

ORDINANCE NO. Z-448-87

INTRODUCED BY BUSBY, CHRISTIANSEN, COLE, GRADY,
HAYES, RUSSELL, SZYMANSKI, TATE, VIGIL

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO, FOR REZONING FROM C-2, MHP, I-1 AND R-2 TO I-1 OF THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, LOCATED AT E. 64TH AVENUE AND HIGHWAY 2, COMMERCE CITY, COLORADO.

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

SECTION 1. The City Council of the City of Commerce City, Colorado, finds and declares that it has caused to be published in the Commerce City Sentinel, a legal newspaper of general circulation in the City of Commerce City, Notice of Public Hearing by the Planning Commission of the City of Commerce City held April 14, 1987 concerning land hereinafter described, and that said Notice was published April 2, 1987, and that said Hearing was conducted all in compliance with law.

SECTION 2. The City Council of the City of Commerce City, Colorado further finds and declares that it has caused to be published in the Commerce City Sentinel, a legal newspaper of general circulation in the City of Commerce City, Notice of Public Hearing held May 18, 1987, regarding rezoning of land hereinafter described, and that said Notice was published May 7, 1987 and that said Hearing was conducted all in compliance with law.

SECTION 3. That the property described in Exhibit "A" attached hereto and made a part hereof, now zoned C-2, MHP, I-1 and R-2 be rezoned I-1, as defined in the Commerce City Zoning Ordinance No. 366.

SECTION 4. That the rezoning is approved from C-2, MHP, I-1 and R-2, subject to the following conditions:

- A. The uses on the subject property shall be restricted to flea market bazaars, auto auctions, auto shows, auto emission testing, and other similar uses and related ancillary uses only. All uses-by-right in the C-1, C-2 and C-3 zone districts are allowable uses.

B. The property shall be developed strictly in accordance with the approved site development plans, as submitted in connection with this application and as approved by the City Council.

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C. The developer shall provide pedestrian access to the site from any remote parking area(s) when the following standards are met or exceeded:

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A pedestrian-activated traffic signal shall be installed by the developer when pedestrian/vehicle volumes exceed 95% of the minimum warrant for signals is exceeded, as defined by the Manual of Uniform Traffic Control Device (MUTCD).

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An elevated pedestrian walkway/overpass with staircase shall be installed by the developer when 150%, or more, of the MUTCD signalization warrant is equaled or exceeded over a continuous four-hour period, as measured on a consecutive Saturday and Sunday for twelve consecutive weeks.

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The City shall request traffic and pedestrian counts from the developer when sufficient traffic volumes, as determined by the City Traffic Engineer, exist to reasonably believe that established minimum traffic volumes are exceeded. Traffic and pedestrian counts submitted by the developer shall be reviewed and accepted by the City Engineer.

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NOTE: The Manual of Uniform Traffic Control Devices specifies in Section 4., C-5 Warrant 3., Minimum Pedestrian Volumes:

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"Six hundred (600) or more vehicles per hour enter the intersection (total of all approaches) and,

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There are more than 150 pedestrians per hour moving through the intersection."

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D. Security and general ambient lighting shall be shielded from adjacent properties, and the outdoor public address system shall face away from adjacent residential uses to the north and east.

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E. Whenever possible, auctions shall be held inside a structure. If auctions are held outside, they shall be conducted primarily in the buyers' present parking lot; and secondarily, within the sellers' present area as depicted on the approved site development plan.

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F. Minimum aisle widths of 15 feet shall be provided in the sellers area.

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G. The developer shall provide sufficient off-street parking to accommodate the traffic generated for the proposed uses authorized by the subject rezoning.

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H. The applicant shall submit sign details to be approved by the Community Development Department,

SECTION 5. Failure to comply with any or all of the said conditions shall constitute basis for rezoning of the subject property to that zoning existing immediately prior to passage of this ordinance, it being expressly determined by this City Council that the rezoning herein granted is not proper zoning in the absence of compliance with the conditions herein contained.

SECTION 6. That the zoning map of the City of Commerce City, Colorado be and is hereby amended to reflect the zoning amendment as provided in this ordinance.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED this 18th day of May, 1987.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED this 8th day of June, 1987.

CITY OF COMMERCE CITY, COLORADO

By David R. D. Busby
David R. D. Busby, Mayor

ATTEST:

Betty J. Martin
City Clerk