

ORDINANCE NO. Z-792-05-24

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

AN ORDINANCE APPROVING THE ONE BUCKLEY PUD ZONE DOCUMENT AMENDMENT TO CREATE NEW PLANNING AREAS, ALLOW ADDITIONAL COMMERCIAL LAND USES, ALLOW RESIDENTIAL LAND USES, AND ESTABLISH BULK AND DESIGN STANDARDS FOR THE PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF EAST 120TH AVENUE AND BUCKLEY ROAD

WHEREAS, the owner of the property generally located at the northeast corner of East 120th Avenue and Buckley Road in the City of Commerce City (“City”) and described in Exhibit A, attached hereto and incorporated herein, has submitted an application to amend the existing PUD Zone Document to create new planning areas, allow additional commercial land uses, allow residential land uses, and establish bulk and design standards;

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 August 22, 2024 and September 19, 2024 in the Sentinel Express, a legal newspaper of general circulation in the City of Commerce City; mailing on August 21, 2024, and September 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 July 26, 2024, and July 26, 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 One Buckley PUD Zone Document 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. 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 21-3251, with regard to the proposed PUD Zone Document Amendment for the One Buckley PUD Zone Document 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 Zone Document 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 Zone Document complies with all applicable city standards not otherwise modified or waived by the city;
- (e) The PUD Zone Document is integrated and connected with adjacent development through street connections, sidewalks, trails, and similar features;
- (f) To the maximum extent feasible, the PUD Zone Document 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 Property, while maintaining sufficient levels of service to existing development;
- (h) As applicable, the proposed phasing plan for development of the PUD Zone Document 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 accepts the recommendation of the Planning Commission and approves the One Buckley PUD Zone Document subject to four conditions:

1. At least 30% of Planning Area C must be developed with commercial land uses.
2. No building permit for stand-alone residential construction can be issued until at least three building permits for new commercial structures have been issued and construction has commenced including but not limited to horizontal site improvements and completion of foundations.
3. There shall be at least 15% private park/open space within Planning Area B.
4. Prior to recordation of the PUD, the PUD document shall be updated with an infrastructure phasing plan detailing the short term and long term horizon roadway improvement recommendations as outlined in the approved traffic report. The infrastructure phasing plan shall include enforceable timing thresholds that describes the improvements and when those improvements are to be constructed.

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 as provided in Section 5.3(g) of the City Charter.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED
THIS 2ND DAY OF DECEMBER, 2024.

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

CITY OF COMMERCE CITY, COLORADO

Steven J. Douglas, Mayor

ATTEST

Dylan A. Gibson, City Clerk

Exhibit A
(Legal Description)
Case #Z-792-05-24

KNOW ALL MEN BY THESE PRESENTS THAT ONE BUCKLEY LLC, BEING THE OWNER OF THAT PART OF THE TOWNSHIP 1 SOUTH, SW 1/4 OF SECTION 33, RANGE 66 WEST OF THE 6TH P.M., STATE OF COLORADO, COUNTY OF ADAMS, CITY OF COMMERCE CITY, CONTAINING 34.113 ACRES MORE OR LESS.

PARCEL B:

A PARCEL OF LAND LOCATED IN THE SOUTH HALF OF SECTION 33, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, COMMERCE CITY, COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST QUARTER CORNER OF SAID SECTION 33, AND CONSIDERING THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 33 TO BEAR NORTH 89 DEGREES 29 MINUTES 29 SECONDS EAST (CENTRAL ZONE), WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 33, THENCE NORTH 44 DEGREES 45 MINUTES 41 SECONDS EAST, A DISTANCE OF 42.63 FEET TO THE POINT OF BEGINNING AND A POINT ON THE NORTH RIGHT-OF-WAY LINE OF 120TH AVENUE;

THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE OF 120TH AVENUE THE FOLLOWING 3 COURSES:

1. NORTH 89 DEGREES 29 MINUTES 29 SECONDS EAST, A DISTANCE OF 868.33 FEET;
2. NORTH 00 DEGREES 30 MINUTES 31 SECONDS WEST A DISTANCE OF 57.50 FEET;
3. NORTH 89 DEGREES 29 MINUTES 29 SECONDS EAST, A DISTANCE OF 860.04 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF E-470;

THENCE ALONG SAID WEST RIGHT-OF-WAY LINE OF E-470 AND LEAVING SAID NORTH RIGHT-OF-WAY LINE OF 120TH AVENUE THE FOLLOWING 4 COURSES:

1. NORTH 00 DEGREES 30 MINUTES 32 SECONDS WEST, A DISTANCE OF 117.35 FEET TO A TANGENT CURVE HAVING A RADIUS OF 864.93 FEET;
2. NORTHWEST ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 05 DEGREES 38 MINUTES 42 SECONDS AN ARC LENGTH OF 85.22 FEET TO A TANGENT LINE;
3. NORTH 38 DEGREES 56 MINUTES 47 SECONDS WEST, A DISTANCE OF 611.42 FEET;
4. NORTH 44 DEGREES 42 MINUTES 12 SECONDS WEST, A DISTANCE OF 561.59 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF THE O'BRIAN CANAL AND A NON-TANGENT CURVE HAVING A RADIUS OF 364.41 FEET;

THENCE LEAVING SAID WEST RIGHT-OF-WAY LINE OF E-470 AND ALONG THE SOUTH LINE OF SAID O'BRIAN CANAL THE FOLLOWING 3 COURSES:

1. ALONG SAID NON-TANGENT CURVE TO THE SOUTHWEST, WITH A CHORD BEARING OF SOUTH 53 DEGREES 18 MINUTES 47 SECONDS, A WEST, A DISTANCE OF 38.12 FEET, THROUGH A CENTRAL ANGLE OF 05 DEGREES 59 MINUTES 36 SECONDS AN ARC LENGTH OF 38.12 FEET TO A TANGENT CURVE HAVING A RADIUS OF 441.97 FEET;
2. NORTHWEST ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 67 DEGREES 30 MINUTES 00 SECONDS AN ARC LENGTH OF 520.68 FEET TO A TANGENT LINE;
3. NORTH 62 DEGREES 11 MINUTES 41 SECONDS WEST, A DISTANCE OF 318.00 FEET TO TANGENT CURVE HAVING A RADIUS OF 297.78 FEET;
4. SOUTHWEST ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 19 DEGREES 33 MINUTES 43 SECONDS AN ARC LENGTH OF 101.67 FEET TO A NON-TANGENT LINE AND A POINT ON THE EAST RIGHT-OF-WAY LINE OF BUCKLEY ROAD;

THENCE LEAVING SAID O'BRIAN RIGHT-OF-WAY LINE AND ALONG SAID EAST RIGHT-OF-WAY OF BUCKLEY ROAD SOUTH 00 DEGREES 01 MINUTES 53 SECONDS WEST, A DISTANCE OF 1239.85 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL:

A PART OF PARCEL NO. TK-147A LT OF THE E-470 PUBLIC HIGHWAY AUTHORITY BEING A PART OF THE E470 PARCEL NO TK-147A REV-5 AS DESCRIBED IN RULE AND ORDER RECORDED AT RECEPTION NO. C0968527 OF THE ADAMS COUNTY RECORDS, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, COMMERCE CITY, COUNTY OF ADAMS, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 33, AND CONSIDERING THE SOUTH LINE OF THE SAID SECTION 33, SAID LINE BEING MONUMENTED AT EACH END BY A 3 1/4" ALUMINUM CAP MARKED "CDOT, PLS 23516" CONTAINED WITHIN A RANGE BOX, THE BEARING OF SAID LINE BEING NORTH 89 DEGREES 29 MINUTES 33 SECONDS EAST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;
THENCE NORTH 89 DEGREES 29 MINUTES 33 SECONDS EAST A DISTANCE OF 1,683.59 FEET ALONG THE SOUTH LINE OF SAID SECTION 33;
NORTH 00 DEGREES 30 MINUTES 27 SECONDS WEST A DISTANCE OF 75.00 FEET TO THE POINT OF BEGINNING;
THENCE SOUTH 89 DEGREES 29 MINUTES 33 SECONDS WEST A DISTANCE OF 784.98 FEET TO A POINT ON THE WEST LINE OF TK-147A REV-5 AS DESCRIBED IN THE RULE AND ORDER RECORDED AT RECEPTION NO. C0968527 OF THE ADAMS COUNTY RECORDS: THENCE ALONG SAID WESTERLY LINE OF SAID TK-147A REV-5, NORTH 00 DEGREES 30 MINUTES 29 SECONDS WEST A DISTANCE OF 12.50 FEET TO A POINT;
THENCE ALONG A NORTHERLY LINE OF SAID TK-147A REV-5, NORTH 89 DEGREES 29 MINUTES 33 SECONDS EAST A DISTANCE OF 784.98 FEET TO A POINT;
THENCE DEPARTING THE NORTHERLY LINE OF TK-147A REV-5, SOUTH 00 DEGREES 30 MINUTES 27 SECONDS EAST A DISTANCE OF 12.50 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL:

A PARCEL OF LAND NO. TK-147A 3 LT OF THE E-470 PUBLIC HIGHWAY AUTHORITY BEING A PART OF E-470 PARCEL NO. MU-147A LT REV-5 AS DESCRIBED IN RULE AND ORDER RECORDED AT RECEPTION NO. C0968527 OF THE ADAMS COUNTY RECORDS, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, COMMERCE CITY, COUNTY OF ADAMS, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 33, AND CONSIDERING THE SOUTH LINE OF THE SAID SECTION 33, SAID LINE BEING MONUMENTED AT EACH END BY A 3 1/4" ALUMINUM CAP MARKED "CDOT, PLS 23516", CONTAINED WITHIN A RANGE BOX, THE BEARING OF SAID LINE BEING NORTH 89 DEGREES 29 MINUTES 33 SECONDS EAST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;
THENCE NORTH 89 DEGREES 29 MINUTES 33 SECONDS EAST A DISTANCE OF 1,683.59 FEET ALONG THE SOUTH LINE OF SAID SECTION 33;
THENCE NORTH 00 DEGREES 30 MINUTES 27 SECONDS WEST A DISTANCE OF 87.50 FEET TO THE POINT ON THE NORTH LINE OF TK-147A REV-5 AS DESCRIBED IN THE RULE AND ORDER RECORDED AT RECEPTION NO. C0968527 OF THE ADAMS COUNTY RECORDS, SAID POINT ALSO BEING THE POINT OF BEGINNING;
THENCE NORTH 00 DEGREES 30 MINUTES 27 SECONDS WEST A DISTANCE OF 94.81 FEET TO A POINT ON A WESTERLY LINE OF MU-147A LT REV-5, AS DESCRIBED IN SAID RULE AND ORDER, SAID POINT ALSO BEING OF NON-TANGENT CURVE;

THENCE CONTINUING ALONG THE BOUNDARY OF SAID MU-147A LT REV-5 THE FOLLOWING TEN COURSES:

1. ALONG THE ARC OF SAID NON-TANGENT CURVE TO THE LEFT HAVING A DELTA ANGLE OF 04 DEGREES 04 MINUTES 39 SECONDS, A RADIUS OF 789.93 FEET, A CHORD WHICH BEARS NORTH 36 DEGREES 54 MINUTES 23 SECONDS WEST, 56.20 FEET, THE ARC HAVING A LENGTH OF 56.22 FEET TO A POINT OF TANGENCY;
 2. THENCE NORTH 38 DEGREES 56 MINUTES 42 SECONDS WEST A DISTANCE OF 607.65 FEET TO A POINT;
 3. THENCE NORTH 44 DEGREES 42 MINUTES 07 SECONDS WEST A DISTANCE OF 354.20 FEET TO A POINT;
 4. THENCE NORTH 65 DEGREES 14 MINUTES 53 SECONDS WEST A DISTANCE OF 255.73 FEET TO A POINT OF NON-TANGENT CURVATURE;
 5. THENCE ALONG THE ARC OF SAID NON-TANGENT CURVE TO THE LEFT HAVING A DELTA ANGLE OF 16 DEGREES 59 MINUTES 55 SECONDS, A RADIUS OF 441.97 FEET, A CHORD WHICH BEARS NORTH 58 DEGREES 49 MINUTES 02 SECONDS EAST, 130.64 FEET, THE ARC HAVING A LENGTH OF 131.13 FEET TO A POINT OF TANGENT CURVATURE;
 6. THENCE ALONG THE ARC OF SAID TANGENT CURVE TO THE LEFT HAVE A DELTA ANGLE OF 05 DEGREES 59 MINUTES 35 SECONDS, A RADIUS OF 364.41 FEET, A CHORD BEARING NORTH 53 DEGREES 18 MINUTES 51 SECONDS EAST, 38.10 FEET, THE ARC HAVING A LENGTH OF 38.12 FEET TO A POINT OF NON-TANGENCY;
 7. THENCE SOUTH 44 DEGREES 42 MINUTES 07 SECONDS EAST A DISTANCE OF 561.59 FEET;
 8. THENCE SOUTH 38 DEGREES 56 MINUTES 42 SECONDS EAST A DISTANCE OF 611.42 FEET TO A POINT OF TANGENT CURVATURE;
 9. THENCE ALONG THE ARC OF SAID TANGENT CURVE TO THE RIGHT HAVING A DELTA ANGLE OF 05 DEGREES 38 MINUTES 42 SECONDS, A RADIUS OF 864.93 FEET, A CHORD WHICH BEARS SOUTH 36 DEGREES 07 MINUTES 21 SECONDS EAST, 85.18 FEET, THE ARC HAVING A LENGTH OF 85.22 FEET TO A POINT OF TANGENCY;
 10. THENCE SOUTH 00 DEGREES 30 MINUTES 27 SECONDS EAST A DISTANCE OF 117.42 FEET TO A POINT;
- THENCE SOUTH 89 DEGREES 29 MINUTES 33 SECONDS WEST A DISTANCE OF 75.01 FEET ALONG THE NORTH LINE OF SAID TK-147A REV-5, TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL:

A PARCEL OF LAND BEING A PART OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, COMMERCE CITY, COUNTY OF ADAMS, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 33, AND CONSIDERING THE SOUTH LINE OF THE SAID SECTION 33, SAID LINE BEING MONUMENTED AT EACH END BY A 3 1/4" ALUMINUM CAP MARKED "CDOT, PLS 23516" CONTAINED WITHIN A RANGE BOX, THE BEARING OF SAID LINE BEING NORTH 89 DEGREES 29 MINUTES 33 SECONDS EAST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE NORTH 44 DEGREES 45 MINUTES 45 SECONDS EAST A DISTANCE OF 42.63 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF BUCKLEY ROAD, SAID POINT ALSO BEING THE POINT OF BEGINNING;

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF BUCKLEY ROAD, NORTH 00 DEGREES 01 MINUTES 53 SECONDS EAST A DISTANCE OF 45.00 FEET TO A POINT;

THENCE DEPARTING SAID EASTERLY RIGHT-OF-WAY LINE OF BUCKLEY ROAD, NORTH 89 DEGREES 29 MINUTES 29 SECONDS EAST A DISTANCE OF 867.91 FEET TO A POINT;

THENCE SOUTH 00 DEGREES 30 MINUTES 31 SECONDS EAST A DISTANCE OF 45.00 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF 120TH AVENUE;

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF 120TH AVENUE, SOUTH 89 DEGREES 29 MINUTES 29 SECONDS WEST A DISTANCE OF 868.33 FEET TO THE POINT OF BEGINNING.

PARCEL B:

A PARCEL OF LAND BEING A PART OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, COMMERCE CITY, COUNTY OF ADAMS, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 33, AND CONSIDERING THE SOUTH LINE OF THE SAID SECTION 33, SAID LINE BEING MONUMENTED AT EACH END BY A 3 1/4" ALUMINUM CAP MARKED "CDOT, PLS 23516" CONTAINED WITHIN A RANGE BOX, THE BEARING OF SAID LINE BEING NORTH 89 DEGREES 29 MINUTES 33 SECONDS EAST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;
THENCE NORTH 44 DEGREES 45 MINUTES 45 SECONDS EAST A DISTANCE OF 42.63 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF BUCKLEY ROAD, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF BUCKLEY ROAD, NORTH 00 DEGREES 01 MINUTES 53 SECONDS EAST A DISTANCE OF 45.00 FEET TO A POINT; THENCE DEPARTING SAID EASTERLY RIGHT-OF-WAY LINE OF BUCKLEY ROAD, NORTH 89 DEGREES 29 MINUTES 29 SECONDS EAST A DISTANCE OF 867.91 FEET TO A POINT;
THENCE SOUTH 00 DEGREES 30 MINUTES 31 SECONDS EAST A DISTANCE OF 45.00 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF 120TH AVENUE;
THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF 120TH AVENUE, SOUTH 89 DEGREES 29 MINUTES 29 SECONDS WEST A DISTANCE OF 868.33 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 34.113 ACRES (1,485,944 SQUARE FEET), MORE OR LESS.