

ORDINANCE NO: Z-938-17

INTRODUCED BY: AMADOR, BULLOCK, CARSON, DOUGLAS, ELLIOTT, FORD,
MCELDOWNEY, TETER

AN ORDINANCE REZONING FROM ADAMS COUNTY I-1 TO COMMERCE CITY C-3 THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, LOCATED AT 8799 BRIGHTON ROAD, 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 November 1, 2016 concerning land hereinafter described, and that said Notice was published October 25, 2016 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 December 19, 2016 regarding rezoning of land hereinafter described, and that said Notice was published on December 6, 2016 and that said Hearing was conducted all in compliance with law.

SECTION 3. That the property described in Exhibit "A" attached hereto and made a part hereof, now zoned Adams County I-1 be rezoned Commerce City C-3 as defined in the Commerce City Land Development Code.

SECTION 4. 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 5. That the rezoning is approved, subject to the following condition:

- a. No building permit for a new structure may be issued for the property until a subdivision plat, corresponding to the Annexation Zoning request is approved.

SECTION 6. 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 19TH DAY OF DECEMBER 2016.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THIS
9TH DAY OF JANUARY 2017.

CITY OF COMMERCE CITY, COLORADO

BY: _____
Sean Ford, Mayor

ATTEST:

Laura J. Bauer, MMC, City Clerk

Exhibit “A”
(Legal Description)
Case #Z-938-17

PARCEL 1

SECT,TWN,RNG:20-2-67 DESC: BEG AT S4 COR SEC 20 TH N 226/6 FT TO SELY BDRY OF BRIGHTON RD TH W 18/86 FT M/L TO C/L BRIGHTON RD TH S 29D 40M W 260/5 FT TH E 149/86 FT TO POB TOG WITH A PARC DESC AS BEG AT A PT ON S LN SW4 SEC 20 FROM WHICH PT THE SE COR SD SW4 BRS S 89D 57M E 131 FT TH W ALG S LN SW4 SD SEC 179/3 FT TH N 55D 15M E 359/5 FT TH S 30D 28M W 233/9 FT TO POB EXC HIWAY 0/77A

PARCEL 2

SECT,TWN,RNG:20-2-67 DESC: PT OF THE SE4 SEC 20 DESC AS BEG AT THE S4 COR SD SEC TH N ON ASSUMED BRNG ALG W LN SD SE4 A DIST OF 30 FT TO THE TRUE POB TH CONT N 178/30 FT TH ELY AND SLY AS FOLS N 63D 40M E 144/40 FT TH S 63D 00M E 302/70 FT TH S 55D 24M E 34/70 FT TH S 34D 35M W 103/04 FT TO A PT 30 FT N OF S LN OF SD SE4 TH W 369/93 FT TO THE TRUE POB 1/705A