



Commerce City

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Council Communication

File Number: Z-761-03-21

Agenda Date: 7/19/2021

Version: 1

Status: ATS Review

In Control: City Council

File Type: Zoning Ordinances

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.

Summary and Background Information:

The Buckley Crossing PUD was approved in 2003, allowing mixed use commercial, public, and residential uses including single-family detached, single-family attached, town homes, and multi-family. The original PUD zone document took the alignment of High Plains Pkwy. into consideration, and sited 24.90 acres for a public school/park southwest of this future extension of Buckley Rd. During a sketch plat application process in 2020, the applicant, Scott Carlson of Carlson Associates, and staff determined that an amendment to the PUD was necessary. The applicant wished to amend the exaggerated curvature for High Plains Pkwy. shown in the original PUD, as well as the planning areas contained within. The 27J school district also requested additional land to be dedicated for a future school.

Additional record materials may be found in the Planning file for Case #Z-761-03-21.

Please see attached Planning Commission minutes and staff report for detailed background and discussion.

Notice Information: Public notice was properly given, including by publication on May 25 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 on May 21 and July 9, 2021 in the manner and duration required by the Land Development Code.

Applicable Decision Criteria: Council will consider the application following a public hearing in a quasi-judicial proceeding. Per LDC 21-3251(3), Council may only approve the PUD amendment application if all of the following criteria are found to be satisfied:

- 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; and
 - h. The proposed changes to the PUD Zone Document could not be achieved through other techniques.

Staff Responsible (Department Head): Jason Rogers, Deputy City Manager

Staff Member Presenting: Andrew Baker, City Planner

Financial Impact: N/A

Funding Source: N/A

Development Review Team Recommendation: On May 13, 2021, all Development Review Team comments were confirmed to be addressed, and a recommendation of approval was forwarded along to the Planning Commission.

Planning Commission Team Recommendation: On June 1, 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.

Suggested Motion:

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

- To approve (first reading): I move to introduce and approve Ordinance Z-761-03-21 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 (second reading): I move to approve Ordinance Z-761-03-21 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).]

