



Commerce City

7887 E. 60th Ave.
Commerce City, CO 80022
c3gov.com

Council Communication File Number: Z-945-17-19-21

Agenda Date: 5/3/2021

Version: 1

Status: Draft

In Control: City Council

File Type: Zoning Ordinances

AN ORDINANCE APPROVING THE AMENDMENT OF THE NEXUS NORTH AT DIA PUD ZONE DOCUMENT TO INCORPORATE 12 ADDITIONAL ACRES OF ADJACENT PROPERTY LOCATED AT THE NORTHWEST CORNER OF TELLURIDE ROAD AND E 84TH AVE., INTO THE PUD ZONE DISTRICT, IN COMMERCE CITY, COLORADO.

Summary and Background Information:

The applicant wishes to amend the Nexus North PUD Zone Document to include twelve additional acres of vacant land that is currently part of Planning Area (PA)-10 DIA Tech Center PUD. This additional property is proposed to be incorporated into PA-1 within the Nexus North PUD, which is directly to the north of the DIA Tech Center development.

The subject property is currently undeveloped and has a similar zoning designation within the DIA Tech Center PUD. The City's Land Development Code prohibits buildings from being built across lot lines, so this property needs to be rezoned so that it can be replatted and incorporated into PA-1 of the Nexus North PUD. The proposed amendment does not change any of the approved uses, bulk standards, or design standards for the Nexus North project. It simply adds the additional property to the existing planning area in Nexus North, PA-1.

The Planning Commission was supportive of this amendment because it allows this small amount of remaining vacant property in the DIA Tech Center development, under similar ownership, to be combined with property in the Nexus North Development to present an opportunity for a larger building and increased overall development potential. The rezoning preserves the use of the property for DIA Technology future land uses as prescribed in the Comprehensive Plan as both PA-10 in the DIA Tech Center PUD and PA-1 in the Nexus North PUD allow for similar land uses.

Please see attached Planning Commission minutes for detailed background and discussion

Applicable Decision Criteria: Council will consider the zoning application following a public hearing in a quasi-judicial proceeding. As a modification to an existing PUD zone document, the application is subject to the same criteria as applied to PUD zone documents. LDC 21-3251(5)(a). Per LDC 21-3251(3), Council may only approve the zoning application if all of the following criteria are found to be satisfied:

(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:

(i) 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; or

(ii) The PUD is required to avoid completely prohibiting a legal, permitted business use within the city;

(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.

Staff Responsible (Department Head): Jason Rogers, Community Development Director

Staff Member Presenting: Jenny Axmacher, Principal Planner

Financial Impact: N/A

Funding Source: N/A

Planning Commission Recommendation:

On April 6, 2021, the Planning Commission held a public hearing, took testimony, and voted (5 - 0) to forward the rezoning to PUD request to City Council with a recommendation for approval, subject to the findings of fact.

Alternative Recommendation:

One option would be for City Council to approve the requests as submitted by the applicant; a second option would be to approve the request subject to conditions; a third option would be for City Council to deny the request..

Suggested Motions:

- To accept the Planning Commission's recommendation and findings (does not approve zoning application): I move to accept the Planning Commission's findings and recommendations. [Requires simple majority.]

- To approve the zoning application (first reading): I move to introduce and approve Ordinance Z-945-17-19-21 on first reading by Council as seated. [Requires simple majority, but a majority of the members of council in office to override the Planning Commission (i.e., 5 no votes).]

- To finally approve the zoning application (second reading): I move to approve Ordinance Z-945-17-19-21 on second and final reading by Council as seated. [Requires a majority of the members of council in office to pass an ordinance on final reading or to override the Planning Commission (i.e., 5 no votes).]