

ORDINANCE NO. Z-761-03-21

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

AN ORDINANCE APPROVING THE BUCKLEY CROSSING PUD AMENDMENT #1 AMENDING RESIDENTIAL DENSITIES AND MODIFYING PERMITTED LAND USES LOCATED ON THE PROPERTY AT THE SOUTHEAST CORNER OF E. 120TH AVE. AND HIGH PLAINS PARKWAY. 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-761-03-21, as detailed in the proposed Buckley Crossing PUD Amendment #1 attached as Exhibit B, and the rezoning of property located at the southeast corner of E. 120th Ave. and High Plains Parkway more specifically defined in Exhibit A, before the Planning Commission of the City of Commerce City on June 1, 2021, 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-761-03-21 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 Buckley Crossing PUD 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 Buckley Crossing PUD Amendment #1, amending residential densities and modifying permitted land 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-761-03-21

#### LEGAL DESCRIPTION

KNOW ALL MEN BY THESE PRESENTS THAT BUSINESS CENTER INVESTORS (B.C.I.), A COLORADO GENERAL PARTNERSHIP, AND JACK D. FEUER, INDIVIDUALLY AND AS TRUSTEE, BEING THE OWNER OF THAT PART OF THE SECTION 4, TOWNSHIP 2 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF COMMERCE CITY, COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS TO WIT;

#### PARCEL 1:

A PARCEL OF LAND BEING A PORTION OF SECTION 4, TOWNSHIP 2 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 4; WHENCE THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 4 BEARS NORTH 89°29'31" EAST, A DISTANCE OF 2,648.56 FEET, ALL BEARINGS HEREON ARE REFERENCED TO THIS LINE;

THENCE SOUTH 53°26'04" EAST, A DISTANCE OF 99.53 FEET TO THE SOUTH BOUNDARY OF AN EXCEPTION PARCEL RECORDED IN BOOK 3037, PAGE 990 IN THE RECORDS OF THE ADAMS COUNTY, COLORADO CLERK AND RECORDER AND THE POINT OF BEGINNING;

THENCE ALONG SAID SOUTH BOUNDARY, NORTH 89°29'31" EAST, A DISTANCE OF 819.18 FEET TO THE WEST BOUNDARY OF THAT PARCEL OF LAND DESCRIBED IN THE WARRANTY DEED RECORDED AT RECEPTION NO. C0939985 IN SAID RECORDS;

THENCE ALONG THE BOUNDARY OF SAID WARRANTY DEED THE FOLLOWING TWO (2) COURSES:

1. ALONG SAID WEST BOUNDARY, SOUTH 00°28'14" EAST, A DISTANCE OF 32.49 FEET;
2. ALONG THE SOUTH BOUNDARY, NORTH 89°31'05" EAST, A DISTANCE OF 429.22 FEET TO THE WEST LINE OF A 10.00 FOOT DRAINAGE AND UTILITY EASEMENT RECORDED AT RECEPTION NO. A036063 IN SAID RECORDS;

THENCE ALONG SAID WEST LINE, SOUTH 00°03'29" WEST, A DISTANCE OF 56.93 FEET;

THENCE DEPARTING SAID WEST LINE, NORTH 89°34'45" EAST, A DISTANCE OF 324.71 FEET;

THENCE NORTH 89°18'48" EAST, A DISTANCE OF 158.15 FEET TO THE NORTHEASTERLY LINE OF A UTILITY EASEMENT RECORDED AT RECEPTION NO. 200800047727 IN SAID RECORDS;

THENCE ALONG SAID NORTHEASTERLY LINE OF SAID UTILITY EASEMENT THE FOLLOWING FIVE (5) COURSES:

1. SOUTH 57°46'23" EAST, A DISTANCE OF 36.25 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 1,207.49 FEET, THE RADIUS POINT OF SAID CURVE BEARS NORTH 65°32'50" EAST;
2. SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 19°03'29", AN ARC LENGTH OF 401.62 FEET;
3. SOUTH 43°37'46" EAST, A DISTANCE OF 493.33 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 1,210.72 FEET;
4. SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 10°23'00", AN ARC LENGTH OF 219.41 FEET;
5. SOUTH 33°07'45" EAST, A DISTANCE OF 192.05 FEET TO THE EAST LINE OF A 5.00 FOOT DRAINAGE AND UTILITY EASEMENT RECORDED AT RECEPTION NO. A036063 IN SAID RECORDS;

THENCE ALONG SAID EAST LINE, NORTH 00°07'15" EAST, A DISTANCE OF 136.68 FEET TO THE SOUTHWESTERLY BOUNDARY OF AN EXCEPTION PARCEL RECORDED IN BOOK 4642, PAGE 722 IN SAID RECORDS;

THENCE ALONG SAID SOUTHWESTERLY BOUNDARY THE FOLLOWING SIX (6) COURSES:

1. SOUTH 33°07'55" EAST, A DISTANCE OF 779.89 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 3,046.37 FEET;
2. SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 32°46'45", AN ARC LENGTH OF 1,742.84 FEET;
3. SOUTH 72°20'38" EAST, A DISTANCE OF 185.03 FEET;
4. SOUTH 66°39'15" EAST, A DISTANCE OF 485.75 FEET;
5. SOUTH 40°59'43" EAST, A DISTANCE OF 136.94 FEET;
6. SOUTH 07°10'51" EAST, A DISTANCE OF 51.26 FEET TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 4;

THENCE ALONG SAID SOUTH LINE, NORTH 89°55'35" WEST, A DISTANCE OF 477.90 FEET TO THE EAST LINE OF THE WEST HALF OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 4;

THENCE ALONG SAID EAST LINE, SOUTH 00°07'17" WEST, A DISTANCE OF 1,937.90 FEET TO A LINE 40.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHEAST QUARTER;

THENCE ALONG SAID PARALLEL LINE, SOUTH 89°52'32" WEST, A DISTANCE OF 1,985.86 FEET TO THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 4;

THENCE ALONG SAID WEST LINE, NORTH 00°07'47" EAST, A DISTANCE OF 621.59 FEET TO THE SOUTH LINE OF THE NORTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 4;

THENCE ALONG SAID SOUTH LINE, NORTH 89°54'38" WEST, A DISTANCE OF 2,586.52 FEET TO A LINE 60.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID SOUTHWEST QUARTER;

THENCE ALONG SAID PARALLEL LINE, NORTH 00°09'18" EAST, A DISTANCE OF 1,986.53 FEET TO A LINE 60.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 4;

THENCE ALONG SAID PARALLEL LINE, NORTH 00°03'29" EAST, A DISTANCE OF 2,444.27 FEET TO THE SOUTHEAST BOUNDARY OF SAID EXCEPTION PARCEL RECORDED IN BOOK 3037, PAGE 990;

THENCE ALONG SAID SOUTHEAST BOUNDARY, NORTH 44°46'28" EAST, A DISTANCE OF 28.42 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 387.695 ACRES, (16,887,977 SQUARE FEET), MORE OR LESS.

#### PARCEL 2:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 4; THENCE S00°03'04" W ALONG THE WESTERLY LINE OF SECTION 4, A DISTANCE OF 1594.49 FEET TO THE POINT OF BEGINNING;

THENCE DEPARTING SAID WEST LINE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1075.00, AND A CENTRAL ANGLE OF 07°29'41", A DISTANCE OF 140.62 FEET;

THENCE S00°03'04" W ALONG A LINE 60.00 FEET EAST AND PARALLEL TO THE WEST LINE OF SECTION 4; A DISTANCE OF 801.54 FEET;

THENCE S00°08'49" W ALONG A LINE 60.00 FEET EAST AND PARALLEL TO THE WEST LINE OF SECTION 4; A DISTANCE OF 1986.07 FEET;

THENCE N89°55'06" W A DISTANCE OF 60.00 FEET TO A POINT ON THE WEST LINE OF SECTION 4;

THENCE N00°08'49" E ALONG THE WEST LINE OF SECTION 4, A DISTANCE OF 1986.04 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 4;

THENCE N00°03'04" E CONTINUING ALONG THE WEST LINE OF SECTION 4, A DISTANCE 928.61 FEET TO THE POINT OF BEGINNING.

CONTAINING 3.92 ACRES, OR 170,852 SQ. FT, MORE OR LESS.

EXECUTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_.

OWNERS:  
PARKWOOD EAST LLC  
BUSINESS CENTER INVESTORS GP  
CLAY CARLSON  
JEANIE D MCDONALD CARLSON  
SCOTT L CARLSON  
LISA CARLSON  
KENT D CARLSON  
C & J LAND INVESTMENTS LLC  
S & L LAND INVESTMENTS LLC  
K & H LAND INVESTMENTS LLC  
CLAY F CARLSON 2012 TRUST  
SCOTT L CARLSON 2012 TRUST  
KENT D CARLSON 2012 TRUST

*Exhibit B*  
***BUCKLEY CROSSING PUD AMENDMENT #1***  
*Case #Z-761-03-21*