

ORDINANCE NO. ZON26-0003

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO BY ZONING THE PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF E. 88<sup>TH</sup> AVENUE AND TOWER ROAD ANNEXATION FROM ADAMS COUNTY AGRICULTURAL-3 (A-3) TO AGRICULTURAL (AG)

WHEREAS, in conjunction with the related annexation case AN26-0003, the owner of the property generally located at the northwest corner of East 88<sup>th</sup> Avenue and Tower Road and described in Exhibit A (the “Property”), has submitted an application to zone the Property to Agricultural (AG), upon annexation to the City of Commerce City (“City”);

WHEREAS, in accordance with Section 21-3180 of the City’s Land Development Code (“LDC”), all required notices of public hearings before the City’s Planning Commission and the City’s Council regarding the requested zoning was given, including by: publication on May 21<sup>st</sup>, 2026 in the Denver Post and July 22, 2026 to the Commerce City Sentinel Express, a legal newspaper of general circulation in the City of Commerce City; mailing on May 21, 2026, and July 22, 2026, through the United States Postal Service in the manner required by the Land Development Code; and posting placards on the Property on May 22, 2026 in the manner and for the duration required by the LDC;

WHEREAS, following a public hearing conducted in compliance with the law, the Planning Commission made findings and recommended that the City Council approves the zoning map amendment and

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

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. 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. Rezoning.** The City Council of the City of Commerce City finds, consistent with the Commerce City Land Development Code, Section 21-7220(C), that the proposed rezoning of the property generally located at the northwest corner of East 88<sup>th</sup> Avenue and Tower Road from Adams County Agricultural-3 (A-3) to Agricultural (AG):

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
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.

Additionally, the City Council of the City of Commerce City finds, consistent with the Commerce City Land Development Code section 21-7140, with regard to the proposed Common Decision Criteria, that:

- 1. The request complies with the applicable standards of the City's Code, this LDC, and any applicable county, state, or federal requirements.
- 2. 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.
- 3. 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.
- 4. The request promotes the purposes of this LDC as established in Sec. 21-1120, Purpose, and in other applicable purpose statements in this LDC.
- 5. 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.
- 6. The request demonstrates compatibility with surrounding conforming and permitted land uses and structures and with the general character of the area.
- 7. The request will not impede the normal and orderly development and improvement of surrounding property.

**SECTION 3. Action.** The City Council hereby accepts the recommendation of the Planning Commission regarding the requested zoning and approves the rezoning of the Property from Adams County Agricultural-3 (A-3) to Agricultural (AG), 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. Effective Date.** This ordinance shall be effective upon the effective date of the annexation of the Property through AN26-0003, as determined pursuant to C.R.S. 31-12-113(1).

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED THIS 6<sup>TH</sup> DAY OF JULY, 2026.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THIS 3<sup>RD</sup> DAY OF AUGUST, 2026.

CITY OF COMMERCE CITY, COLORADO

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Steve J. Douglas, Mayor

ATTEST

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Stephen J. Ruger, City Clerk