

ORDINANCE NO. Z-959-19-24

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

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO BY ZONING THE PROPERTY ANNEXED AS THE CARBAJAL AUTO ANNEXATION FROM ADAMS COUNTY AGRICULTURAL-1 DISTRICT TO REGIONAL COMMERCIAL DISTRICT (C-3)

WHEREAS, in conjunction with the related annexation case AN-255-22-24, the owner of the property generally known as the Carbajal Auto annexation and described in Exhibit A (“Property”), has submitted an application to zone the Property to Regional Commercial District (C-3), upon annexation to the City of Commerce City (“City”);

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 regarding the requested zoning was given, including by: publication on November 21, 2024 and December 26, 2024 in the Commerce City Sentinel, a legal newspaper of general circulation in the City of Commerce City; mailing on November 19, 2024, and November 19, 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 November 21, 2024, and December 12, 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 approve the requested Regional Commercial District (C-3);

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 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 21-3350(2), that the proposed rezoning of the Property generally located at 8581 Rosemary Street from Adams County Agricultural-1 District to Regional Commercial District as set forth in Exhibit A is most compatible with the city’s comprehensive plan designation of the property.

Additionally, the City Council of the City of Commerce City finds, consistent with the Commerce City Land Development Code section 21-3232(5), with regard to the proposed zoning, that:

- i. 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;
- ii. The proposed zone district and allowed uses are compatible with proposed development, surrounding land uses and the natural environment;
- iii. 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;
- iv. 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;
- v. 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; and
- vi. 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.

SECTION 3. Determination. 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-1 District to Regional Commercial District (C-3), 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 ordinance 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 upon the effective date of the annexation of the Property through AN-255-22-24, as determined pursuant to C.R.S. 31-12113(1).

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED THIS 6TH DAY OF JANUARY, 2025.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THIS 3RD DAY OF FEBRUARY, 2025.

CITY OF COMMERCE CITY, COLORADO

Steven J. Douglas, Mayor

ATTEST

Dylan A. Gibson, City Clerk

EXHIBIT "A" LAND DESCRIPTION

A PARCEL OF LAND, BEING ALL OF LOTS 43 TO 48 INCLUSIVE, BLOCK 46, IRONDALE SUBDIVISION, TOGETHER WITH THAT PORTION OF THE 15 FOOT ALLEY VACATED IN RESOLUTION FOR STREET VACATION RECORDED DECEMBER 28, 1992 IN BOOK 4004 AT PAGE 550, IRONDALE, AND SITUATED IN THE NORTHWEST ONE-QUARTER OF SECTION 28, TOWNSHIP 2 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 28, AS EVIDENCED BY A FOUND 2.5" ALUMINUM CAP, FROM WHENCE THE CENTER QUARTER CORNER OF SAID SECTION 28, BEING A FOUND 3.25" ALUMINUM CAP, BEARS NORTH 89°25'25" EAST A DISTANCE OF 2641.02 FEET WITH ALL BEARINGS HEREIN RELATIVE THERETO;

THENCE NORTH 35°45'44" EAST A DISTANCE OF 1401.01 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 00°19'36" EAST ALONG THE CENTER LINE OF THE VACATED 15' ALLEY, RECORDED IN BOOK 4004 AT PAGE 550, A DISTANCE OF 150.02 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF EAST 86TH AVENUE; THENCE NORTH 89°25'25" WEST ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 100.72 FEET TO THE NORTHWEST CORNER OF THE LAND DESCRIBED AS A 7.57 FOOT RIGHT OF WAY IN RECEPTION NUMBER 2021000147383;


THENCE SOUTH 00°19'36" WEST ALONG THE WEST LINE OF SAID LAND, A DISTANCE OF 7.57 FEET;

THENCE NORTH 89°25'25" EAST ALONG THE SOUTH LINE OF SAID LAND, A DISTANCE OF 31.80 FEET TO THE SOUTHEAST CORNER OF SAID LAND;

THENCE SOUTH 00°19'36" WEST ALONG THE WEST RIGHT OF WAY LINE OF ROSEMARY STREET, A DISTANCE OF 142.45 FEET TO THE NORTHEAST CORNER OF LOT 42, BLOCK 46, IRONDALE SUBDIVISION;

THENCE SOUTH 89°25'25" WEST ALONG THE NORTH LINE OF SAID LOT 42, A DISTANCE OF 132.52 FEET TO THE CENTERLINE OF SAID ALLEY AND THE POINT OF BEGINNING.

CONTAINING 19,637 SQUARE FEET OR 0.451 ACRES MORE OR LESS


PREPARED BY: JEFFREY J. MACKENNA P.L.S. 34183 DATE: 02/21/2024
FOR FALCON SURVEYING, INC.
9940 WEST 25TH AVENUE
LAKEWOOD COLORADO, 80215
(303)202-1560

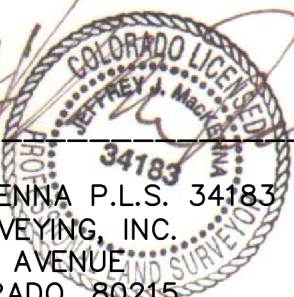
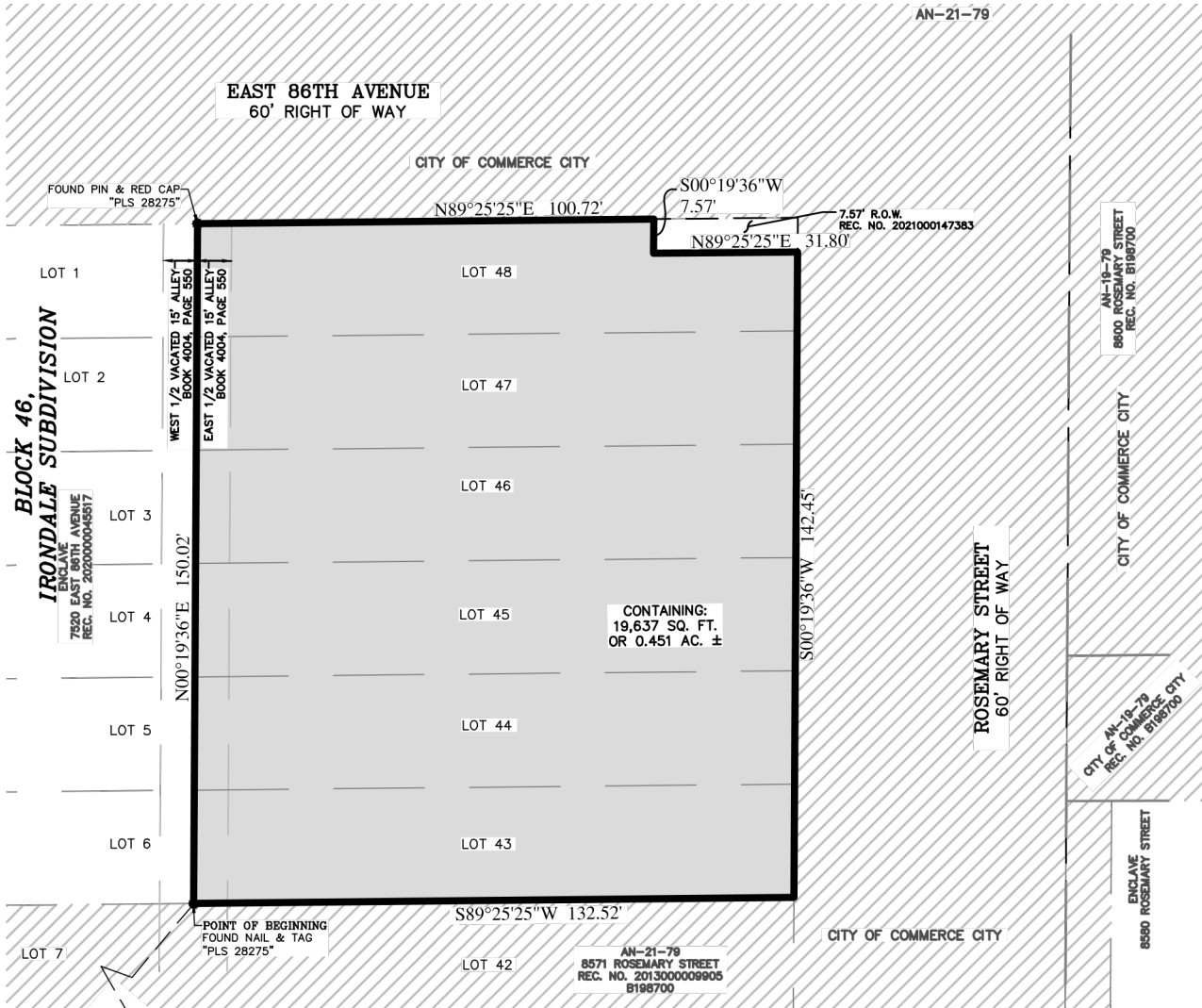


EXHIBIT "A"

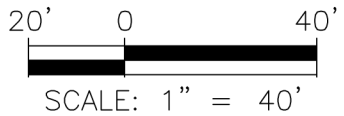
SITUATED IN THE NW 1/4, SECTION 28, T2S, R67W, OF THE 6TH P.M.
COUNTY OF ADAMS, STATE OF COLORADO



THE LINE
N35°45'44"E
1401.01'

BASIS OF BEARINGS
N89°25'25"E 2641.02'
S LINE NW 1/4 SEC 28

CENTER 1/4 CORNER SEC28-T2S-R67W
FOUND 3.25" ALUMINUM CAP
"PLS 38252"



POINT OF COMMENCEMENT
WEST 1/4 CORNER SEC28-T2S-R67W
FOUND 2.5" ALUMINUM CAP
"GEOSURV PLS 22097"

LEGEND

	FOUND SECTION CORNER
	FOUND MONUMENT
	SECTION LINE
	PROPERTY BOUNDARY
	ADJACENT PROPERTY BOUNDARY
	PARCEL TO BE ANNEXED
	CITY OF COMMERCE CITY

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THIS ILLUSTRATION DOES NOT REPRESENT A MONUMENTED SURVEY.
IT IS INTENDED ONLY TO DEPICT THE ATTACHED DESCRIPTION.