

ORDINANCE NO. Z25-0005

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO BY REZONING THE PROPERTY GENERALLY LOCATED AT 13701 EAST 104TH AVENUE FROM AG (AGRICULTURAL DISTRICT) TO P (PUBLIC DISTRICT)

WHEREAS, the owner of the property generally located at 13701 East 104th Avenue in the City of Commerce City (“City”) and described in Exhibit A (the “Property”), attached hereto and incorporated herein, has submitted an application to rezone the Property from Agricultural District (AG) to Public District (P);

WHEREAS, in accordance with Section 21-7150 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 zoning were given, including by: publication on January 22, 2026 and February 19, 2026 in the Commerce City Sentinel-Express, a legal newspaper of general circulation in the City of Commerce City; mailing on January 20, 2026 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 January 23, 2026, 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 approve the proposed zoning; and

WHEREAS, the City Council has conducted a public hearing regarding the requested zoning.

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

SECTION 1. Findings. The foregoing recitals are incorporated into this ordinance as findings of fact. The City Council authorizes any action by it on the requested zoning outside of the period of time provided by Section 10.11 of the City Charter.

SECTION 2. Approval Criteria. The City Council of the City of Commerce City finds, consistent with the Commerce City Land Development Code, Section 21-7220 (C) and the Common Review Criteria in Section 21-7140, with regard to the proposed rezoning of the Property from Agricultural District (AG) to Public District (P) that:

Section 21-7220 (C)

Criteria 1. Technical Error. The Zoning Map Amendment corrects a technical error on the part of the City in classifying a parcel within a specific zoning district; or

Criteria 2. Adherence to Criteria. The Zoning Map Amendment meets all of the following:

- a. The range of allowed uses allowed by the amendment are compatible with proposed development, surrounding land uses, and the natural environment;
- b. The proposed amendment will have, or future development can provide, efficient and adequate provision of public services and uses; and
- c. 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.

Section 21-7140

The request complies with the applicable standards of the City's Code, the LDC, and any applicable county, state, or federal requirements.

The request substantially conforms to any associated prior approval for the development, including, but not limited to, a PUD Zone Document, Conditional Use Permit, or Overall Development Plan.

The request is consistent with applicable policies of the Comprehensive Plan and applicable sub-area plans and capital improvement plans; or, if it addresses a topic that is not contained or not fully developed in the Comprehensive Plan, the request does not impair the implementation of the Comprehensive Plan.

The request promotes the purposes of the LDC as established in Sec. 21-1120, Purpose, and in other applicable purpose statements in this LDC.

Adequate facilities, including public or private utilities, solid waste service, roads, drainage, and other improvements are present or are planned to be provided by either the City or the applicant.

The request demonstrates compatibility with surrounding conforming and permitted land uses and structures and with the general character of the area.

The request will not impede the normal and orderly development and improvement of surrounding property.

SECTION 3. Determination. The City Council hereby accepts the recommendation of the Planning Commission regarding the requested zoning and approves the requested zoning map amendment and the rezoning of the Property from Agricultural District (AG) to Public District (P), as defined in the Commerce City Land Development Code. The zoning map of the City of Commerce City, Colorado, is hereby amended to reflect the rezoning approved by this ordinance.

SECTION 4. 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 5. Effective Date. This ordinance shall be effective as provided in Section 5.3 of the City Charter.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED THIS 2ND DAY OF MARCH, 2026.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THIS 6TH DAY OF APRIL, 2026.

CITY OF COMMERCE CITY, COLORADO

Steve J. Douglas, Mayor

ATTEST

Stephen J. Ruger, City Clerk

Exhibit A

Legal Description

SECT,TWN,RNG:7-2-66 DESC: BEG 561 FT N OF SW COR SEC 7 TH N 88D 36M E 444 FT
TH S 561 FT TH S 88D 36M W 444 FT TO POB EXC RDS 4/568A