

ORDINANCE NO. Z-988-23

INTRODUCED BY: ALLEN-THOMAS, CHACON, DOUGLAS, FORD, HURST,
HUSEMAN, KIM, MADERA, NOBLE

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO BY REZONING THE PROPERTY GENERALLY LOCATED AT 7160 EUDORA DRIVE FROM MEDIUM-INTENSITY INDUSTRIAL (I-2) TO LIGHT-INTENSITY INDUSTRIAL (I-1)

WHEREAS, the owner of the property generally located at 7160 Eudora Drive 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 Medium-Intensity Industrial (I-2) to Light-Intensity Industrial (I-1) zone district, 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 Council regarding the requested zoning was given, including by: publication on May 25, 2023 in the Commerce City Sentinel Express and on July 28, 2023 in the Denver Post, a legal newspaper of general circulation in the City of Commerce City; mailing on May 25, 2023 and July 27, 2023, 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 May 26, 2023 and July 28, 2023, 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; 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 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. 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 Medium-Intensity Industrial (I-2) to Light-Intensity Industrial (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. The City Council hereby accepts the recommendation of the Planning Commission regarding the requested zoning and approves the requested zone change and the rezoning of the Property from Medium-Intensity Industrial (I-2) to Light-Intensity Industrial (I-1), 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. 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 AUGUST 2023.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THIS 11TH DAY OF SEPTEMBER 2023.

CITY OF COMMERCE CITY, COLORADO

Benjamin A. Huseman, Mayor

ATTEST

Dylan A. Gibson, City Clerk

EXHIBIT A

Lot 1, Block 1, Denner Subdivision, AND that part of vacated Eudora Drive vacated by Ordinance No. V-60-96 recorded November 5, 1996 in Book 4874 at Page 289 and recorded June 9, 1997 in Book 5026 at Page 30, EXCEPTING therefrom that portion conveyed to the City of Commerce City in Deed recorded March 29, 1999, in Book 5695 at Page 987, County of Adams, State of Colorado, more particularly described as follows:

A parcel of land located in the northeast quarter of Section 6, Township 3 South, Range 67 West of the 6th Principal Meridian, City of Commerce City, County of Adams, State of Colorado, to wit:

Commencing at the northeast corner of said northeast quarter of Section 6 and considering the north line of said northeast quarter to bear South 89°45'53" West; Thence South 89°45'53" West along said north line, a distance of 1303.60 feet; Thence at a right angle to said north line South 00°14'07" East, a distance of 105.16 feet to the northwest corner of Lot 4, Block 18, Adams City, as recorded September 18, 1947 in the office of the Adams County Clerk and Recorder in Plat Book 4, Page 30 at Reception No. 320519, also being the northerlymost corner of said Denner Subdivision, as recorded January 16, 1996 in said Adams County in File 17, Map 479 at Reception No. C0138764, the Point of Beginning;

Thence along the easterly and southerly boundary of said Denner Subdivision the following six (6) courses:

1. Thence South 22°46'46" East, a distance of 143.00 feet;
2. Thence along the arc of a curve to the right having a radius of 186.32 feet and a central angle of 22°32'39", an arc distance of 73.31 feet (chord bears North 78°29'33" East, 72.84 feet);
3. Thence South 00°14'07" East, a distance of 34.77 feet;
4. Thence along the arc of a curve to the right having a radius of 226.44 feet and a central angle of 25°42'00", an arc distance of 101.57 feet (chord bears South 12°36'53" West, 100.72 feet);
5. Thence South 25°27'53" West, a distance of 188.36 feet;
6. Thence North 64°32'07" West, a distance of 286.00 feet;

Thence North 64°32'07" West along the southerly line of said vacated Eudora Drive recorded in Book 5026 at Page 30, a distance of 44.50 feet;

Thence along the easterly line of said portion conveyed to the City of Commerce City in Book 5695 at Page 987 the following five (5) courses:

1. Thence North 14°05'19" East, a distance of 56.10 feet;
2. Thence North 26°09'26" East, a distance of 37.05 feet;
3. Thence along the arc of a curve to the right having a radius of 286.81 feet and a central angle of 33°46'59", an arc distance of 169.11 feet (chord bears North 43°02'55" East, 166.67 feet);
4. Thence North 59°56'25" East, a distance of 57.68 feet;
5. Thence along the arc of a curve to the left having a radius of 131.15 feet and a central angle of 38°02'16", an arc distance of 87.07 feet (chord bears North 40°55'17" East, 85.48 feet);

Thence along the northerly line of said vacated Eudora Drive recorded in Book 5026 at Page 30 the following two (2) courses:

1. Thence North 89°45'53" East, a distance of 14.44 feet;
2. Thence South 22°48'11" East, a distance of 26.77 feet to the Point of Beginning,

containing 100,567 Square Feet, or 2.309 Acres, more or less,