

ORDINANCE NO. LUP-55-19

INTRODUCED BY: _____

AN ORDINANCE AMENDING THE FUTURE LAND USE PLAN, FIGURE 3.2, OF THE COMPREHENSIVE PLAN OF THE CITY OF COMMERCE CITY, FOR THE PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF EAST 104TH AVENUE AND POTOMAC STREET, FROM OFFICE/FLEX TO MIXED USE (CORRIDOR AND COMMERCIAL)

WHEREAS, in April 2010, the City Council of the City of Commerce City adopted the C3Vision Comprehensive Plan by Ordinance 1802 ("Comprehensive Plan") inclusive of the Future Land Use Plan at Figure 3.2 therein; and

WHEREAS, the Future Land Use Plan designates appropriate uses of land within the City and the City's growth boundaries; and

WHEREAS, City Council has determined that the portion of the Comprehensive Plan, as specified in the Future Land Use Plan, governing the property generally located at the south of East 104th Avenue, east of Potomac Street, and west of Blackhawk Street, more accurately described and depicted in Exhibit A (the "Property") a copy of which is attached hereto and made a part hereof by this reference, should be amended to reflect the uses depicted on Exhibit B, a copy of which is attached hereto and incorporated herein by reference.

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 and declares that it has caused to be published in the Commerce City Sentinel Express, a legal newspaper of general circulation in the City of Commerce City, Notice of Public Hearing by the Planning Commission of the City of Commerce City, held September 3, 21019 concerning the Comprehensive Plan as applicable to the Property. The City Council finds that said Notice was published August 27, 2019 and that the Planning Commission conducted the Public Hearing in compliance with law. The City Council finds that at that Public Hearing, a motion was made to enter a finding that the proposed amendment to the Comprehensive Plan, including the Future Land Use Plan, for the Property contained in case LUP-55-19, meets the criteria of the Land Development Code and, based upon such finding, recommended by a vote of 5-0 that the City Council approve the Comprehensive Plan amendment as submitted.

SECTION 2. The City Council of the City of Commerce City, Colorado further finds and declares that it has caused to be published in the Denver Post, a legal newspaper of general circulation in the City of Commerce City, Notice of Public Hearing held on September 16, 2019, regarding the proposed amendment to the Comprehensive Plan, including the Future Land Use Plan, as it relates to the Property, and that said Notice was published on September 6, 2019 and that said Hearing was conducted all in compliance with law.

SECTION 3. That portion of the Comprehensive Plan, including the Future Land Use Plan, that governs the Property described in Exhibit A is amended to change the future uses as depicted on Exhibit B.

SECTION 4. In all other respects, the Future Land Use Plan, and the Comprehensive Plan, remain unchanged and in full force and effect.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED
THIS 16TH DAY OF SEPTEMBER 2019

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED
THIS ____ DAY OF OCTOBER 2019.

CITY OF COMMERCE CITY COLORADO

ATTEST

Laura J. Bauer, MMC, City Clerk

EXHIBIT A
(Legal Description)
LUP-55-19

The Legal Description worded as follows:

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 2 SOUTH, RANGE 66 WEST, OF THE 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE NORTH LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 18, AS ASSUMED TO BEAR NORTH 88°13'08" EAST BETWEEN A FOUND 3 1/4" ALUMINUM CAP IN RANGE BOX STAMPED "COLO. DEPT. OF TRANSPORTATION, T2S, 1993, PLS 23516" AT THE NORTHWEST CORNER OF SAID SECTION 18 AND A FOUND #6 REBAR WITH 2 1/2" ALUMINUM CAP IN RANGE BOX STAMPED "LS. 28286, W 1/16, S7, S18, 1998" AT THE NORTH 1/16TH CORNER OF SAID SECTION 18, WITH ALL BEARINGS CONTAINED HEREIN BEING RELATIVE THERETO.

COMMENCING AT SAID NORTHWEST CORNER OF SECTION 18; THENCE ALONG THE WEST LINE OF THE NORTHWEST QUARTER SOUTH 00°14'41" EAST, A DISTANCE OF 75.03 FEET, THENCE DEPARTING FROM SAID WEST LINE NORTH 88°13'08" EAST, A DISTANCE OF 30.02 FEET TO THE POINT OF BEGINNING; THENCE ALONG A LINE PARALLEL WITH AND 75.00 FEET SOUTH OF THE NORTH LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 18 NORTH 88°13'08" EAST, A DISTANCE OF 1160.79 FEET; THENCE SOUTH 45°42'55" EAST, A DISTANCE OF 13.81 FEET; THENCE SOUTH 89°38'59" EAST, A DISTANCE OF 44.94 FEET TO A POINT ON THE EAST LINE OF THE EAST LINE SOUTH 00°21'24" WEST, A DISTANCE OF 132.10 FEET TO A POINT ON THE EAST LINE OF TRACT DD, FOXTON VILLAGE, FILE 18 MAP 337; THENCE ALONG SAID EAST LINE OF TRACT DD THE FOLLOWING FOUR COURSES AND DISTANCES, 50.28 FEET ALONG THE ARC OF A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 300.00 FEET AND AN INCLUDED ANGLE OF 09°14'45", SUBTENDED BY A CHORD BEARING SOUTH 04°26'41" EAST, A DISTANCE OF 50.22 FEET TO A POINT OF TANGENCY; THENCE SOUTH 09°14'45" EAST, A DISTANCE OF 105.47 FEET TO A POINT OF CURVATURE; THENCE 50.28 FEET ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 300.00 FEET AND AN INCLUDED ANGLE OF 9°36'08", SUBTENDED BY A CHORD BEARING SOUTH 04°26'40" EAST, A DISTANCE OF 50.28 FEET TO A POINT OF TANGENCY; THENCE SOUTH 00°21'24" WEST, A DISTANCE OF 241.75 FEET TO THE SOUTHEAST CORNER OF SAID TRACT DD; THENCE ALONG THE SOUTHERLY LINE OF SAID TRACT DD, SOUTH 88°23'42" WEST, A DISTANCE OF 26.02 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF A PUBLIC SERVICE COMPANY RIGHT-OF-WAY DESCRIBED IN DEED RECORDED AT BOOK 1069 AT PAGE 249 OF THE ADAMS COUNTY RECORDS; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY SOUTH 88°23'57" WEST, A DISTANCE OF 1209.42 FEET TO A POINT OF THE EASTERLY RIGHT-OF-WAY OF POTOMOC STREET; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY NORTH 00°14'41" WEST, A DISTANCE OF 586.44 FEET TO THE POINT OF BEGINNING.

CONTAINING 721,598 SQUARE FEET OR 16.57 ACRES OF LAND, MORE OR LESS.