



# Commerce City

7887 E. 60th Ave.  
Commerce City, CO 80022  
c3gov.com

## Council Communication

File Number: PUDA23-0004

**Agenda Date:** 3/3/2025

**Version:** 1

**Status:** Agenda Ready

**In Control:** City Council

**File Type:** Zoning Ordinances

AN ORDINANCE APPROVING THE BURLINGTON NORTHERN/CATELLUS PUD ZONE DOCUMENT AMENDMENT 6 TO EXPAND THE ALLOWED COMMERCIAL USES, TO INCLUDE AN AUTOMOBILE WASHING FACILITY, AS PERMITTED USES AT THE PROPERTY GENERALLY LOCATED AT 12411 EAST 104TH AVENUE AND CONSISTING OF 1.06 ACRES

### Summary & Background

The original Burlington Northern/ Catellus Zone Document was approved by City Council in 1999. There has been five previous amendments that have been approved. The most recent amendment was approved in 2016.

The proposed amendment will expand the allowable commercial uses for one parcel. The current PUD allows for 10 use categories. The proposed PUD will allow for 32 uses, with 22 uses being not previously allowed. One of the new uses include an automobile washing facility, which the applicant intends on developing. Additionally, the PUD is eliminating 3 previous allowed uses. For more information about the uses please see page five of the PUD Amendment Report- Allowed Uses.

### PUD Zone Document approval criteria - Land Development Code Section

#### 21-3251(3)

A PUD zone document may be approved only if:

- (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:
  - i. 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; or
- ii. The PUD is required to avoid completely prohibiting a legal, permitted business use within the City;
- (d) The PUD complies with all applicable City standards not otherwise modified or waived by the City;
- (e) The PUD is integrated and connected with adjacent development through street connections, sidewalks, trails, and similar features;
- (f) To the maximum extent feasible, the proposal 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 subject property, while maintaining sufficient levels of service to existing development;
- (h) As applicable, the proposed phasing plan for development of the PUD 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.

**Staff Responsible (Department Head):** Jeff Brasel, Community Development Director

**Staff Presenting:** Nic Berry, Planner II

**Financial Impact:** N/A

**Funding Source:** N/A

**Planning Commission Recommendation:** On February 4, 2025, this case was presented to the Planning Commission. The Planning Commission held a public hearing, took testimony, and voted (5 to 0) to forward the PUD Amendment request to City Council with a recommendation for denial.

Per Sec 10.11 (b) (5) of the City Charter (Zoning Procedure) a vote of not less than a majority of the members of the council in office at the time the vote is taken shall be required to overrule the recommendations of the planning commission. Meaning that regardless of attendance on March 3, this request must receive a minimum of five votes of approval to be approved.

**Actions:**

Approve the application;

Approve the application with conditions;

Staff has some recommend conditions, please see page 8 of the PUD  
Amendment Report- Potential Motions

Deny the application; in accordance with the PC recommendation, or  
Continue the application