

ORDINANCE NO. Z-945-17-19-20-21-22

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

AN ORDINANCE APPROVING THE NEXUS NORTH AT DIA PUD ZONE DOCUMENT AMENDMENT NO. 3 TO PERMIT ADDITIONAL LAND USES AND MODIFY BULK STANDARDS FOR THE PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF EAST 88TH AVENUE AND BUCKLEY ROAD

WHEREAS, the owner of the property generally located at the southeast corner of East 88<sup>th</sup> Avenue and Buckley Road in the City of Commerce City (“City”) has submitted an application to amend the existing PUD Zone Document to permit additional land uses and modify bulk standards for Planning Area 3 within the Nexus North at DIA PUD Zone Document Amendment No. 3, 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 January 26, 2023, in the Sentinel Express, a legal newspaper of general circulation in the City of Commerce City; mailing on November 24, 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 January 26, 2023, 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 Nexus North at DIA PUD Zone Document Amendment No. 3;

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 Nexus North at DIA PUD Zone Document Amendment No. 3 as set forth in Exhibit A that:

- (a) The PUD Zone Document Amendment No. 3 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 No. 3 is consistent with any previously revised PUD concept schematic;
- (c) The PUD Zone Document Amendment No. 3 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 No. 3 complies with all applicable city standards not otherwise modified or waived by the city;
- (e) The PUD Zone Document Amendment No. 3 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 No. 3 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 No. 3 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 the Amendment No. 3 to the Nexus North 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 20TH DAY OF MARCH 2023.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THIS  
17<sup>TH</sup> DAY OF APRIL 2023.

CITY OF COMMERCE CITY, COLORADO

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Benjamin A. Huseman, Mayor

ATTEST

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Dylan A. Gibson, City Clerk