

ORDINANCE NO. PUDA23-0005

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

AN ORDINANCE APPROVING THE MILE HIGH GREYHOUND PARK PUD ZONE DOCUMENT AMENDMENT 2 TO ALLOW FOR LIMITED DRIVE-THRU USES IN PLANNING AREA B. THE PROPERTY CONSISTS OF 10.52 ACRES AND IS GENERALLY LOCATED AT THE NORTHWEST CORNER OF EAST 62ND AVENUE AND ELM STREET

WHEREAS, the owner of the property generally located at the northwest corner of east 62nd Avenue and Elm Street 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 allow additional land uses, including drive-thru uses for restaurants or coffee sales and one bank or financial institution;

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 22, 2024, and August 22, 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 August 26, 2024, and August 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 Mile High Greyhound Park Amendment No. 2 PUD Zone Document; 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 Mile High Greyhound Park Amendment No. 2 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 Mile High Greyhound Park Amendment No. 2 PUD Zone Document. 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 7TH DAY OF OCTOBER 2024.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THIS 4TH DAY OF NOVEMBER, 2024.

CITY OF COMMERCE CITY, COLORADO

Steven J. Douglas, Mayor

ATTEST

Dylan A. Gibson, City Clerk

Exhibit A
(Legal Description)
Case #PUDA23-0005

A Parcel of land located in 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; Mile High Greyhound Park Tract A, Mile High Greyhound Park 7th Amnd outlot A, and Mile High Greyhound Park 7th Amnd Outlot B.

Contains 458,099 square feet or 10.5165 acres, more or less.