

ORDINANCE NO. Z-860-07-08-18-22

INTRODUCED BY: ALLEN-THOMAS, DAVIS, DOUGLAS, FORD, HURST, HUSEMAN, KIM, MADERA, NOBLE

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF COMMERCE, COLORADO BY APPROVING THE COMMONS AT 104TH 1ST AMENDMENT PUD ZONE DOCUMENT TO ALLOW ADDITIONAL LAND USES AND THEIR ASSOCIATED BULK STANDARDS FOR THE PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF POTOMAC STREET AND E. 104TH AVENUE

WHEREAS, the owner of the property generally located at the southeast corner of Potomac Street and E. 104th Avenue in the City of Commerce City (“City”) and described in the Commons at 104th 1st Amendment PUD Zone Document attached hereto and incarnated herein at Exhibit A, has submitted an application to amend the existing PUD Zone Document to update the project intent, the bulk standards, and to allow additional land uses including multi-family residential;

WHEREAS, in accordance with Section 21-3180 of the City’s Land Development Code, all required notices of public hearings before the Commerce City Planning Commission and the City Council of Commerce City regarding the requested zoning was given, including by: publication on August 27, 2022 in the Denver Post, a legal newspaper of general circulation in the City of Commerce City; mailing on August 27, 2022, 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 August 26, 2022, 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 Commons at 104th 1st Amendment PUD Zone Document;

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 rezoning of the property as set forth in the Commons at 104th 1st Amendment PUD Zone Document, attached at Exhibit A:

- (a) The PUD Zone Document 1st Amendment 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 1st Amendment is consistent with any previously reviewed PUD concept schematic;

- (c) The PUD Zone Document 1st Amendment 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 1st Amendment complies with all applicable city standards not otherwise modified or waived by the city;
- (e) The PUD Zone Document 1st Amendment 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 1st Amendment 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 1st Amendment 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 regarding the requested amendment and approves Commons at 104th 1st Amendment PUD Zone Document.

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 17TH DAY OF OCTOBER 2022.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THIS 21ST DAY OF NOVEMBER 2022.

CITY OF COMMERCE CITY, COLORADO

Benjamin A. Huseman, Mayor

ATTEST

Dylan A. Gibson, City Clerk