

**A RESOLUTION APPROVING THE FINAL PLAT FOR SECOND CREEK FARM
FILING NO. 3 AMENDMENT 3, GENERALLY LOCATED AT THE SOUTHWEST
CORNER OF EAST 92ND AVENUE AND TOWER ROAD, AND CONSISTING OF 28.90
ACRES**

NO. 2024-107

WHEREAS, the City of Commerce City has received an application for a final plat for the property known as Second Creek Farm Filing No. 3 Amendment No. 3 (the “Subdivision”), generally located at the southwest corner of East 92nd Avenue and Tower Road, and as depicted on Exhibit A, attached hereto and incorporated herein by reference;

WHEREAS, the platting of a property creates legal boundaries or lots and tracts for future development. A Final Plat does not impact zoning or the allowable uses within the zoning district;

WHEREAS, A PUD Development Permit is required at a later date for site layout, buildings, landscaping, and drainage;

WHEREAS, the proposed plat creates two lots from one tract and splits an existing tract into two and adheres to City standards;

WHEREAS, the Community Development Director, consistent with their authority as stated in the City of Commerce City Land Development Code, Section 21-3241(4)(c), has requested that this Subdivision be reviewed through the public hearing process;

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 of Commerce and the City Council regarding the requested subdivision plat was given, including by publication on September 19, 2024 and October 17th, 2024, in the Sentinel Express, a legal newspaper of general circulation in the City of Commerce City; mailing on September 20, 2024 and September 20, 2024, 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 September 18, 2024 and September 18, 2024, 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 move forward with approval of the proposed Final Plat; and

WHEREAS, the City council has conducted a public hearing regarding the requested Final Plat.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO, AS FOLLOWS:

SECTION 1. Findings. The recitals to this resolution are incorporated as findings of the City Council. This resolution is found to be necessary for the preservation of the public health, safety, and welfare and in the public interest.

SECTION 2. Approval Criteria. The City Council of the City of Commerce City, Colorado, finds, consistent with the Commerce City Land Development Code Section 21-3241(3), after a duly noticed public hearing held in compliance with legal requirements, as follows:

- (a) The subdivision is consistent with any approved rezoning, concept plan or PUD Zone Document;
- (b) The subdivision is consistent with and implements the intent of the specific zoning district in which it is located;
- (c) There is no evidence to suggest that the subdivision violates any state, federal, or local laws, regulations, or requirements;
- (d) The general layout of lots, roads, driveways, utilities, drainage facilities, and other services within the proposed subdivision is designed in a way that minimizes the amount of land disturbance, maximizes the amount of open space in the development, preserves existing trees/vegetation and riparian areas, and otherwise accomplishes the purposes and intent of this land development code;
- (e) The subdivision complies with all applicable city standards and does not unnecessarily create lots or patterns of lots that make compliance with such standards difficult or infeasible;
- (f) The subdivision:
 - i. Will not result in a substantial or undue adverse effect on adjacent properties, traffic conditions, parking, public improvements, either as they presently exist or as they may in the future exist as a result of the implementation of provisions and policies of the comprehensive plan, this land development code, or any other plan, program or ordinance adopted by the city; or
 - ii. Any adverse effect has been or will be mitigated to the maximum extent feasible;
- (g) Adequate and sufficient public safety, transportation, utility facilities and services, recreation facilities, parks, and schools are available to serve the subject property, while maintaining sufficient levels of service to existing development;
- (h) A development agreement between the city and the applicant has been executed and addresses the construction of all required public improvements; and
- (i) As applicable, the proposed phasing plan for development of the subdivision is rational in terms of available infrastructure capacity.

SECTION 3. Determination. The Final Plat for Second Creek Farm Filing No. 3 Amendment No. 3, attached as Exhibit A, is hereby approved.

RESOLVED AND PASSED THIS 4TH DAY OF NOVEMBER 2024.

CITY OF COMMERCE CITY, COLORADO

Steve J. Douglas, Mayor

ATTEST

Dylan A. Gibson, City Clerk