

ORDINANCE NO. Z-692-98-20

INTRODUCED BY: ALLEN-THOMAS, FRANK, GRIMES, GUARDIOLA, HURST,
HUSEMAN, MADERA, NOBLE, SMITH

AN ORDINANCE AMENDING ORDINANCE Z-692-98 TO REZONE 4.99 ACRES FROM AG (AGRICULTURAL) TO C-3 (REGIONAL COMMERCIAL DISTRICT) FOR THE PROPERTY LOCATED AT APPROXIMATELY 12500 EAST 104TH AVENUE, COMMERCE CITY, COLORADO AND AMENDING THE ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO TO REFLECT SAID REZONING.

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 that notice of the public hearings concerning the amendment of ordinance Z-692-98 and the rezoning of property at 12500 East 104th Avenue, Commerce City, Colorado, more specifically defined in Exhibit "A," before the Planning Commission of the City of Commerce City and the City Council to be held on July 1, 2020, and July 20, 2020, respectively, was properly given as required by the Land Development Code, including by: publication on June 24, 2020, in the Denver Post, a legal newspaper of general circulation in the City of Commerce City; mailing on June 25, 2020, 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 June 24, 2020, and July 13, 2020, in the manner and for the duration required by the Land Development Code.

SECTION 2. The City Council of the City of Commerce City, Colorado finds that the public hearings concerning the amendment of ordinance Z-692-98 and the rezoning of property at 12500 East 104th Avenue, Commerce City, Colorado, before the Planning Commission of the City of Commerce City and the City Council were conducted in compliance with law.

SECTION 3. The City of Council finds, consistent with the Commerce City Land Development Code, Section 21-3232(5)(b), as follows, with regard to the proposed rezoning of the property at 12500 East 104th Avenue from AG to C-3:

- A. The change is consistent with the policies and goals of the comprehensive plan, any applicable adopted area plan, any community plan of the city, and the Future Land Use Map designation for the area;
- B. The change is compatible with proposed development, surrounding land uses and the natural environment;
- C. The change 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 change 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 change, 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 in which the zone change is requested is has changed and is changing to such degree that it is in the public interest to allow a new use or density.

SECTION 4. The property at 12500 East 104th Avenue, Commerce City, Colorado as described in Exhibit “A” attached hereto and made a part hereof, now zoned AG, be rezoned to C-3 as defined in the Commerce City Land Development Code.

SECTION 5. The zoning map of the City of Commerce City, Colorado, and Ordinance Z-692-98, be and are hereby amended to reflect the rezoning approved by this ordinance.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED
THIS 20TH DAY OF JULY 2020.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED
THIS 17TH DAY OF AUGUST 2020.

CITY OF COMMERCE CITY, COLORADO

Benjamin A. Huseman, Mayor

ATTEST

Dylan A. Gibson, City Clerk

Exhibit "A"
(Legal Description)
Case #Z-692-98-20

LEGAL DESCRIPTION:

A parcel of land located in the Northwest quarter of Section 13, Township 2 South, Range 67 West of the 6th Principal Meridian, County of Adams, State of Colorado, more particularly described as follows:

Commencing at the Northwest corner of said Section 13;
Thence North 89 degrees 19 minutes 10 seconds East, along the North line of said Northwest quarter, 1321.76 feet to the Northwest corner of the Northeast quarter of said Northwest quarter;
Thence South 00 degrees 32 minutes 03 seconds East, along the West line of the Northeast quarter of said Northwest quarter 64.00 feet to the point of beginning;
Thence North 89 degrees 19 minutes 10 seconds East, along a line being 64.00 feet South from and parallel with said North line of the Northwest quarter, 365.68 feet;
Thence South 00 degrees 32 minutes 03 seconds East, 595.70 feet to the South line of the Northwest quarter of the Northeast quarter of said Northwest quarter;
Thence South 89 degrees 20 minutes 47 seconds West, along the South line of the Northwest quarter of the Northeast quarter of said Northwest quarter, 365.68 feet to the Southwest corner of the Northwest quarter of the Northeast quarter of said Northwest quarter;
Thence North 00 degrees 32 minutes 03 seconds West, along the West line of the Northeast quarter of said Northwest quarter, 595.52 feet to the point of beginning.

AND BEING the same property conveyed to Nativity Lutheran Church of Adams County, Colorado, a Colorado nonprofit corporation from DIBC 96th and Potomac, LLC, a Colorado limited liability company by Warranty Deed dated August 4, 1998 and recorded August 17, 1998 in Deed Book 5433, Page 0186.

Tax Parcel No. 01721113201001