

ORDINANCE NO. Z-660-97-99-00-03-03-17-22

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

AN ORDINANCE AMENDING THE MOUNTAIN VIEW INDUSTRIAL PARK PUD ZONE DOCUMENT, AS PREVIOUSLY AMENDED, FOR THE PROPERTY GENERALLY LOCATED AT 9801 HAVANA STREET AND APPROVING THE MOUNTAIN VIEW INDUSTRIAL PARK PUD ZONE DOCUMENT AMENDMENT #6

WHEREAS, the owner of the property generally located at 9801 Havana Street in the City of Commerce City (“City”) and described in the Mountain View Industrial Park PUD Zone Document Amendment #6 attached hereto and incorporated herein Exhibit A (“Property”), has submitted an application to rezone the Property, specifically Lot C, Block 3, from PUD Industrial (I-1) to PUD Industrial (I-2), as set forth in Exhibit A;

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 March 29, 2022 and April 14, 2022 in the Sentinel Express, a legal newspaper of general circulation in the City of Commerce City; mailing on March 22, 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 March 25, 2022, and April 22, 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 Mountain View Industrial Park Amendment #6;

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 amendment of the Mountain View Industrial Park Zone Document Amendment #6 as set forth in Exhibit A that:

- (a) The PUD Zone Document Amendment #6 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 Amendment #6 is consistent with any previously reviewed PUD concept schematic;
- (c) The PUD Zone Document Amendment #6 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 Amendment #6 complies with all applicable city standards not otherwise modified or waived by the city;
- (e) The PUD Zone Document Amendment #6 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 Amendment #6 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 Amendment #6 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 zoning and approves the Mountain View Industrial Park PUD Zone Document Amendment #6 rezoning the property from PUD Industrial I-1 to PUD Industrial I-2, as defined in the relevant 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 2ND DAY OF MAY 2022.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THIS 6TH DAY OF JUNE 2022.

CITY OF COMMERCE CITY, COLORADO

Benjamin A. Huseman, Mayor

ATTEST

Dylan A. Gibson, City Clerk

Exhibit A
MOUNTAIN VIEW INDUSTRIAL PARK PUD ZONE DOCUMENT AMENDMENT #6
(Legal Description)
Case #Z-660-97-99-00-03-03-17-22

Exhibit B
MOUNTAIN VIEW INDUSTRIAL PARK PUD ZONE DOCUMENT AMENDMENT #6
Case #Z-660-97-99-00-03-03-17-22