



# Commerce City

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## Council Communication

File Number: Ord 2354

**Agenda Date:** 10/18/2021

**Version:** 1

**Status:** ATS Review

**In Control:** City Council

**File Type:** Ordinance

AN ORDINANCE REQUIRING A PUBLIC HEARING PROCESS FOR ALL FINAL PLATS AND CONSOLIDATION PLATS ZONED FOR ANY RESIDENTIAL USE THROUGH APRIL 4, 2021, AND TEMPORARILY AMENDING THE COMMERCE CITY LAND DEVELOPMENT CODE

**Summary and Background Information:** Subdivision plats are currently subject to administrative approval pursuant to Article III, Division 2 of the Commerce City Land Development Code ("LDC"), except in certain circumstances such as a request by the City Council that a plat be reviewed by the Planning Commission and the City Council. The criteria for plat approval is the same regardless of the manner of review.

On October 4, 2021, the City Council directed staff to prepare an ordinance to require that all final plat applications including residential use be determined by the City Council following a public hearing process Planning Commission review and recommendation through April 4, 2022. The City Council also moved, at the time, to immediately request (in the manner authorized under Section 21-3241(4)(d)) that any final plats including residential use go through such process as provided in Section 21-3241(b) of the LDC. Based on that motion, any pending final plats including residential use with a date scheduled (or to be scheduled) for administrative approval as of October 4, through April 4, 2022, must go through the public hearing process for approval. The requested ordinance makes that request more permanent until its expiration.

Final plat review processes and criteria can be found at:

[https://library.municode.com/co/commerce\\_city/codes/land\\_development\\_code?nodeId=ARTIIIDERE\\_DIV2RE\\_DSU\\_S21-3241FIPL](https://library.municode.com/co/commerce_city/codes/land_development_code?nodeId=ARTIIIDERE_DIV2RE_DSU_S21-3241FIPL).

Consolidation plat review processes and criteria at:

[https://library.municode.com/co/commerce\\_city/codes/land\\_development\\_code?nodeId=ARTIIIDERE\\_DIV2RE\\_DSU\\_S21-3243COPL](https://library.municode.com/co/commerce_city/codes/land_development_code?nodeId=ARTIIIDERE_DIV2RE_DSU_S21-3243COPL).

**Ordinance Terms:** The ordinance requires the public hearing process for both "final plats" (Section 21-3241) and "consolidation plats" (Section 21-3243) through and including April 4, 2022, if the plat covers property zoned for any residential use. This would include property not currently proposed for a residential use if it has underlying zoning allowing residential use and would not include property with existing non-conforming residential uses that are not technically zoned for residential use. A separate request for public

hearing review under Sections 21-3241(4) or 21-3243(4) is not required. After April 4, 2022, the ordinance expires automatically unless previously repealed. At that time, applications for which a public hearing has been opened will continue through that process. All other applications will return to the normal review process (subject to a public hearing process in certain circumstances); for these applications, new notices of administrative approval must be issued if a case is awaiting a public hearing before Planning Commission. The ordinance also rescinds the October 4 motion, which is formalized in the ordinance.

Effective Date: The ordinance will be effective as provided in the City Charter, 5 days after publication following approval on second and final reading.

**Staff Responsible (Department Head)**: Robert Sheesley City Attorney; Jason Rogers, Deputy City Manager

**Staff Member Presenting**: Robert Sheesley City Attorney; Jason Rogers, Deputy City Manager

**Financial Impact**: Approval of the ordinance will require additional staff time to present at Planning Commission and City Council, costs associated with Planning Commission meetings, and additional costs for applicants related to notice.

**Funding Source**: n/a

**Suggested Motion:**

- To introduce and approve on first reading: I move to introduce by Council as seated and approve on first reading Ordinance 2354. (Majority present required to approve).

- To approve on second and final reading: I move to approve Ordinance 2354 on second and final reading. (Majority of council in office required to approve (5 affirmative votes; must be approved at a regular meeting).

- To rescind the Council's October 4, 2021 request (if the ordinance is not approved): I move to rescind the October 4, 2021, motion requesting public hearing review of plats (Requires a two-thirds vote or majority of the entire membership without notice or a majority vote with notice).

- To modify the Council's October 4, 2021 request (if the ordinance is not approved): I move to amend the October 4, 2021, motion requesting public hearing review of plats by: \_\_\_\_\_. (Requires a two-thirds vote or majority of the entire membership without notice or a majority vote with notice).