

ORDINANCE NO: Z-943-17

INTRODUCED BY: AMADOR, BULLOCK, CARSON, DIAZ, DOUGLAS, ELLIOTT, FORD,
 MCELDOWNEY, TETER

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO FOR REZONING TO PUD ZONE DISTRICT AND APPROVING A PUD ZONE DOCUMENT FOR THE PROPERTY DESCRIBED IN EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF GENERALLY LOCATED ON THE NORTH AND SOUTH SIDE OF EAST 84TH AVENUE WEST OF ULSTER STREET; NORTHEAST OF ULSTER STREET AND EAST OF 83RD AVENUE; AND A PORTION OF THE ADJACENT PROPERTY AT ULSTER STREET AND EAST 83RD AVENUE, 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/Express, 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 November 8, 2017, concerning the proposed Intsel Properties PUD Zone Document, attached hereto and incorporated herein by reference, and that said Notice was published October 31, 2017 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/Express, a legal newspaper of general circulation in the City of Commerce City, Notice of Public Hearing held on November 20, 2017 regarding the proposed Intsel Properties PUD Zone Document, and that said Notice was published November 14, 2017 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 Adams County A-1 be rezoned Commerce City PUD as defined in the Commerce City Land Development Code and the PUD Zone Document is approved.

SECTION 4. That the zoning map of the City of Commerce City, Colorado be and is hereby amended to reflect the rezoning approved by this ordinance.

SECTION 5. That the rezoning is approved, subject to the following condition:

- A. The applicant must plat the property for the rail spur (Area D) and consolidate it into the White property (Area C) prior to the issuance of a building permit for a structure on either parcel.

SECTION 6. Failure to comply with the said condition 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 condition herein contained. In the alternative, the City may proceed with legal action for injunctive relief to enforce the condition herein imposed or issue a summons and complaint in the Commerce City municipal court for violations of the aforesaid condition, and in the event a summons and complaint is issued in the Commerce City municipal court, and upon finding a

violation of the condition set forth in this ordinance, the municipal court may impose any penalty authorized by the Land Development Code. The remedies herein provided for shall be considered cumulative and not mutually exclusive.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED THIS
20TH DAY OF NOVEMBER 2017.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THIS
4TH DAY OF DECEMBER 2017.

CITY OF COMMERCE CITY, COLORADO

BY _____
Sean Ford, Mayor

ATTEST:

Laura J. Bauer, MMC, City Clerk

Exhibit A
**(INTSEL PROPERTIES PUD ZONE
DOCUMENT)**
Case Z-943-17