

ORDINANCE NO. Z-956-19

INTRODUCED BY: \_\_\_\_\_

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AN ORDINANCE REZONING FROM AGRICULTURAL TO INDUSTRIAL-1 THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, LOCATED ON A PORTION OF 8705 ROSEMARY STREET AND THE SOUTHWEST CORNER OF ROSEMARY STREET AND EAST 88<sup>th</sup> 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 May 7, 2019 concerning ordinance Z-956-19 (attached hereto as Exhibit A and the rezoning of property on a portion of 8705 Rosemary Street at the southwest corner of Rosemary Street and East 88<sup>th</sup> Avenue, Commerce City, Colorado and that said Notice was published April 30, 2019 and that said Hearing was conducted all in compliance with Law and a motion was made to enter a finding that the requested Zone Change for the property located on a portion of 8705 Rosemary Street and the southwest Corner of Rosemary Street and East 88<sup>th</sup> Avenue contained in case Z-956-19 meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Zone Change Said motion was carried by a 5-0 vote.

**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 June 3, 2019 regarding rezoning of land hereinafter described, and that said Notice was published on May 21, 2019 and that said Hearing was conducted all in compliance with law.

**SECTION 3.** The City Council of the City of Commerce City, Colorado further finds and declares that the City has caused to mail by the United States Postal Service, the federal postal system, Notice of Public Hearing held on May 7, 2019 and June 3, 2019 concerning the ordinance Z-956-19 and the rezoning of property on a portion of 8705 Rosemary Street and the southwest corner of Rosemary Street and East 88<sup>th</sup> Avenue, Commerce City, Colorado, and that said Notice was mailed on April 24, 2019 and that said Hearing was conducted all in compliance with law.

**SECTION 4** The City Council of the City of Commerce City, Colorado further finds and declares that the City has caused to provide Placards on the property which is the subject of the application, Notice of Public Hearing held on May 7, 2019 and June 3, 2019 concerning the ordinance Z-956-19 and the rezoning of property on a portion of 8705 Rosemary Street and the southwest corner of Rosemary Street and East 88<sup>th</sup> Avenue, Commerce City, Colorado, and that said Notice was posted on April 26, 2019 and May 24, 2019 that said Hearing was conducted all in compliance with law.

**SECTION 5** The City of Council finds, consistent with the Commerce City Land Development Code, Section 21-3232(5), as follows:

- a. The change is consistent with the policies and goals of the Comprehensive Plan, as well as the Irondale Neighborhood and Infrastructure Plan policies and goals and Future Land Use Map General Industrial designation adopted for the area;
- b. The change is compatible with proposed development, surrounding land uses and the natural environment because future development will meet all standards and regulations for lighting, parking, etc. and maintain compatibility;
- c. The change 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 change 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 change, given need to provide or maintain a proper mix of uses both within the city and the immediate area of the proposed use because it will provide a service to the existing businesses and residents; and
- f. The Irondale area in which the zone change is requested is expected to develop more industrial and commercial uses in the future and it is in the public interest to allow a new use or activity.

**SECTION 6.** That the property described in Exhibit “A” attached hereto and made a part hereof, now zoned Agriculture be rezoned Industrial-1 as defined in the Commerce City Land Development Code, with one condition:

- a. The final subdivision plat application shall be completed, approved, and recorded within 6 months of the date of rezone and prior to any development plan approval or prior to any building permits being issued for the property.

**SECTION 7.** Failure to comply with any or all of the said conditions 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 conditions herein contained. In the alternative, the City may proceed with legal action for injunctive relief to enforce the conditions herein imposed or issue a summons and complaint in the Commerce City municipal court for violations of any of the aforesaid conditions, and in the event a summons and complaint is issued in the Commerce City municipal court, and upon finding a violation of any of the conditions 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.

**SECTION 8.** That the zoning map of the City of Commerce City, Colorado be and is hereby amended to reflect the rezoning approved by this ordinance.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED  
THIS 3RD DAY OF JUNE 2019.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED  
THIS \_\_\_\_\_DAY OF \_\_\_\_\_ 2019.

CITY OF COMMERCE CITY, COLORADO

\_\_\_\_\_  
Sean Ford, Mayor

ATTEST

\_\_\_\_\_  
Laura J. Bauer, MMC, City Clerk

*Exhibit "A"*  
*(Legal Description)*  
*Case #Z-956-19*

**LEGAL DESCRIPTION:**

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A PARCEL OF LAND BEING A PORTION OF LOT 1, PALAOMBO AND AGAZIO SUBDIVISION PLAT AS RECORDED UNDER RECEPTION No. B494523 OF THE RECORDS OF THE COUNTY OF ADAMS, SITUATE IN THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 2 SOUTH, RANGE 67 WEST OF THE 6TH P.M., CITY OF COMMERCE CITY, COUNTY OF ADAMS, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 28  
THENCE N89°39'50"E ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER,  
A DISTANCE OF 945.00 FEET;  
THENCE S00°20'52"W A DISTANCE OF 30.00 FEET TO THE NORTHEAST CORNER  
OF SAID LOT 1;  
THENCE S89°39'50"W ALONG THE NORTH LINE OF SAID LOT 1, SAID LINE BEING 30.00 FEET  
SOUTH AND PARALLEL WITH SAID NORTH LINE OF THE NORTHWEST QUARTER, A DISTANCE OF  
275.58 FEET TO THE NORTHWEST CORNER OF SAID LOT 1;  
THENCE S30°43'26"W ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 35.02 FEET  
TO THE POINT OF BEGINNING;  
THENCE N89°39'50"E ALONG A LINE 60.00 FEET SOUTH AND PARALLEL WITH SAID NORTH  
LINE OF THE NORTHWEST QUARTER, A DISTANCE OF 237.75 FEET TO A POINT OF CURVATURE;  
THENCE 71.22 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 45.00  
FEET, A CENTRAL ANGLE OF 90°41'02", SUBTENDING A CHORD BEARING OF S44°59'39"E, A  
CHORD DISTANCE OF 64.02 FEET;  
THENCE S00°20'52"W ALONG A LINE BEING 10.00 FEET WEST AND PARALLEL WITH THE WEST  
RIGHT-OF-WAY LINE OF ROSEMARY STREET, A DISTANCE OF 240.96 FEET;  
THENCE S89°39'50"W PARALLEL WITH SAID NORTH LINE OF THE NORTHWEST QUARTER,  
A DISTANCE OF 277.22 FEET;  
THENCE N59°16'34"W A DISTANCE OF 150.07 FEET TO A POINT ON SAID WEST LINE OF LOT 1;  
THENCE N30°43'26"E ALONG SAID WEST LINE A DISTANCE OF 244.04 FEET TO THE POINT  
OF BEGINNING CONTAINING 98,151 SQUARE FEET OR 2.2532 ACRES MORE OR LESS.