

ORDINANCE NO. Z23-0002

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 THE NORTHEAST CORNER OF E. 74TH PLACE AND QUEBEC STREET, WEST OF 7400 QUEBEC STREET FROM PLANNED UNIT DEVELOPMENT (PUD) TO PUBLIC

WHEREAS, the owner of the property generally located at the northeast corner of E 74th Place and Quebec Street, west of 7400 Quebec St. 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 Planned Unit Development zone district to Public 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 regarding the requested zoning was given, including by: publication on October 26, 2023 and December 7, 2023 in the Commerce City Sentinel Express, a legal newspaper of general circulation in the City of Commerce City; mailing on October 26, 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 October 27, 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 rezoning with one condition; 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 Planned Unit Development (PUD) to Public 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 approves the recommendation of the Planning Commission regarding the requested zoning and approves the requested zone change and the rezoning of the Property from Planned Unit Development (PUD) to Public, as defined in the Commerce City Land Development Code, with one condition:

The South Adams County Water and Sanitation District (SACWSD) shall cause the Property to be consolidated via plat with the adjacent property, known as 7400 Quebec Street and encompassing the existing Klein Water Treatment Facility, within six (6) months of SACWSD taking fee title ownership of the Property.

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

SECTION 5. 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 8TH DAY OF JANUARY, 2024.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THIS 5TH DAY OF FEBRUARY, 2024.

CITY OF COMMERCE CITY, COLORADO

Steve J. Douglas, Mayor

ATTEST

Dylan A. Gibson, City Clerk

EXHIBIT A

Legal Description:

A portion of Parcel 2 conveyed to Kroenke CC Properties, LLC filed October 27, 2014 at Reception Number 2014000074245 as corrected by Correction Bargain and Sale Deed filed November 16, 2016 at Reception Number 2016000098828 in Section 33, Township 2 South, Range 67 West of the Sixth Principal Meridian, Commerce City, Adams County, Colorado, described as follows:

Note:

1. The Basis of Bearings is the west line of the southwest quarter of Section 33, T2S, R67W 6th P.M., as monumented with a 3.25" aluminum cap PLS 34183 at the south end and a 3.25" aluminum cap PLS 16109 at the north end with a grid bearing of N 00°36'58" W.
2. All directions, distances and dimensions are based on modified coordinates from the Colorado coordinate system of 1983 central zone (C.R.S. 38-52-102). CSF=1.000104592 Origin 0,0.

Commencing at the northwest corner of the southwest quarter of Section 33, a 3.25" aluminum cap PLS 16109;

Thence N 89°37'43" E, along the north line of said southwest quarter, a distance of 60.00 feet, more or less, to a point on the westerly line of said Parcel 2 and the POINT OF BEGINNING;

Thence N 89°37'43" E, continuing along said north line, a distance of 546.64 feet, more or less, to a pin and orange plastic cap PLS 25645 at the northwest corner of that parcel conveyed to South Adams County Water and Sanitation District filed October 8, 2014 at Reception Number 2014000096547, said point also being the northeast corner of Parcel A as described in Deed to City of Commerce City, Colorado filed August 27, 2007 at Reception Number 2007000082031;

Thence S 00°35'27" E, along the easterly line of said Parcel A, a distance of 775.90 feet, more or less, to a pin and yellow plastic cap PLS 14815 at the southeast corner of said Parcel A;

Thence S 89°35'56" W, along the southerly line of said Parcel A, a distance of 546.30 feet, more or less, to a pin and orange plastic cap PLS 37898 being the southwesterly corner of said Parcel 2 and being 60 feet east of the west line of said southwest quarter;

Thence N 00°36'58" W, along the westerly line of said Parcel 2, parallel with and 60 feet distant from said west line, a distance of 776.18 feet to the POINT OF BEGINNING.

Containing 9.736 acres more or less.