant is responsible for the full reimbursement plus a 5% administrative service charge of any legal, professional or specialized consultants contracted or retained by the City and assigned to a review of the applicant's proposal. | |
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G) User Delay	
1) Arterial Streets (\$250.00 minimum)	\$250.00 per day, per 100 feet
2) Collector Streets (\$75.00 minimum)	\$75.00 per day, per 100 feet
3) Local Streets (\$25.00 minimum)	\$25.00 per day, per 100 feet
H) Expired Permit	
1) Renewal and Extension of a Permit	Original Permit Fees, plus Inspection Fees and User Delay Fees
I) Work Without a Permit	\$500.00
J) Drainage Fees	
1) Drainage Basin (fee per developable 1 acre)	
(a) Second Creek	\$1,700.00
(b) Third Creek	\$1,445.00
(c) Buffalo Run Outfall	\$2,132.00
(d) DFA0053 (Direct Flow Area 53)	\$3,055.00
K) Road Impact Fees	
1) Land Use Type	
(a) Single-Family Detached Dwelling (per dwelling)	\$1,181.00
(b) Multi-Family Dwelling (per dwelling)	\$726.00
(c) Mobile Home Park (per site)	\$656.00
(d) Lodging Establishments, including extended stay (per room)	\$674.00
2) Retail/Commercial	
(a) Shop Center / General Retail <100,000 square feet (per 1,000 square feet)	\$4,471.00
(b) Shop Center / General Retail <500,000 square feet (per 1,000 square feet)	\$3,229.00
(c) Shop Center / General Retail <1,000,000 square feet (per 1,000 square feet)	\$2,695.00
(d) Shop Center / General Retail >1,000,000 square feet (per 1,000 square feet)	\$2,398.00
(e) Auto Sales/Repair (per 1,000 square feet)	\$1,636.00
(f) Bank (per 1,000 square feet)	\$5,250.00
(g) Building Materials/Hardware/Nursery (per 1,000 square feet)	\$3,771.00
(h) Convenience Store (per 1,000 square feet)	\$4,725.00
(i) Discount Store (per 1,000 square feet)	\$2,231.00
(j) Furniture Store (per 1,000 square feet)	\$420.00
(k) Movie Theater (per 1,000 square feet)	\$3,553.00
(l) Restaurant, with drive-thru/drive-up (per 1,000 square feet)	\$4,909.00
(m) Restaurant, without drive-thru/drive-up (per 1,000 square feet)	\$3,325.00
3) Office/Institutional	
(a) Office, General (per 1,000 square feet)	\$1,741.00
(b) Office, Medical (per 1,000 square feet)	\$4,279.00
(c) Hospital (per 1,000 square feet)	\$1,076.00
(d) Nursing Home/Assisted Living Facility (per 1,000 square feet)	\$420.00
(e) Religious Institutions (per 1,000 square feet)	\$770.00
(f) Day Care Facility (per 1,000 square feet)	\$3,701.00

(g) Educational Facility (per \$1,000 square feet)	\$656.00
4) Industrial	
(a) General Light Industrial (per 1,000 square feet)	\$1,146.00
(b) Warehouse (per 1,000 square feet)	\$595.00
(c) Mini Warehouse (per 1,000 square feet)	\$306.00
(d) Transportation Terminal (per 1 acre)	\$18,468.00