

ORDINANCE NO. Z-983-22

INTRODUCED BY: ALLEN-THOMAS, DAVIS, DOUGLAS, FORD, HURST,  
HUSEMAN, 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 THE NORTHEAST CORNER OF E. 48<sup>th</sup> AVENUE AND IVY STREET FROM AGRICULTURAL DISTRICT (AG) TO MEDIUM INTENSITY INDUSTRIAL DISTRICT (I-2)

WHEREAS, the owner of the property generally located at the northeast corner of E 48<sup>th</sup> Ave. and Ivy St. in the City of Commerce City (“City”) and described in Exhibit A, attached to and incorporated in this ordinance (“Property”), has submitted an application to rezone the Property from Agricultural (AG) zone district to Medium-Intensity (I-2) 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 August 25, 2022 and September 22, 2022 in the Sentinel Express, a legal newspaper of general circulation in the City of Commerce City; mailing on August 16, 2022, 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 August 26, 2022, and September 23, 2022, 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 from Agricultural (AG) to Medium-Intensity Industrial (I-2); 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 Agricultural (AG) to Medium-Intensity Industrial (I-2) 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 Agricultural (AG) to Medium-Intensity Industrial (I-2), 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 17TH DAY OF OCTOBER, 2022.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THIS 7TH DAY OF NOVEMBER, 2022.

CITY OF COMMERCE CITY, COLORADO

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Benjamin A. Huseman, Mayor

ATTEST

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Dylan A. Gibson, City Clerk