

ORDINANCE NO. Z-971-21-22

INTRODUCED BY: \_\_\_\_\_

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AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO BY ZONING THE PROPERTY ANNEXED AS THE EBERLY PLACE ANNEXATION FROM ADAMS COUNTY A-3 TO COMMERCE CITY PUD (PLANNED UNIT DEVELOPMENT) AND APPROVING A ZONE DOCUMENT

WHEREAS, in conjunction with the related annexation case AN-260-22, the owner of the property generally known as the Eberly Place Annexation and described in the Eberly Place PUD Zone Document, attached hereto and incorporated herein at Exhibit A, has submitted an application to zone the Property to a Planned Unit Development zone district, as set forth in Exhibit A, 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 April 21, 2022 and April 28, 2022 in the Sentinel Express, a legal newspaper of general circulation in the City of Commerce City; mailing on April 20, 2022, 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 April 22, 2022, and May 9, 2022, 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 Annexation Zoning as presented; 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.** 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.** 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 10070 Potomac Street from ADCO A-3 to PUD Zone 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 21-3351(3), with regard to the proposed rezoning to a PUD Zone District as set forth in Exhibit A, that:

- a. The PUD zone document is consistent with the policies and goals of the comprehensive plan, any applicable adopted area plan, or community plan of the city, or reflects conditions that have changed since the adoption of the comprehensive plan;
- b. The PUD zone document is consistent with any previously reviewed PUD concept schematic;
- c. The PUD addresses a unique situation, confers a substantial benefit to the city, or incorporates creative site design such that it achieves the purposes set out in section 21-4370 (PUD Zone District) and represents an improvement in quality over what could have been accomplished through strict applications of the otherwise applicable district or development standards. This may include but is not limited to improvements in open space; environmental protection; tree/vegetation preservation; efficient provision of streets, roads, and other utilities and services; unique architecture or design, or increased choice of living and housing environments;
- d. The PUD complies with all applicable city standards not otherwise modified or waived by the city;
- e. The PUD is integrated and connected with adjacent development through street connections, sidewalks, trails, and similar features;
- f. To the maximum extent feasible, the proposal mitigates any potential significant adverse impacts on adjacent properties or on the general community;
- g. Sufficient public safety, transportation, and utility facilities and services are available to serve the subject property, while maintaining sufficient levels of service to existing development;
- h. As applicable, the proposed phasing plan for development of the PUD is rational in terms of available infrastructure, capacity, and financing; and
- i. The same development could not be accomplished through the use of other techniques, such as height exceptions, variances, or minor modifications.

**SECTION 3.** The City Council hereby approves the recommendation of the Planning Commission regarding the requested zoning and approves the Eberly Place PUD Zone Document and the rezoning of the Property from ADCO A-3 to Commerce City PUD, as defined in the Commerce City Land Development Code and Exhibit A. The zoning map of the City of Commerce City, Colorado, is hereby amended to reflect the rezoning approved by this ordinance.

**SECTION 4.** This ordinance shall be effective upon the effective date of the annexation of the Property through AN-260-22, as determined pursuant to C.R.S. 31-12-113(1).

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED  
THIS 23 DAY OF MAY 2022.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_.

CITY OF COMMERCE CITY, COLORADO

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Benjamin A. Huseman, Mayor

ATTEST

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Dylan A. Gibson, City Clerk

**Exhibit A**

EBERLY PLACE PUD ZONE DOCUMENT (CASE #Z-971-21-22)