

ORDINANCE NO. Z-941-17-19-21

INTRODUCED BY: ALLEN-THOMAS, FRANK, GRIMES, GUARDIOLA, HURST, HUSEMAN, MADERA, NOBLE, SMIT

AN ORDINANCE APPROVING THE MILE HIGH GREYHOUND PARK PUD ZONE DOCUMENT – AMENDMENT 1 AMENDING THE COMMERCIAL AND INSTITUTIONAL USES ON PARCELS A AND B LOCATED ON THE PROPERTY BOUND BY E. 64TH AVE. TO THE NORTH, E. 62ND AVE. TO THE SOUTH, ELM ST. TO THE EAST, AND HIGHWAYS 2 & 85 TO THE WEST, IN COMMERCE CITY, COLORADO.

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

SECTION 1. The City Council of the City of Commerce City, Colorado, finds that notice of the public hearings concerning ordinance Z-941-17-19-21, as detailed in the proposed Mile High Greyhound Park PUD Zone Document – Amendment 1 attached as Exhibit B, and the rezoning of property bound by E. 64th Ave. to the north, E 62nd Ave. to the south, Elm St. to the east, and Highways 2 & 85 to the west more specifically defined in Exhibit A, before the Planning Commission of the City of Commerce City on June 1, 2021, and the City Council to be held on this July 19, 2021, respectively, were properly given as required by the Land Development Code, including by: publication on May 25, 2021 and June 29, 2021 in the Sentinel-Express, a legal newspaper of general circulation in the City of Commerce City; mailing on May 22, 2021, 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 May 21, 2021 and July 9, 2021, in the manner and for the duration required by the Land Development Code.

SECTION 2. The City Council of the City of Commerce City, Colorado further finds that the public hearings concerning the proposed ordinance Z-941-17-19-21 and the rezoning of property described in Exhibit A before the Planning Commission of the City of Commerce City and the City Council were conducted in compliance with law.

SECTION 3. The City of Council finds, consistent with the Commerce City Land Development Code, Section 21-3251(3), as follows with regard to the proposed rezoning detailed in the Mile High Greyhound Park PUD Zone Document – Amendment 1:

- a. The proposed PUD Zone Document Amendment is consistent with the policies and goals of the comprehensive plan and all applicable City adopted plans;
- b. The PUD zone document is consistent with any previously reviewed PUD concept schematic, if any;
- c. The PUD addresses a unique situation, confers a substantial benefit and also incorporates creative site design such that it achieves the purposes of section 21-4370 of the LDC and represents an improvement in quality over what could have been accomplished through strict application of the otherwise applicable district or development standards;

- d. The PUD Zone Document will continue to comply with all applicable city standards not otherwise modified or waived by the city;
- e. The Property has been integrated and connected with adjacent development;
- f. To the maximum extent feasible, the proposal mitigates any potential significant adverse impacts on adjacent properties and on the general community;
- g. Sufficient public safety, transportation, and utility facilities and services are available to serve the Property, while maintaining sufficient levels of service to existing development;
- h. The proposed phasing plan of the overall development is rational in terms of infrastructure, capacity, and financing; and
- i. The proposed changes to the PUD Zone Document could not be achieved through other techniques.

SECTION 4. The Mile High Greyhound Park PUD Zone Document – Amendment 1, updating the commercial and institutional uses, is hereby approved as set forth in Exhibit B. The zoning map of the City of Commerce City Colorado, is hereby amended to reflect the rezoning approved by this ordinance.

SECTION 5. This ordinance shall be effective as set forth in Section 5.3 of the City Charter.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED
THIS 19TH DAY OF JULY 2021

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED
THIS 16TH DAY OF AUGUST 2021.

CITY OF COMMERCE CITY, COLORADO

Benjamin A. Huseman, Mayor

ATTEST

Dylan A. Gibson, City Clerk

Exhibit A
(Legal Description)
Case #Z-941-17-19-21

LEGAL DESCRIPTION

KNOW ALL MEN BY THESE PRESENTS THAT THE CITY OF COMMERCE CITY, THE CITY OF COMMERCE CITY URBAN RENEWAL AUTHORITY AND THE BOYS & GIRLS CLUB, BEING THE OWNERS OF THAT PART OF THE NORTHEAST 1 OF SECTION 7, TOWNSHIP 3 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF COMMERCE CITY, COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; TO WIT; LOTS 14 THROUGH 24, INCLUSIVE, BLOCK 1, AND A PORTION OF TRACT D, RESUBDIVISION OF TOWN AND COUNTRY SUBDIVISION, IN THE CITY OF COMMERCE CITY, COUNTY OF ADAMS, STATE OF COLORADO, PER PLAT RECORDED MARCH 30, 1949 AT RECEPTION NO. 342483, IN THE OFFICE OF THE CLERK AND RECORDER OF SAID COUNTY, LOTS 1 AND 2, BOYS AND GIRLS CLUBS OF METRO DENVER SUBDIVISION REPLAT, IN SAID CITY COUNTY AND STATE PER PLAT RECORDED FEBRUARY 4, 2016 AT RECEPTION NO. 20160000088888, IN SAID OFFICE OF THE CLERK AND RECORDER, AND A PORTION OF DAHLIA STREET, FORMERLY KNOWN AS EUDORA STREET, AS SHOWN ON SAID RESUBDIVISION OF TOWN AND COUNTRY SUBDIVISION, LYING IN THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 3 SOUTH, RANGE 67 WEST, 6TH PRINCIPAL MERIDIAN, IN SAID CITY, COUNTY AND STATE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 7, WHENCE THE EASTERLY LINE OF SAID NORTHEAST QUARTER OF SECTION 7 BEARS SOUTH 00°14'35" EAST, WITH ALL BEARINGS HEREIN BEING REFERENCED TO SAID EASTERLY LINE;

THENCE SOUTH 44°30'18" WEST, 42.61 FEET TO THE NORTHEASTERLY CORNER OF SAID TRACT D AND THE POINT OF BEGINNING, SAID POINT BEING THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY OF EAST 64TH AVENUE AND THE WESTERLY RIGHT-OF-WAY OF HOLLY STREET AS SHOWN ON SAID RESUBDIVISION OF TOWN AND COUNTRY SUBDIVISION;

THENCE ALONG SAID EASTERLY LINE OF SAID TRACT D AND SAID WESTERLY RIGHT-OF-WAY, SOUTH 00°14'36" EAST, 968.37 FEET TO THE EASTERLY PROLONGATION OF THE NORTHERLY BOUNDARY OF SAID BOYS AND GIRLS CLUBS OF METRO DENVER SUBDIVISION REPLAT;

THENCE ALONG SAID EASTERLY PROLONGATION, SOUTH 89°45'25" WEST, 7.00 FEET TO THE NORTHEASTERLY CORNER OF SAID LOT 1, BOYS AND GIRLS CLUBS OF METRO DENVER SUBDIVISION REPLAT, SAID POINT BEING ON THE WESTERLY RIGHT-OF-WAY OF HOLLY STREET AS SHOWN ON SAID BOYS AND GIRLS CLUBS OF METRO DENVER SUBDIVISION REPLAT;

THENCE ALONG SAID SOUTHERLY BOUNDARY AND SAID NORTHERLY RIGHT-OF-WAY, NORTH 81°45'06" WEST, 299.15 FEET TO AN ANGLE POINT THEREIN;

THENCE CONTINUING ALONG SAID SOUTHERLY BOUNDARY AND SAID NORTHERLY RIGHT-OF-WAY AND THE WESTERLY PROLONGATION THEREOF, NORTH 81°28'34" WEST, 910.00 FEET TO THE WESTERLY RIGHT-OF-WAY OF SAID HEREINABOVE DESCRIBED DAHLIA STREET AND THE WESTERLY BOUNDARY OF SAID RESUBDIVISION OF TOWN AND COUNTRY SUBDIVISION, SAID WESTERLY BOUNDARY ALSO BEING THE EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY 85;

THENCE ALONG SAID WESTERLY RIGHT-OF-WAY AND SAID WESTERLY BOUNDARY, NORTH 08°31 '26" EAST, 1,031.75 FEET TO AN ANGLE POINT THEREIN, BEING THE INTERSECTION OF SAID WESTERLY RIGHT-OF-WAY AND THE SOUTHWESTERLY PROLONGATION OF THE NORTHWESTERLY LINE OF SAID LOT 24;

THENCE ALONG SAID SOUTHWESTERLY PROLONGATION AND SAID NORTHWESTERLY LINE, NORTH 51°45'26" EAST, 121.00 FEET TO AN ANGLE POINT THEREIN, SAID POINT BEING ON THE SOUTHERLY RIGHT-OF-WAY OF SAID HEREINABOYE DESCRIBED EAST 64TH AVENUE;

THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY, NORTH 89°15'12" EAST, 2,230.40 FEET TO THE POINT OF BEGINNING.

CONTAINS 2,968,449 SQUARE FEET OR 68.146 ACRES, MORE OR LESS.

THENCE ALONG THE EASTERLY AND SOUTHERLY BOUNDARY OF SAID BOYS AND GIRLS CLUBS OF METRO DENVER SUBDIVISION REPLAT THE FOLLOWING 4 COURSES, SAID EASTERLY BOUNDARY, BEING THE WESTERLY RIGHT-OF-WAY OF HOLLY STREET AND SAID SOUTHERLY BOUNDARY BEING THE NORTHERLY RIGHT-OF-WAY OF EAST 62ND WAY AS BOTH ARE SHOWN ON SAID BOYS AND GIRLS CLUBS OF METRO DENVER SUBDIVISION REPLAT:

- 1) SOUTH 00°14'36" EAST, 262.81 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 23.00 FEET;
- 2) SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 89°22'13", AN ARC LENGTH OF 35.88 FEET TO SAID NORTHERLY RIGHT-OF-WAY;
- 3) SOUTH 89°07'37" WEST, 193.22 FEET;
- 4) SOUTH 85°52'21" WEST, 241.30 FEET TO THE WESTERLY BOUNDARY OF SAID BOYS AND GIRLS CLUBS OF METRO DENVER SUBDIVISION REPLAT;

THENCE ALONG SAID WESTERLY BOUNDARY AND THE SOUTHERLY PROLONGATION THEREOF, SOUTH 00°14'35" EAST, 7.56 FEET TO THE SOUTHERLY BOUNDARY OF SAID TRACT D AND NORTHERLY RIGHT-OF-WAY OF SAID EAST 62ND AVENUE AS SHOWN ON SAID RESUBDIVISION OF TOWN AND COUNTRY SUBDIVISION;

THENCE ALONG SAID SOUTHERLY BOUNDARY AND SAID NORTHERLY RIGHT-OF-WAY THE FOLLOWING 3 COURSES:

- 1) SOUTH 85°58'46" WEST, 272.90 FEET;
- 2) SOUTH 89°09'08" WEST, 298.76 FEET;
- 3) SOUTH 89°21'39" WEST, 136.29 FEET TO THE EASTERLY CORNER OF THE QUIT CLAIM DEED RECORDED AUGUST 25, 1992 IN BOOK 3944, PAGE 712 AND RECORDED SEPTEMBER 10, 1992 IN BOOK 3953, PAGE 404, BOTH IN SAID OFFICE OF THE CLERK AND RECORDER;

THENCE ALONG THE NORTHERLY BOUNDARY OF SAID QUIT CLAIM DEEDS THE FOLLOWING 2 COURSES:

- 1) NORTH 78°06'47" WEST, 102.92 FEET;
- 2) SOUTH 44°48'54" WEST, 22.67 FEET TO SAID SOUTHERLY BOUNDARY AND SAID NORTHERLY RIGHT-OF-WAY OF EAST 62ND AVENUE;

Exhibit B
**THE MILE HIGH GREYHOUND PARK PUD
PUD ZONE DOCUMENT – AMENDMENT 1**
Case #Z-941-17-19-21