

ORDINANCE NO. Z-979-24

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 9022 E-470 FROM AGRICULTURAL DISTRICT (AG) TO REGIONAL COMMERCIAL DISTRICT (C-3)

WHEREAS, the owner of the property generally located at 9022 E-470 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 Regional Commercial District (C-3), 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 July 25, 2024 and September 5, 2024 in the Commerce City Sentinel-Express, a legal newspaper of general circulation in the City of Commerce City; mailing on July 25, 2024, and July 25, 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 July 25, 2024, and July 25, 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 move forward with approval of the proposed zoning; and

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

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

SECTION 1. Findings. The foregoing recitals are incorporated into this ordinance as findings of fact. The City Council authorizes any action by it on the requested zoning outside of the period of time provided by Section 10.11 of the City Charter.

SECTION 2. Approval Criteria. The City Council of 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 Regional Commercial District (C-3) 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. Determination. The City Council hereby _____ the recommendation of the Planning Commission regarding the requested zoning and approves the requested zone change and the rezoning of the Property from Agricultural District (AG) to Regional Commercial District (C-3), as defined in the Commerce City Land Development Code. The zoning map of the City of Commerce City, Colorado, is hereby amended to reflect the rezoning approved by this ordinance.

SECTION 4. Conditions. The following conditions shall apply to the conduct of the uses authorized by the Zone Change:

- a. Once South Adams County Water and Sanitation District (“SACWSD”) has utilities constructed within 400-ft of the Project location, the owner will be required to connect to SACWSD.

SECTION 5. Repealer. 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 6. Effective Date. This ordinance shall be effective as provided in Section 5.3(g) of the City Charter.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED THIS 7TH DAY OF OCTOBER, 2024.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THIS 4TH DAY OF NOVEMBER, 2024.

CITY OF COMMERCE CITY, COLORADO

Steven J. Douglas, Mayor

ATTEST

Dylan A. Gibson, City Clerk