

ORDINANCE NO. LUP-058-24

INTRODUCED BY: CHACON, DOUGLAS, DOUGLAS DUKES, FORD, KIM, MADERA,  
NOBLE, TETER

AN ORDINANCE AMENDING THE CITY OF COMMERCE CITY COMPREHENSIVE PLAN FOR THE PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF EAST 88TH AVENUE AND E-470, FROM DIA TECHNOLOGY TO UTILITY

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;

WHEREAS, the Future Land Use Plan designates appropriate uses of land within the City and the City’s growth boundaries;

WHEREAS, the owner of the property generally located at the southwest corner of East 88<sup>th</sup> Avenue and E-470, more accurately described and depicted in Exhibit A (“Property”), applied to amend the Comprehensive Plan to change the future land use of the Property from DIA Technology to Utility;

WHEREAS, in accordance with Section 21-3180 of the City’s Land Development Code, all required notices of public hearings before the Planning Commission of the City and the City Council regarding the requested land use plan amendment was given, including by: publication on May 23, 2024 and July 18, 2024 in the Commerce City Sentinel Express, a legal newspaper of general circulation in the City of Commerce City; mailing on May 23, 2024, and May 23, 2024, 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 May 24, 2024, and May 24, 2024, in the manner and for the duration required by the Land Development Code;

WHEREAS, following a public hearing conducted in compliance with law, the Planning Commission made findings and recommended that the City Council move forward with approval of the proposed land use plan amendment;

WHEREAS, the City Council has conducted a public hearing regarding the requested zoning; 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 southwest corner of East 88<sup>th</sup> Avenue and E-470, should be amended to change the future land use of the property from DIA Technology to Utility.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO, AS FOLLOWS:

**SECTION 1. Findings.** The recitals to this ordinance are incorporated as findings of the City Council. This ordinance is found to be necessary for the preservation of the public health,

safety, and welfare and in the public interest.

**SECTION 2.** The City Council of the City of Commerce City finds, consistent with the Commerce City Land Development Code, Section 21-2110(3), with regard to the proposed land use plan amendment of the Property that:

- (a) The comprehensive plan and/or any related element thereof is in need of the proposed amendment;
- (b) The proposed amendment is compatible with the surrounding area, and the goals and policies of the comprehensive plan;
- (c) The proposed amendment will have no significant negative impacts on transportation, services, and facilities;
- (d) The proposed amendment will have minimal effect on service provision, including adequacy or availability of facilities and services, and is compatible with existing and planned service provision;
- (e) The proposed amendment is consistent with the City's ability to annex the property if applicable;
- (f) The proposed amendment is consistent with the logical expansion of services;
- (g) Strict adherence to the comprehensive plan would result in a situation neither intended nor in keeping with other key elements and policies of the comprehensive plan; and
- (h) The proposed plan amendment will promote the public welfare and will be consistent with the goals and policies of the comprehensive plan and the elements thereof.

**SECTION 3.** The City Council hereby accepts the recommendation of the Planning Commission regarding the requested land use plan amendment and approves the amendment from DIA Technology to Utility. The Future Land Use Plan of the Comprehensive Plan of the City of Commerce City, Colorado, is hereby amended to reflect the land use plan amendment approved by this ordinance.

**SECTION 4.** In all other respects, the Future Land Use Plan, and the Comprehensive Plan, remain unchanged and in full force and effect.

**SECTION 5. Repealer.** All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency.

**SECTION 6. Effective Date.** This ordinance shall be effective immediately upon passage on second and final reading.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED THIS 5TH DAY OF AUGUST, 2024.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED  
THIS 23RD DAY OF SEPTEMBER, 2024.

CITY OF COMMERCE CITY, COLORADO

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Steven J. Douglas, Mayor

ATTEST

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Dylan A. Gibson, City Clerk

## Exhibit A

### Legal Description

A parcel of land being a portion of the Southwest Quarter (SW1/4) of Section Twenty-three (23) and a portion of the West Half (W1/2) of Section Twenty-six (26), Township Two South (T.2S.), Range Sixty-six West (R.66W.) of the Sixth Principal Meridian (6th/ P.M.), County of Adams, State of Colorado being more particularly described as follows;

BEGINNING at the Northwest Corner of said Section 26 and assuming the North line of the West Half of Section 26 as bearing North 89° 03' 17" East a distance of 2637.11 feet with all other bearings contained herein relative thereto:

THENCE North 00° 18' 18" West along an Easterly line of Annexation Map AN-153-98 recorded February 19, 1999 as Reception No. 1999030506050 of the Records of Adams County a distance of 30.00 feet to the Northerly Right of Way Line of E. 88th Avenue and to the Southerly line of Annexation Map AN-102-89 recorded October 13, 1989 as Reception No. 1989020908599 of the Records of Adams County;

THENCE North 89° 03' 17" East along said Southerly line of Annexation Map AN-102-89 a distance of 605.53 feet;

THENCE South 00° 56' 43" East departing said Southerly line of AN-102-89 a distance of 100.00 feet;

The following Seven (7) courses are along the Southwesterly and Westerly lines and arcs of that parcel of land No. TK-128 of the E-470 Public Highway Authority described in Bargain and Sale Deed recorded October 12, 1995 as Reception No. 1995030114614 of the Records of Adams County.

THENCE South 84° 57' 33" East a distance of 429.25 feet;

THENCE South 56° 43' 42" East a distance of 99.32 feet;

THENCE South 18° 17' 28" East a distance of 1157.84 feet to a Point of Curvature;

THENCE along the arc of a curve concave to the Southwest a distance of 454.67 feet, said curve has a Radius of 1424.13 feet, a Delta of 18° 17' 32" and is subtended by a Chord bearing South 09° 08' 42" East a distance of 452.74 feet to a Point of Tangency;

THENCE South 00° 00' 05" West a distance of 1250.00 feet;

THENCE South 08° 12' 59" East a distance of 224.07 feet;

THENCE South 00° 00' 05" West a distance of 131.46 feet to the South line of the North Half of the North Half of the Southwest Quarter of said Section 26 and to the Northerly line of the City and County of Denver as

described in Rule and Order recorded August 10, 1990 as Reception No. 1990020958682 of the Records of Adams County;

THENCE South 89° 28' 39" West along said Northerly line of the City and County of Denver a distance of

1604.57 feet to the West line of the Southwest Quarter of said Section 26 and to an Easterly line of Annexation

Map AN-153-98;

The following Three (3) courses are along the Easterly lines of said Annexation Map AN-153-98.

THENCE North 00° 29' 06" West along said West line of the Southwest Quarter of said Section 26 a distance of

664.98 feet to the West Quarter Corner of Section 26;

THENCE North 00° 32' 43" East along the West line of the Northwest Quarter of said Section 26 a distance of

2621.54 feet to the Southerly Right of Way line of E. 88th Avenue;

THENCE North 00° 32' 43" East continuing along said West line a distance of 30.01 feet to the POINT OF

BEGINNING.

TOTAL AREA is 4,816,240 square feet or 110.57 acres, more or less