

ORDINANCE NO. Z-953-18-20

INTRODUCED BY: ALLEN-THOMAS, FRANK, GRIMES, GUARDIOLA, HURST,  
HUSEMAN, MADERA, NOBLE, SMITH

AN ORDINANCE APPROVING A REPLACEMENT PUD ZONE DOCUMENT FOR APPROXIMATELY 600 ACRES TO ALLOW RESIDENTIAL, COMMERCIAL, PARKS AND SCHOOLS, OFFICE/FLEX, AND SUBSURFACE EXTRACTION OF OIL AND GAS, FOR THE PROPERTY GENERALLY LOCATED ON THE NORTHEAST CORNER OF EAST 88<sup>TH</sup> AVENUE AND TOWER ROAD IN COMMERCE CITY, COLORADO, CURRENTLY ZONED PUD.

WHEREAS, the owner of the property generally known as Legato, previously referred to as Prime Sites and/or Hightower Ranch, described specifically in Exhibit A to this ordinance, and generally located at the northeast corner of East 88<sup>th</sup> Avenue and Tower Road in Commerce City, has requested approval for a replacement PUD Zone Document, as set forth in Exhibit B, and to amend the zoning established by Ordinance Z-516-89;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO, AS FOLLOWS:

**SECTION 1.** In accordance with Section 21-3180 of the City's Land Development Code, the required notice of a Public Hearing by the Planning Commission of the City regarding the requested zoning was given, including the publication on December 31, 2019, in the Sentinel-Express, a legal newspaper of general circulation in the City, the mailing of notice to all owners of property within 500 feet of the Property, and the required placard posting of at least one sign on the property for at least 7 days prior to the hearing. The Public Hearing was held on January 14, 2020 and conducted in compliance with law and a motion was made that the Planning Commission enter a finding that, subject to certain conditions, the requested PUD Zone Document meets the criteria of the Land Development Code. The condition of approval states "As listed in the Table of Land uses on sheet 8 of the Legato PUD Zone Document, the 'Subsurface Extraction' land use shall be changed to a Conditional Use (C) rather than a Use by Right (R)". The motion was seconded and approved by a 5-0 vote. Based upon such finding, the Planning Commission recommends that the City Council approve the requested replacement PUD Zone Document in case Z-953-18-20, as set forth in Exhibit B, subject to the condition as set forth herein.

**SECTION 2.** In accordance with Section 21-3180 of the City's Land Development Code, all required notice of a Public Hearing to be held on February 3, 2019, by the City Council of the City regarding the requested PUD Zone Document was given, including the publication on January 21, 2020, in the Sentinel-Express, the mailing of notice to all owners of property within 500 feet of the Property, and the posting of three signs on the property for at least 7 days prior to the hearing. Said hearing was conducted on February 3, 2020, and was conducted all in compliance with law.

**SECTION 3.** Based on the record before it, and subject to the condition identified in Section 5, the City Council finds, consistent with the Commerce City Land Development Code, Section 21-3251(3), as follows:

- a. The proposed PUD Zone Document is consistent with all applicable City adopted plans;
- b. The proposed PUD Zone Document is consistent with previously reviewed PUD concept schematics;
- c. The proposed PUD Zone Document is consistent with the purpose and intent of the PUD district through the incorporation of creative site design of a variety of land uses;
- d. The proposed PUD Zone Document complies with all applicable city standards not otherwise modified or waived;
- e. The proposed PUD Zone Document is integrated and connected with adjacent development through streets, sidewalks, trails, and similar features;
- f. The proposed PUD Zone Document mitigates, to the maximum extent feasible, any potential significant adverse impacts on adjacent properties and on the general community;
- g. Sufficient public safety, transportation and utility facilities are or will be available to serve the subject property; and
- h. The proposed PUD Zone Document achieves a level of development which could not be achieved through other processes.

**SECTION 4.** Ordinance Z-516-89 is repealed to the extent of any inconsistency as to the property which is the subject of this Ordinance.

**SECTION 5.** The City Council approves the replacement PUD Zone Document, subject to the condition that on the Table of Land uses on sheet 8 of the Legato PUD Zone Document, the “Subsurface Extraction” land use shall be changed to a Conditional Use (C) rather than a Use by Right (R)”, and the zoning map of the City of Commerce City, Colorado, shall be amended to affect said rezoning.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED  
THIS 3RD DAY OF FEBRUARY 2020.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED  
THIS 2ND DAY OF MARCH 2020.

CITY OF COMMERCE CITY COLORADO

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Benjamin A. Huseman, Mayor

ATTEST

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Dylan A. Gibson, Deputy City Clerk

*Exhibit "A"*  
*(Legal Description)*  
*Case #Z-953-18-20*

**LEGATO LEGAL DESCRIPTION**

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A TRACT OF LAND LOCATED IN SECTIONS 22 AND 23, TOWNSHIP 2 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 2 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, BEING MONUMENTED AT THE WEST END BY A FOUND 2-1/2" ALUMINUM CAP IN RANGE BOX STAMPED "ISI 2018 LS 29425" AND AT THE EAST END BY A FOUND 2" ALUMINUM CAP STAMPED "WESTERN STATES SURVEYING INC. 1994 PLS 24960". SAID NORTH LINE BEARS N89°38'58" EAST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

**COMMENCING** AT THE NORTHWEST CORNER OF SAID SECTION 22;

THENCE SOUTH 46°50'08" EAST 170.33 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF EAST 96TH AVENUE, RECORDED IN BOOK 4340 AT PAGE 144, ADAMS COUNTY RECORDS, AND THE **POINT OF BEGINNING**;

THENCE ON SAID SOUTH RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES:

1. NORTH 85°50'08" EAST 169.10 FEET;
2. NORTH 89°38'58" EAST 2382.59 FEET TO THE NORTH-SOUTH CENTER SECTION LINE OF SAID SECTION 22;
3. NORTH 89°37'09" EAST 501.92 FEET TO THE WESTERLY LINE OF E-470 PARCEL MU-129 LT, RECORDED AT RECEPTION NO. C0137464, ADAMS COUNTY RECORDS;

THENCE DEPARTING SAID SOUTH RIGHT-OF-WAY LINE AND ALONG SAID WESTERLY LINE THE FOLLOWING SEVEN (7) COURSES:

1. S75°29'12" EAST 407.76 FEET;
2. SOUTH 85°18'02" EAST 570.57 FEET;
3. SOUTH 60°06'23" EAST 105.30 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 1387.75 FEET AND A CHORD WHICH BEARS SOUTH 29°30'08" EAST;
4. 429.93 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 17°45'02.7°;
5. SOUTH 38°22'38 EAST 462.83 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1308.00 FEET AND A CHORD WHICH BEARS SOUTH 29°19'04" EAST;

6. 413.63 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 18°07'08";
7. SOUTH 20°15'30" EAST 202.03 FEET TO THE MOST NORTHERLY CORNER OF THAT TRACT OF LAND DESCRIBED AT RECEPTION NO. 2007000110748, ADAMS COUNTY RECORDS:

THENCE DEPARTING SAID WESTERLY LINE AND ALONG THE NORTHERLY, WESTERLY AND SOUTHERLY LINE OF SAID TRACT OF LAND THE FOLLOWING THREE (3) COURSES:

1. SOUTH 69°38'11" WEST 1002.52 FEET;
2. SOUTH 20°23'33" EAST 649.71 FEET;
3. NORTH 69°39'11" EAST 1000.22 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 2739.79 FEET AND A CHORD WHICH BEARS SOUTH 15°40'34" EAST ON THE WESTERLY LINE OF SAID PARCEL MU-129 LT;

THENCE ALONG SAID WESTERLY LINE THE FOLLOWING EIGHT (8) COURSES:

1. 306.49 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 06°24'34";
2. SOUTH 12°28'17" EAST 252.26 FEET TO THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 22;
3. CONTINUING SOUTH 12°28'17" EAST 218.30 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 2989.79 FEET AND A CHORD WHICH BEARS SOUTH 19°19'24" EAST;
4. 715.07 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 13°42'12";
5. SOUTH 26°10'30" EAST 1301.42 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2739.79 FEET AND A CHORD WHICH BEARS SOUTH 23°09'18" EAST;
6. 288.81 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 06°02'23";
7. SOUTH 84°29'17" WEST 360.68 FEET;
8. SOUTH 68°39'38" WEST 328.94 FEET TO THE NORTH RIGHT-OF-WAY LINE OF EAST 88TH AVENUE, ADAMS COUNTY PETITION NO. 127, PAGE 524;

THENCE DEPARTING THE WESTERLY LINE OF SAID PARCEL MU-129 LT AND ALONG SAID NORTH RIGHT- OF-WAY LINE THE FOLLOWING THREE (3) COURSES:

1. SOUTH 89°02'34" WEST 292.06 FEET TO THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 22;
2. SOUTH 89°33'15" WEST 2672.53 FEET TO THE NORTH-SOUTH CENTER SECTION LINE OF SAID SECTION 22;
3. SOUTH 89°33'06" WEST 2597.13 FEET TO THE EAST RIGHT-OF-WAY LINE OF TOWER ROAD AS DESCRIBED AT RECEPTION NO. 2018000024987, ADAMS COUNTY RECORDS;

THENCE ALONG SAID EAST RIGHT-OF-WAY LINE THE

FOLLOWING EIGHT (8) COURSES:

1. NORTH 00°21'27" WEST 986.41 FEET;
2. NORTH 89°38'33" EAST 21.30 FEET;
3. NORTH 00°21'27" WEST 70.08 FEET;
4. SOUTH 89°38'33" WEST 21.30 FEET;
5. NORTH 00°21'27" WEST 1550.48 FEET TO THE EAST-WEST CENTER SECTION LINE OF SAID SECTION 22;
6. NORTH 00°21'24" WEST 2413.56 FEET;
7. NORTH 44°59'33" EAST 68.20 FEET;
8. NORTH 00°21'25" EAST 58.21 FEET, MORE OR LESS, TO THE **POINT OF BEGINNING**;

SAID TRACT OF LAND CONTAINS 26,037,447 SQUARE FEET, OR 597.74 ACRES, MORE OR LESS.

***Exhibit “B”***  
***(PUD Zone Document)***  
***Case #Z-953-18-20***