

ORDINANCE NO. Z-993-24

INTRODUCED BY: CHACON, DOUGLAS, DOUGLAS, DUKES, FORD, KIM, MADERA,  
NOBLE, TETER

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO BY REZONING THE PROPERTY GENERALLY LOCATED AT 8050 ROSEMARY STREET FROM AGRICULTURAL DISTRICT (AG) TO LIGHT INTENSITY INDUSTRIAL DISTRICT (I-1)

WHEREAS, the owner of the property generally located at 8050 Rosemary Street in the City of Commerce City (“City”) and described in Exhibit A, attached hereto and incorporated herein, has submitted an application to rezone the property from Agricultural District (AG) to Light Intensity Industrial District (I-1), as set forth in Exhibit A;

WHEREAS, in accordance with Section 21-3180 of the City’s Land Development Code, all required notices of public hearings before the Planning Commission of the City and the City regarding the requested zoning was given, including by: publication on February 22<sup>nd</sup>, 2024 and March 21<sup>st</sup>, 2024 in the Sentinel Express, a legal newspaper of general circulation in the City of Commerce City; mailing on February 22<sup>nd</sup>, 2024 and March 21<sup>st</sup>, 2024 through the United States Postal Service in the manner required by the Land Development Code; and posting placards on the property that is the subject of the application on February 23<sup>rd</sup>, 2024 and March 22<sup>nd</sup>, 2024 in the manner and for the duration required by the Land Development Code;

WHEREAS, following a public hearing conducted in compliance with law, the Planning Commission made findings and recommended that the City Council approve the zone change from Agricultural District (AG) to Light Intensity Industrial District (I-1); and

WHEREAS, the City Council has conducted a public hearing regarding the requested zoning;

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

**SECTION 1.** The recitals to this ordinance are incorporated as findings of the City Council. This ordinance is found to be necessary for the preservation of the public health, safety, and welfare and in the public interest.

**SECTION 2.** The City Council if the City of Commerce City finds, consistent with the Commerce City Land Development Code, Section 21-3232, with regard to the proposed rezoning of the Property from Agricultural District (AG) to Light Intensity Industrial District (I-1) that:

- (a) The proposed zone district and allowed uses are consistent with the policies and goals of the comprehensive plan, any applicable adopted area plan, or community plan of the city;
- (b) The proposed zone district and allowed uses are compatible with proposed development, surrounding land uses and the natural environment;

- (c) The proposed zone district will have, or future development can provide, efficient and adequate provision of public services, including but not limited to, water, sewerage, streets, and drainage;
- (d) The proposed zone district will have, or future development can provide, efficient and adequate provision of public uses including but not limited to, parks, schools, and open space;
- (e) There is a community need for the zoning district in the proposed location, given need to provide or maintain a proper mix of uses both within the city and the immediate area of the proposed use; and
- (f) The area for which zone change is requested has changed or is changing to such a degree that it is in the public interest to allow a new use or density.

**SECTION 3.** All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency.

**SECTION 4.** This ordinance shall be effective as provided in the City Charter.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED  
THIS 1ST DAY OF APRIL, 2024.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED  
THIS 6TH DAY OF MAY, 2024.

CITY OF COMMERCE CITY, COLORADO

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Steven J. Douglas, Mayor

ATTEST

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Dylan A. Gibson, City Clerk

Exhibit A  
(Legal Description)  
Case #Z-993-23

LEGAL DESCRIPTION:

Beginning at the intersection of the South line of Block 92 with the Northwesterly line of the Chicago, Burlington and Quincy Railroad Company right of way; thence Northeasterly, along the Northwesterly line 581.33 feet to the True Point of Beginning; thence on an angle to the left of  $120^{\circ}59'52''$  a distance of 191.23 feet; thence on an angle to the left of  $4^{\circ}37'24''$  a distance of 81.8 feet; thence on an angle to the right of  $2^{\circ}04'00''$  a distance of 174.3 feet, more or less, to the West line of Block 92; thence South along said West line, to the North line (or extended North line) of the parcel described in Book 1317 at Page 104; thence Easterly along said North line (and extended North line) of the parcel described in Book 1317 at Page 104, to the Northwesterly right of way line of the Chicago, Burlington and Quincy Railroad Company; thence Northeasterly along said right of way line to the True Point of Beginning, EXCEPT any portion of said parcel lying within Rosemary Street, AND EXCEPT that portion set forth in Deed recorded January 25, 2007 as Reception No. 2007000009112, County of Adams, State of Colorado.