

ORDINANCE NO. PUDA23-0002

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

AN ORDINANCE APPROVING THE REUNION PUD ZONE DOCUMENT AMENDMENT NO. 6 TO MODIFY ALLOWED USES, INCLUDING THE ADDITION OF MARIJUANA USES, CREATE SETBACK REQUIREMENTS FOR A SINGLE MEDICAL MARIJUANA CENTER AND RETAIL MARIJUANA STORE, AND INSTITUTE NEW AND MODIFIED DEVELOPMENT STANDARDS FOR THE 1.48-ACRE LOT LOCATED AT 18494 E. 104TH AVENUE

WHEREAS, the owner of the property located at 18494 E. 104th Avenue 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 modify allowed uses, modify setback requirements for medical marijuana center and retail marijuana store uses, and institute new and modified development standards, all of which will apply only to the aforementioned property within the Reunion PUD;

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 February 22, 2024, and March 21, 2024, in the Sentinel Express, a legal newspaper of general circulation in the City of Commerce City; mailing on February 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 February 23, 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 deny the Reunion PUD Zone Document Amendment No. 6; 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 PUD Zone Document Amendment for the Reunion PUD Zone Document Amendment No. 6 as set forth in Exhibit A that:

- (a) The Reunion PUD Zone Document Amendment No. 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 Reunion PUD Zone Document Amendment No. 6 is consistent with any previously reviewed PUD concept schematic;
- (c) The Reunion PUD Zone Document Amendment No. 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 Reunion PUD Zone Document Amendment No. 6 complies with all applicable city standards not otherwise modified or waived by the city;
- (e) The Reunion PUD Zone Document Amendment No. 6 is integrated and connected with adjacent development through street connections, sidewalks, trails, and similar features;
- (f) To the maximum extent feasible, the Reunion PUD Zone Document Amendment No. 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 Reunion PUD Zone Document Amendment No. 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 overrules the recommendation of the Planning Commission and approves the Reunion PUD Zone Document Amendment No. 6. 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 1ST DAY OF APRIL, 2024.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED
THIS 3RD DAY OF JUNE, 2024.

CITY OF COMMERCE CITY, COLORADO

Steven J. Douglas, Mayor

ATTEST

Dylan A. Gibson, City Clerk

Exhibit A
(Legal Description)
Case #PUDA23-0002

LEGAL DESCRIPTION:

SUB: REUNION FILING NO 30 AMENDMENT NO 3, LOT 5A