

ORDINANCE NO. LUP-56-20

INTRODUCED BY: ALLEN-THOMAS, FRANK, GRIMES, GUARDIOLA, HURST,  
HUSEMAN, MADERA, NOBLE, SMITH

AN ORDINANCE AMENDING THE FUTURE LAND USE PLAN, FIGURE 3.2, OF THE COMPREHENSIVE PLAN OF THE CITY OF COMMERCE CITY, FOR THE PROPERTY KNOWN AS GRUENEWALD SUBDIVISION FILING 1 (TRACT A) GENERALLY LOCATED AT 11100 EAST 108<sup>TH</sup> AVENUE AND TRACT B (IMMEDIATELY ADJACENT TO THE WEST OF TRACT A), FROM RESIDENTIAL-MEDIUM TO INDUSTRIAL/DISTRIBUTION.

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 Gruenewald Subdivision Filing 1 Tract A (located at 11100 E. 108<sup>th</sup> Avenue) and Tract B (immediately adjacent to the west of Tract A), 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 from Residential-Medium to Industrial/Distribution, as 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 December 3, 2019 concerning the Comprehensive Plan as applicable to the Property. The City Council finds that said Notice was published November 26, 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-56-20, 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 January 6, 2020, 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 December 24, 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 use from Residential-Medium to Industrial/Distribution, as depicted on Exhibit B.

**SECTION 4.** The City Council of the City of Commerce City, Colorado further finds that case LUP-56-20 is consistent with the Commerce City Land Development Code, Section 21-2110(3), as follows:

- a) The proposed amendment is consistent with the overall intent of the comprehensive plan as the area in general is bound by existing and future industrial use to the east and west, as well as a State Highway to the south;
- b) The amendment is consistent with the purposes of Section 21-2100 of the Land Development Code and will allow the comprehensive plan to continue to promote the health, safety, order, convenience, prosperity and general welfare of the inhabitants of the city by ensuring coordinated, adjusted, and harmonious development with the city;
- c) The amendment is desirable due to changing economic conditions and will make the land use designation more in line with existing industrial development to the east, proposed industrial development to the west and a major highway to the south;
- d) The proposed amendment will not have a negative effect on the immediate area as the surrounding area along E. 108<sup>th</sup> Avenue already has existing and proposed industrial development;
- e) The amendment will not have a negative effect on the future development of the area because it will support and be consistent with the adjacent sites; and
- f) The amendment will promote the public health, safety, and general welfare of the people of the city.

**SECTION 5.** 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 6TH DAY OF JANUARY 2020.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED  
THIS 3RD DAY OF FEBRUARY 2020.

CITY OF COMMERCE CITY COLORADO

---

Benjamin A. Huseman, Mayor

ATTEST

---

Dylan A. Gibson, Deputy City Clerk

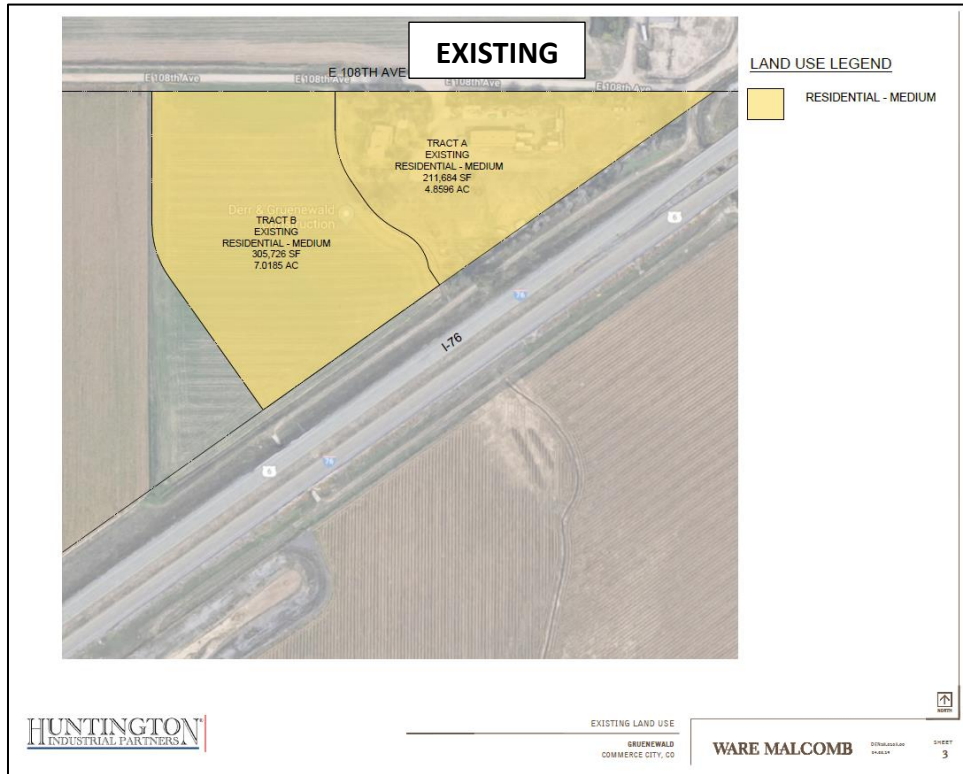
**EXHIBIT A**  
**(Legal Description)**  
**LUP-56-20**

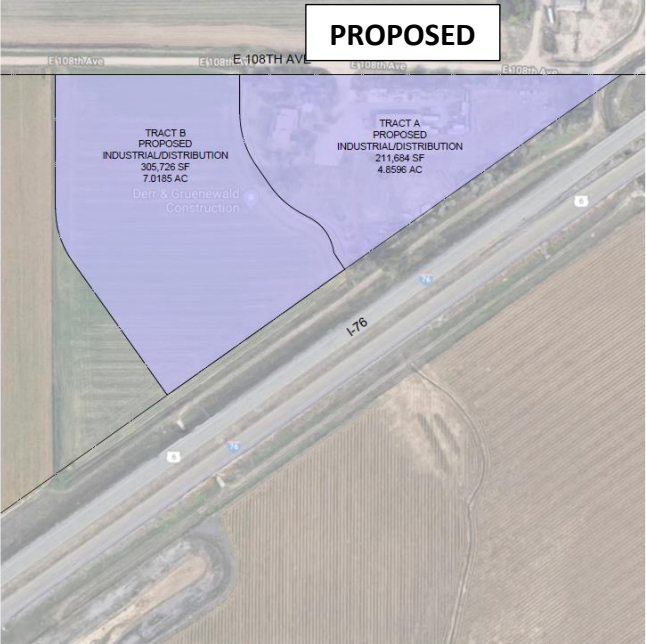
KNOW ALL MEN BY THESE PRESENTS THAT WILLIAM C. GRUENEWALD, ROBERT W. DERR, AND DERR FAMILY LIMITED PARTNERSHIP, BEING THE OWNERS OF THAT PART OF THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 2 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF COMMERCE CITY, COUNTY OF ADAMS, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TRACT A AND TRACT B, OF GRUENEWALD FILING NO. 1,  
AT RECEPTION NO. 2010000023618 OF THE RECORDS OF THE  
ADAMS COUNTY CLERK AND RECORDER,  
CITY OF COMMERCE CITY,  
COUNTY OF ADAMS,  
STATE OF COLORADO.

PARCELS COMBINED CONTAIN 517,410 SQUARE FEET, OR 11.8781 ACRES, MORE OR LESS.

**EXHIBIT B**  
**(Future Land Use Plan Existing & Proposed)**  
**LUP-56-20**





**LAND USE LEGEND**

INDUSTRIAL/DISTRIBUTION

**HUNTINGTON**  
INDUSTRIAL PARTNERS

PROPOSED LAND USE  
GRUENEWALD  
COMMERCIAL CITY, CO

**WARE MALCOMB**

STUDY AREA  
SHEET  
4