

ORDINANCE NO. Z-616-95-21

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

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO BY REMOVING ZONING CONDITIONS ON APPROXIMATELY 28 ACRES FOR THE PROPERTY AT 9940 HAVANA ST TO REMAIN I-2 (MEDIUM INTENSITY INDUSTRIAL) AND TO REZONE APPROXIMATELY 1.87 ACRES OF THE PROPERTY AT 9940 HAVANA ST NORTH OF THE O'BRIAN CANAL FROM I-2 (MEDIUM INTENSITY INDUSTRIAL) TO PUBLIC ZONE.

NOW, THEREFORE, 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 ("City Council"), finds that notices of the public hearing concerning proposed ordinance Z-616-95-21 rezoning property at 9940 Havana St, more specifically defined in Exhibit "A," before the Planning Commission of the City of Commerce City on December 1, 2020, and the City Council to be held on this January 4, 2021, respectively, were properly given as required by the Land Development Code, including by: publication on November 24, 2020, and December 8, 2020 in the Sentinel-Express, a legal newspaper of general circulation in the City of Commerce City; mailing on November 24, 2020, 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 November 20, 2020 and December 28, 2020, in the manner and for the duration required by the Land Development Code.

SECTION 2. The City Council further finds that the public hearings concerning proposed ordinance Z-616-95-21 and the rezoning of property described in Exhibit A before the Planning Commission of the City of Commerce City and the City Council were conducted in compliance with law.

SECTION 3. The City Council finds, consistent with the Commerce City Land Development Code, Section 21-3232(5), as follows with regard to the proposed rezoning:

- 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 because it meets the future land use map and designates a portion of the area north of the O'Brian Canal PUBLIC per the comprehensive plan goals;
- b. The proposed zone district and allowed uses are compatible with proposed development, surrounding land uses and the natural environment because the area south of the O'Brian Canal is designated as industrial in the future land use map and north of the O'Brian Canal is designated as parks or open space;
- 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 because any development plan will meet all required City standards;
- 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 because the portion zoned PUBLIC will contribute to the open space designation north of the O'Brian Canal;

- 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 because the area has developed industrially; 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 because the proposed rezone and development will contribute to the industrial development in the area.

SECTION 4. Ordinance Z-616-95-21 of the City of Commerce City, rezoning the property at 9940 Havana Street, Commerce City, Colorado, as described in Exhibit "A" attached hereto and made a part hereof, now zoned I-2 with conditions, is hereby approved and said property is hereby rezoned to I-2 (Medium Intensity Industrial), without conditions, and PUBLIC as defined in the Commerce City Land Development Code, as reflected in Exhibit A. The zoning map of the City of Commerce City, Colorado, is hereby amended to reflect the rezoning approved by this ordinance.

SECTION 5. This ordinance shall be effective upon passage on second and final reading.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED
THIS 4TH DAY OF JANUARY, 2021.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED
THIS 1ST DAY OF FEBRUARY, 2021.

CITY OF COMMERCE CITY, COLORADO

Benjamin A. Huseman, Mayor

ATTEST

Dylan A. Gibson, City Clerk

Exhibit "A"
(Legal Description)
Case #Z-616-95-21

Area to be zoned I-2 (Medium Intensity Industrial):

A PARCEL OF LAND BEING A PORTION OF LOT 4, CAST TRANSPORTATION SUBDIVISION RECORDED UNDER RECEPTION NO. C0239743 IN THE RECORDS OF THE ADAMS COUNTY CLERK AND RECORDER, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 2 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 2 SOUTH, RANGE 67 WEST OF THE 6TH P.M. BEING MONUMENTED BY A 2.5" ALUMINUM CAP "ILLEGIBLE" AT THE WEST QUARTER CORNER AND A 3.25" ALUMINUM CAP STAMPED "LS 38189" AT THE SOUTHWEST CORNER, SAID LINE BEARING S00°12'14"E AS REFERENCED TO THE ADAMS COUNTY CONTROL NETWORK.

COMMENCING AT THE WEST QUARTER CORNER OF SECTION 14, TOWNSHIP 2 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN;

THENCE ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 14, N89°38'29"E A DISTANCE OF 40.00 FEET, TO THE NORTHWESTERLY CORNER OF LOT 4, CAST TRANSPORTATION SUBDIVISION RECORDED UNDER RECEPTION NO. C0239743 IN THE RECORDS OF THE ADAMS COUNTY CLERK AND RECORDER AND THE POINT OF BEGINNING;

THENCE CONTINUING ON SAID NORTH LINE, ALSO BEING THE NORTHERLY LINE OF SAID LOT 4, N89°38'29"E A DISTANCE OF 1108.25 FEET, TO A POINT ON THE SOUTHERLY LINE OF THE O'BRIAN CANAL RIGHT-OF-WAY;

THENCE ON SAID SOUTHERLY RIGHT-OF-WAY LINE THE FOLLOWING FOUR (4) COURSES:

1. ON THE ARC OF A CURVE TO THE RIGHT WHOSE CENTER BEARS S50°12'07"W, HAVING A RADIUS OF 460.87 FEET, A CENTRAL ANGLE OF 02°00'27" AND AN ARC LENGTH OF 16.15 FEET, TO A POINT OF TANGENT;
2. S37°47'27"E A DISTANCE OF 143.73 FEET, TO A POINT OF CURVE;
3. ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 459.74 FEET, A CENTRAL ANGLE OF 101°45'01" AND AN ARC LENGTH OF 816.44 FEET, TO A POINT OF TANGENT;
4. N40°27'32"E A DISTANCE OF 195.36 FEET, TO A POINT ON SAID NORTH LINE;

THENCE ON SAID NORTH LINE, N89°38'29"E A DISTANCE OF 145.06 FEET, TO A POINT ON THE EASTERLY LINE OF SAID LOT 4;

THENCE ON SAID EASTERLY LINE, S41°24'27"W A DISTANCE OF 975.25 FEET, TO THE SOUTHEASTERLY CORNER OF SAID LOT 4;

THENCE ON THE SOUTHERLY LINE OF SAID LOT 4, S89°44'59"W A DISTANCE OF 1543.75 FEET, TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF HAVANA STREET AS SHOWN ON THE PLAT OF CAST TRANSPORTATION SUBDIVISION;

THENCE ON SAID EASTERLY RIGHT-OF-WAY LINE, N00°12'14"W A DISTANCE OF 724.49 FEET, TO THE POINT OF BEGINNING;

CONTAINING A CALCULATED AREA OF 1,158,534 SQUARE FEET OR 26.5963 ACRES.

Area to be zoned PUBLIC:

A PARCEL OF LAND BEING A PORTION OF LOT 4, CAST TRANSPORTATION SUBDIVISION RECORDED UNDER RECEPTION NO. C0239743 IN THE RECORDS OF THE ADAMS COUNTY CLERK AND RECORDER, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 2 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 2 SOUTH, RANGE 67 WEST OF THE 6TH P.M. BEING MONUMENTED BY A 2.5" ALUMINUM CAP "ILLEGIBLE" AT THE WEST QUARTER CORNER AND A 3.25" ALUMINUM CAP STAMPED "LS 38189" AT THE SOUTHWEST CORNER, SAID LINE BEARING S00°12'14"E AS REFERENCED TO THE ADAMS COUNTY CONTROL NETWORK.

COMMENCING AT THE WEST QUARTER CORNER OF SECTION 14, TOWNSHIP 2 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN;

THENCE ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 14, N89°38'29"E A DISTANCE OF 1299.72 FEET, TO THE POINT OF BEGINNING;

THENCE CONTINUING ON SAID NORTH LINE, N89°38'29"E A DISTANCE OF 628.05 FEET, TO A POINT ON THE NORTHERLY LINE OF THE O'BRIAN CANAL RIGHT-OF-WAY;

THENCE ON SAID NORTHERLY RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES:

1. S40°27'32"W A DISTANCE OF 91.71 FEET, TO A POINT OF CURVE;
2. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 339.74 FEET, A CENTRAL ANGLE OF 101°45'01" AND AN ARC LENGTH OF 603.34 FEET, TO A POINT OF TANGENT;
3. N37°47'27"W A DISTANCE OF 67.80 FEET, TO THE POINT OF BEGINNING;

CONTAINING A CALCULATED AREA OF 81,646 SQUARE FEET OR 1.8743 ACRES.