

ORDINANCE NO. Z-989-23

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 8705 ROSEMARY STREET FROM LIGHT INTENSITY INDUSTRIAL DISTRICT (I-1) AND AGRICULTURAL DISTRICT (AG) TO MEDIUM INTENSITY INDUSTRIAL DISTRICT (I-2)

WHEREAS, the owner of the property generally located at 8705 Rosemary Street 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 Light Intensity Industrial District (I-1) and Agricultural District (AG) to Medium Intensity Industrial District (I-2), 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 Council regarding the requested zoning was given, including by publication on May 8, 2023, and May 22, 2023, in the Denver Post, a legal newspaper of general circulation in the City of Commerce City; mailing on May 8, 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 21, 2023, 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 Light Intensity Industrial District (I-1) and Agricultural District (AG) to Medium Intensity Industrial District (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 Light Intensity Industrial District (I-1) and Agricultural District (AG) to Medium Intensity Industrial District (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 Light Intensity Industrial District (I-1) and Agricultural District (AG) to Medium Intensity Industrial District (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 7TH DAY OF AUGUST 2023.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THIS 11TH DAY OF SEPTEMBER 2023.

CITY OF COMMERCE CITY, COLORADO

Benjamin A. Huseman, Mayor

ATTEST

Dylan A. Gibson, City Clerk

Exhibit A
(Legal Description)
Case #Z-989-23

LEGAL DESCRIPTION:

SUB: PALOMBO AND AGAZIO SUBDIVISION, LOT 1