

ORDINANCE NO. Z-994-23

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 3801 E. 64TH AVENUE FROM AGRICULTURAL (AG) TO HEAVY-INTENSITY INDUSTRIAL (I-3)

WHEREAS, the owner of the property generally located at 3801 E. 64<sup>th</sup> Avenue 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 Agricultural (AG) to Heavy-Intensity Industrial (I-3) 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 April 6, 2023 and April 27, 2023 in the Commerce City Sentinel Express, a legal newspaper of general circulation in the City of Commerce City; mailing on April 7, 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 April 7, 2023, in the manner and for the duration required by the Land Development Code;

WHEREAS, following a public hearing conducted in compliance with the law on April 18, 2023, 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 Agricultural (AG) to Heavy-Intensity Industrial (I-3) 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 Heavy-Intensity Industrial (I-3), 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 15TH DAY OF MAY, 2023.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THIS 5TH DAY OF JUNE, 2023.

CITY OF COMMERCE CITY, COLORADO

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Benjamin A. Huseman, Mayor

ATTEST

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Dylan A. Gibson, City Clerk

## EXHIBIT A

That part of Section 1, Township 3 South, Range 68 West of the 6th P.M., described as follows:

Beginning at the Southeast corner of Section 1, Township 3 South, Range 68 West of the 6<sup>th</sup> P.M.;  
Thence West along the South line of said Section 1, a distance of 798.0 feet;  
Thence North 0°30' West, a distance of 30.0 feet to the True Point of Beginning;  
Thence continuing North 0°30' West, a distance of 143.0 feet;  
Thence East and parallel to the South line of said Section 1, a distance of 126.5 feet;  
Thence South 1°00' West, a distance of 128.0 feet;  
Thence West, a distance of 12.0 feet;  
Thence South 1°00" West, a distance of 15.0 feet to a point 30.0 feet North of the South line of said Section 1; Thence West and parallel to said South line of Section 1, a distance of 110.8 feet, more or less, to the Point of Beginning, County of Adams, State of Colorado.