

ORDINANCE NO: Z-920-15

INTRODUCED BY: AMADOR, BENSON, BULLOCK, CARSON, DOUGLAS, ELLIOTT, MCELDFOWNEY, TETER

AN ORDINANCE REZONING THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, LOCATED AT 6440 EAST 64TH 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 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 April 7, 2015 concerning land hereinafter described, and that said Notice was published March 31, 2015 and that said Hearing was conducted all in compliance with law.

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 Commerce City Sentinel Express, a legal newspaper of general circulation in the City of Commerce City, Notice of Public Hearing held on May 18, 2015 regarding rezoning of land hereinafter described, and that said Notice was published on May 5, 2015 and that said Hearing was conducted all in compliance with law.

SECTION 3. The City staff and the City Planning Commission have reviewed the materials and have made recommendations to the City Council.

SECTION 4. The City Council has considered the said recommendations, heard the statements of the applicant, reviewed the Planning Commission proceedings, and makes the following findings:

1. The change is consistent with any City adopted plans for the area;
2. The change is compatible with proposed development, surrounding land uses and the natural environment;
3. There is, or will be adequate public services, (water, sewerage, streets, drainage, etc.);
4. There is, or will be adequate public uses (parks, schools, and open space);
5. The change is needed to provide/maintain a proper mix of uses in the area/City; and
6. The area for which the change is requested has changed/is changing and it is in the public interest to allow a new use or density.

SECTION 5. That the property described in Exhibit "A" attached hereto and made a part hereof, now zoned R-3 be rezoned R-4 as defined in the Commerce City Land Development Code.

SECTION 6. That the zoning map of the City of Commerce City, Colorado be and is hereby amended to reflect the rezoning approved by this ordinance.

SECTION 7. That the rezoning is approved from R-3 to R-4, subject to the following condition:

- a. The applicant shall provide a copy of the recorded HOA documents prior to the approval of any building permits.

SECTION 8. Failure to comply with the said condition shall constitute basis for rezoning of the subject property to that zoning existing immediately prior to passage of this ordinance, it being expressly determined by this City Council that the rezoning herein granted is not proper zoning in the absence of compliance with the condition herein contained. In the alternative, the City may proceed with legal action for injunctive relief to enforce the condition herein imposed or issue a summons and complaint in the Commerce City municipal court for violations of the aforesaid condition, and in the event a summons and complaint is issued in the Commerce City municipal court, and upon finding a violation of the condition set forth in this ordinance, the municipal court may impose any penalty authorized by the Land Development Code. The remedies herein provided for shall be considered cumulative and not mutually exclusive.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED THIS 18TH DAY OF MAY, 2015.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THIS 15TH DAY OF JUNE 2015.

CITY OF COMMERCE CITY, COLORADO

BY _____
Sean Ford, Mayor

ATTEST:

Laura J. Bauer, City Clerk

Exhibit “A”
(Legal Description)
Case #Z-920-15

A PARCEL OF LAND IN THE COUNTY OF ADAMS, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT A POINT 158 FEET WEST OF THE NORTHEAST CORNER OF LOT 8, BLOCK 2; THENCE SOUTH 190 FEET; THENCE WEST 79.2 FEET; THENCE NORTH 190 FEET; THENCE EAST 79.2 FEET TO THE POINT OF BEGINNING, FIRST ADDITION TO ROSE HILL, COUNTY OF ADAMS, STATE OF COLORADO.

Also known by street and number as: 6440 EAST 64TH AVENUE COMMERCE CITY CO 80022