AN ORDINANCE APPROVING AMENDMENT NO. 3 TO THE DIA TECH CENTER PUD ZONE DOCUMENT TO ALLOW THE DEVIATION OF SETBACK AND FLOOR AREA RATIO STANDARDS TO BE CONSIDERED THROUGH THE MINOR MODIFICATION PROCESS FOR THE PROPERTY LOCATED SOUTH OF E. 84TH AVE, WEST OF TOWER RD, NORTH OF E. 81ST AVE AND EAST OF THE ROCKY MOUNTAIN ARSENAL NATION WILDLIFE REFUGE COMMERCE CITY, COLORADO

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

**SECTION 1.** The City Council of the City of Commerce City, Colorado, finds that notice of the public hearings concerning the amendment of ordinance Z-896-11-12-16-17 as detailed in the proposed Amendment No. 3 to the DIA Tech Center PUD Zone Document attached as Exhibit B and the rezoning of property generally located south of E. 84th Ave., west of Tower Rd., north of E. 81st Ave. and east of the Rocky Mountain Arsenal Nation Wildlife Refuge in Commerce City, Colorado, more specifically defined in Exhibit "A," before the Planning Commission of the City of Commerce City and the City Council to be held on November 23, 2020, respectively, was properly given as required by the Land Development Code, including by: publication on November 15, 2020, in the Denver Post a legal newspaper of general circulation in the City of Commerce City; mailing on November 14, 2020, 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 November 16, 2020, in the manner and for the duration required by the Land Development Code.

**SECTION 2.** The City Council of the City of Commerce City, Colorado further finds that the public hearings concerning the proposed amendment of ordinance Z-896-11-12-16-17 and the rezoning of property described in Exhibit A before the Planning Commission of the City of Commerce City and the City Council were conducted in compliance with law.

**SECTION 3.** The City of Council finds, consistent with the Commerce City Land Development Code, Section 21-3251(3), as follows with regard to the proposed rezoning detailed in the proposed Amendment No. 3 to the DIA Tech Center PUD Zone Document:

- a. The proposed PUD Zone Document Amendment is consistent with all applicable City adopted plans;
- b. The requested PUD Zone Document Amendment will continue to comply with the purpose and intent of the PUD district;
- c. The PUD Zone Document will continue to comply with all applicable city standards;
- d. The Property has been integrated with adjacent property;
- e. This PUD Zone Document Amendment is similar to what is currently approved for the portions of the PUD included with this request and should not result in any additional impacts beyond those associated with the current PUD Zone Document;
- f. Sufficient public safety, transportation and utility facilities are available to serve the Property; and

g. The proposed changes to the PUD Zone Document could not be achieved through other processes.

**SECTION 4.** Amendment No. 3 to the DIA Tech Center PUD Zone Document, permitting the deviation of setback and floor area ratio standards to be considered through the minor modification process as set forth by the addition of addition of a note on Sheet 4 and note 15 on sheet 6, is hereby approved and Ordinance Z-896-11-12-16-17 is hereby amended as set forth in that Amendment No. 3. The zoning map of the City of Commerce City, Colorado, is hereby amended to reflect the rezoning approved by this ordinance.

**SECTION 5.** This ordinance shall be effective immediately on passage on second and final reading.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED THIS 23RD DAY OF NOVEMBER 2020.

PASSED ON SECOND AND FINTER THIS DAY OF 2020	NAL READING AND PUBLIC NOTICE ORDERED
	CITY OF COMMERCE CITY, COLORADO
ATTEST	Benjamin A. Huseman, Mayor
Dylan A. Gibson, City Clerk	

## Exhibit "A" (Legal Description) Case #Z-896-11-12-16-17-21

#### LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF SECTION 28, LYING WITHIN THE NORTHEAST, SOUTHEAST, AND SOUTHWEST QUARTERS OF SAID SECTION 28, TOWNSHIP 2 SOUTH, RANGE 66 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF COMMERCE CITY, COUNTY OF ADAMS, STATE OF COLORADO, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS.

THE BEARINGS FOR THIS DESCRIPTION ARE BASED ON THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 2 SOUTH, RANGE 66 WEST OF THE 6TH P.M., BEING ASSUMED TO BEAR N 00"28"09" W, FROM THE SOUTHEAST CORNER OF SAID SECTION 28, REING A 3-1/4 INCH ALUMINUM CAP, "LLEGIBLE" TO THE EAST QUARTER CORNER OF SAID SECTION 28, BEING A 3-1/4 INCH ALUMINUM CAP STAMPED "PLS 23516", WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 28, THENCE N 06°47'25" W, A DISTANCE OF 817.42 FEET TO A POINT ON THE NORTH LINE OF THE 81ST AVENUE RIGHT-OF-WAY, AS DEDICATED BY DENVER INTERNATIONAL AIRPARK SUBDIVISION FILING NO. 1, A SUBDIVISION PLATRECORDED AT RECEPTION NO. 00291825, IN THE RECORDS OF THE ADAMS COUNTY CLERK AND RECORDER'S DEFICE, ALSO BEING A POINT ON THE SOUTH LINE OF DIA TECH CENTER FILING NO. 1. A SUBDIVISION PLAT RECORDED AT RECEPTION NO. 2013000045523, SAID ADAMS COUNTY RECORDS AND THE

THENCE ALONG THE NORTH LINE OF SAID 81ST AVENUE RIGHT-OF-WAY THE FOLLOWING SIX (6) COURSES:

- S 89°42'53" W, A DISTANCE OF 680.56 FEET TO A POINT OF CURVATURE;
- 2. ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2340.00 FEET, A CENTRAL ANGLE OF 12"08"36" AND AN ARC LENGTH OF 495.94 FEET
- 3. N 78'08'32" W. A DISTANCE OF 517.26 FEET TO A POINT OF CURVATURE
- 4. ALONG THE ARC OF CURVE TO THE LEFT HAVING A RADIUS OF 1950.00 FEET, A CENTRAL ANGLE OF 12\*08'06" AND AN ARC LENGTH OF 413:00 FEET.
- S 89"43"23" W. A DISTANCE OF 1680.25 FEET TO A POINT OF CURVATURE.
- ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1750.00 FEET, A CENTRAL ANGLE OF 7"2952" AND AN ARC LENGTH OF 229 00 FEET TO THE NORTHWEST CORNER OF SAID DENVER INTERNATIONAL AIR PARK SUBDIVISION FILING NO. 1:

THENCE S 0°16'43"E. ALONG THE WEST LINE OF SAID DERVER INTERNATIONAL AIRPARK SUBDIVISION, A DISTANCE OF 1002.53 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 28;

THENCE S 89°42'39" W, ALONG SAID SOUTH LINE, A DISTANCE OF 1180.12 FEET TO A POINT ON THE EAST LINE OF BUCKLEY ROAD RIGHT-OF-WAY.

THENCE N 0°31'52' W. ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 1325.23 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SAID

THENCE N 0°31'31" W, CONTINUING ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 1325:30 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION

THENCE N 89"31"42" E, ALONG SAID NORTH LINE, A DISTANCE OF 2620.70 FEET TO THE CENTER QUARTER CORNER OF SAID SECTION 28;

THENCE N 00°30'30" W, ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 28, A DISTANCE OF 1710.91 FEET TO A POINT ON THE NORTH LINE OF SAID DIA TECH CENTER FILING NO. 1;

THENCE ALONG SAID NORTH LINE THE FOLLOWING FIVE (5) COURSES:

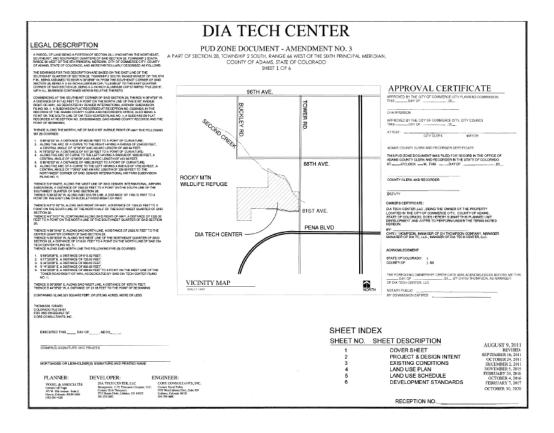
- \$ 55"25"26" E, A DISTANCE OF 813.02 FEET;
- S 7 7"2 5"26" E, A DISTANCE OF 725.00 FEET

- \$ 34"2526" E, A DISTANCE OF 850.00 FEET;
   \$ 14"2526" E, A DISTANCE OF 600.00 FEET;
   \$ 84"2526" E, A DISTANCE OF 589.94 FEET TO A POINT ON THE WEST LINE OF THE TOWER ROAD RIGHT-OF-WAY, AS DEDICATED BY SAID DIA TECH CENTER FILING

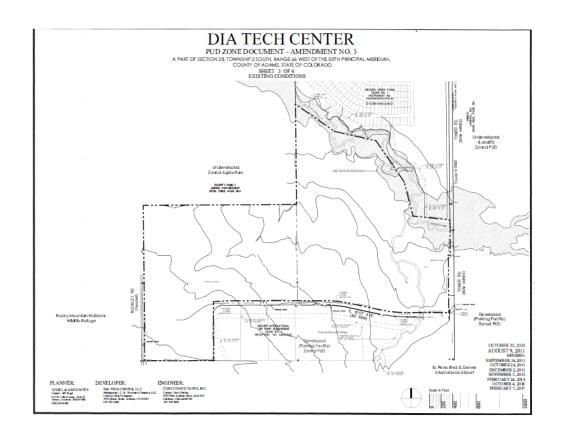
THENCE S 00°28'09" E, ALONG SAID WEST LINE, A DISTANCE OF 1570.74 FEET; THENCE S 44°37'22" W, A DISTANCE OF 21.18 FEET TO THE POINT OF BEGINNING.

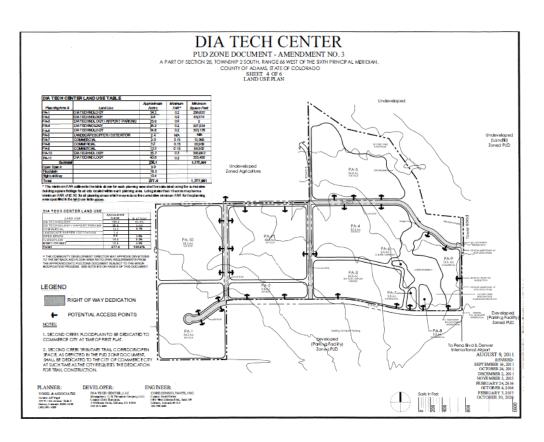
CONTAINING 12,046,321 SQUARE FEBT, OR 276,545 ACRES, MORE OR LESS

# Exhibit "B" (PUD Zone Document Amendment No. 3)



### DIA TECH CENTER PUD ZONE DOCUMENT - AMENDMENT NO. 3 A PART OF SECTION 28, TOWNSHIP 2 SOUTH, RANGE & WHET OF THE STIM PRINCIPAL MERIDIAN, COUNTY OF ADMAS, STATE OF COLORADO SHEET 2 OF 6 PROJECT & DESIGN INTENT PROJECT INTENT TO CORACIO CONTROL REPORT AND THE STATE PROPERTY AND THE STATE THAT SHEARS SELECTED THAT SHEARS AND THE STATE OF THE STATE TO PROMOS PROSESSAN CONSCICUOS TO COMMUNITY OF A AREAS INCLUDING THE SECOND OBSECCIONED CHARD THEIR FARY. PLANNING PRINCIPLES AND DESIGN INTENT TO INTEGRATE AND UTILIZE LANCEICAPE DESIGN TO RESPONDE SITE DESIGN SUCH AS ENHANCEM PLACEMENT. ON TICK CONTER PLANED, AL MILLT HIS COMBRICAL AND EMPLOYMENT CONTEX OF COMPARISHMENT LAND INSERTMAT WILLES MYSEME TO AND MANDHIND UTS, DIRNINGS MATSOP, AN INSPERIOLYSIS, THESIS STEERATED PLANING PRINCIPES WILL ENGISES THAT ALL PROCEEDS MARKINGSIS WITH THE MATSOR, SEMPORNISH OF THE STEE, COMPATES WITH ACCOUNTS AND REPRESENT TO THE GAT THOUGHTS PROCESS! MEL AL RESIDENCE SE SE PERE, COMPETAT E PERE AL RESIDENCE DE L'ANDRE DE MONTE EL RESIDENCE DE L'ANDRE MANNE SOLLÀ E PROCESSORIC SE PERE AL RESIDENCE PERE AL RESIDENCE SOLLÀ SE PERE AL RESIDENCE DE L'ANDRE SE PERE AL TORRESSE REVINE SOLLÀ AL VIESE DIRECTE SE PERE AL RESIDENCE PERE AL RESIDENCE PER AL RESIDENCE FROM CONTROL AS ASSESSMENT OF THE PROPERTY OF BINGCTUTY SEPARABILITY AND CONVENIENT PROSESSION AND AUTOMOBILE CHINIC STORE WITHIN OA TSCH CENTER AND ALLACENT PROFERTES, SEPARABILITY AND COSPORT ALL E-ROSESSION CONSECTS OF THE SECCED OSSES (SEEMERY AND TREATARY COSPOSION, MAJOR COMPANION, AND SEPARABILITY COSTEROR. COSPOSION, MAJOR COMPANION, AND SEPARABILITY COSTEROR. THE CONTROL OF CHECK OF CHECK OF SECURITY SECURI DESIGN IN SENT SYNTEMENTS AND PRESPAGE FOR DAY SICH CERTERS TO EXELUTE SHAT THE SYNEMACIO PLANS SEPTEME CRUES CULTURED AND SAY ACHIEVED WITHOUT DESIGNATURES THE FEAR ARRIVE, ACCRETICING, LANCOUNCE ACCORDING SERVING AND LERTING DESIGN WITHOUT SYNTEMENTS AS RECOVAND TO SHOW CLEEK A DISK FORMOUT PROMOCED CONNECTIONS OF THE COLORISIS OF THE CENTER AND LITTLE OF THE DESIGN IN SAY.





# DIA TECH CENTER PUD ZONE DOCUMENT - AMENDMENT NO. 3 A PART OF SECTION 28, TOWNSHIP 2 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIP COUNTY OF ADAMS, STATE OF COLORADO F K NOTES: 1. UNLESS SPECIFICALLY LISTED WITHIN THIS OIL TECH PUD ZÖNE DOCUMENT LAND USE SCHEDULE, A USE SHALL SE CONSIDERED EXCLUDED UNLESS OTHERWISE APPROVED BY CITY COUNCY. STREET SECTIONS Star music marginesises Minimum resolutioning facilities E. 81ST AVE. AUGUST 9, 2011 REVISED: ROAD A,B&C Windowing and wholesting restrictment in thickgoupled-ex-DEVELOPER: PLANNER: ENGINEER: DIA TREM CENTER, LLC Hesquaret. C. H. Thompson Company, LLC CORRECTORS, The Contest Claim Thompson. STIC States Circle, Lichters, CO. MITS STIC States Circle, Lichters, CO. MITS Lichter, Colombic 80 100 Lichter, Colombic

### DIA TECH CENTER

#### PUD ZONE DOCUMENT - AMENDMENT NO. 3

OWNSMP 2 SOUTH, RANGE 66 WEST OF THE SU COUNTY ORMBENIS STATE OF COLORADO DEVELOPMENT STANDARDS

PLANNING AREA	DIA TECHNOLOGY						COMMERCIAL					
	PA-1	PA-2	PA-3	PA-4	PA-5	PA-10	PA-11	PA-6	PA-7	PA-8	PA-0	TOTAL
ACREAGE	34.3	9.8	25	35.3	34.8	35.2	40.8	2.4	2	5.2	15.3	236.1
LANDUSE	DAATBOH	DIATECH	DIATION/ PARKING	DIATECH	BRATECH	DIATECH	DIATECH	LSBURGIDET	COMMERCIAL	COMMERCIAL	COMMERCIAL	
FLOOR AREA RATIO (Min)*	0.2	0.2	0	8.2	0.3	0.2	0.2	NGA	0.15	0.15	0.15	
LOT AREA (MIN)	1809	1.4016	1Acre	LACRE	1 Acre	1 Acre	1 Acre	N/A	1.Acre	1 Acre	3 Acre	
LOT PROVINCE (Mr.)	87	80'	80'	807	907	87	90"	N/A	70'	XY	301	
FRONE YARD SETBACK (Min)	20	20'	207	391	20"	207	207	N/6	10'	33"	10'	
PROMETYA RID SETENCK (Max.)	75'	75	75'	75'	75"	75'	75"	M/A	75'	251	75'	
SIDE YARD SETBACK INTERIOR & CORNER (Mix)	19"	15'	15'	19'	39"	39'	19	19/6	50'	107	10'	
SIDE YARD SETBACK- INTERIOR LOT(Max)	N/A	N/A	N/A	M/A	N/A	N/A	N/A	B/A	15/0	N/A	N/A	
SEE YARD SETBACK - CORNERLOT (Max.)	N/A	NA.	14/6	N/A	N/A	N/A	INA	N/A	19,65	M/A	N/A	
REAR YARD SETBACK (MIN)	27	20"		20'	33"	32	20"	n/a	15"	157	15'	
BULDING HEIGHT (Mr.)	157	157	157	15'	157	15"	157	H/A	157	15'	157	
BULDING HEIGHT (Max)	100'	100*	100'	100"	160'	100	100*	14/6	100*	199	193	
OFF-STREET FAJRONS (Mb)	1000	CODE	CERRO	cone	CERR	CODE	0006	H/A	cone	0006	2002	
LANDSCAPE (Mr.)	3003	CODE	Code	CODE	CODE	CODE	CDGE	H,OL	CODE	conc	2000	
ACCESSORY USE STANDARDS	cone	CODE	come	core	CCD9:	CORE	cone	H/S	cone	cone	cone	

#### DEVELOPMENT STANDARD NOTES:

DEVELOPMENT STANDARDS

- . PHASING WILL OCCUR IN A LOGICAL AND COST EFFECTIVE MANNER BASED ON INFRASTRUCTURE EXTENSION AND MARKET CONDITIONS. THE PROJECT IS EXPECTED TO BE BUILT IN SEVERAL PHASES.
- 3. THE DEVELOPMENT OF LAND USES WITHIN THE PUD ZONE DOCUMENT PLANNING AREAS WILL ADHERE TO CITY APPROVED DESIGN STANDARDS AND GUIDELINES AS ADDIFIED OR AWENCED.
- FOLLOWING THE INTENT OF THE PRARIEWAYS ACTION PLAN, LIND FOR A TRAIL ALDING SECOND CREEK, AND SECOND CREEK TRIBUTARY, WALL BE DEDUCATED TO THE CITY FOR MUTURE CONSTRUCTION OF THE TRAIL. THE EXACT LOCATION, DEVELOPMENT ORDERS AND PHYSIOL, HAWARETERS OF THE SECOND OF THE SECOND COUNTRY OF THE CONTROL OF THE
- 5. THE DETENTION POND IN PA-6 WILL BE COMPLETED AND LANDSCAPED ACCORDING TO APPROVED DEVELOPMENT PUM DESIGN. THE PA-6 DETENTION POND WILL BE CONSTRUCTED WHEN REQUIRED AND INFRANTED.
- 8 STRUCTURES LOCATED IN PLANNING AREA 5 SHALL BE SETBACK A MINIMUM OF 107 FROM THE SECOND TIES TOP OF 95%. WITH AN AVERAGE SETBACK OF AT LEAST 157 STRUCTURES LOCATED IN PLANNING AREA 4, 8, 9 AND 11 SHALL BE SETBACK 107 FROM THE SECOND CREEK TRIBUTARY TOP OF BAIN.
- 7. ALL SETBACKS MEASURED FROM THE PLATTED PROPERTY LINE.

PLANNER:

EXCIDIAN, DEVELOPMENT STANDARD NOTES (CONT.)

10. ANY REQUIREMENTS NOT ADDRESSED IN THIS PUD ZONE
DOCUMENT SHALL MEET THE REQUIREMENTS OF THE CITY OF
COMMERCE CITY ZONING ORD NAVIGE, AS ADOPTED OR
AMENDED.

- ALL ACCESS POINTS TO NON-ARTERIAL ROADWAYS SHO THIS PLAN ARE CONCEPTUAL IN NATURE. AND WILL BE BUBLECT TO APPROVAL BY THE CITY ENGINEER WHEN DEVELOPMENT OCCURS.
- ANY CIL AND GAS OPERATIONS CONDUCTED ON THE SUBJECT PROPERTY WILL BE INCOMPLIANCE WITH APPLICABLE LAWS AND REGULATIONS, INCLUDING SOC OPRAD OIL AND GAS COMSERVATION COMMISSION REGULATIONS, PERTAINING TO PRINCING, PARTING OF TANKS AND MAINTENANCE OF SURFACE AREAS AND EQUIPMENT, AS MODIFIED BY ANY APPLICABLE SURFACE USE AGREEMENTS.
- 14. ALL DEVELOPMENT WITHIN THE DIA TECH CENTER PUD BOUNDARES MINST FOLLOW THE STANDARDS AND QUIDELINES FOR THE THE SEPARATE COLUMENT MANED TOLATECH CENTER DESIGNS TANDARDS AND QUIDELINES "STANDARDS NOT CONTAINED WITHIN THE OUT THE CHIEF CENTER OF STANDARDS AND QUIDELINES WILL DEFAULT TO THE COMMERCE CITY DESIGN STANDARDS AND QUIDELINES WILL DEFAULT TO THE COMMERCE CITY DESIGN STANDARDS.

1.) INSTALLATION OF: IJ A STANC-ALONE EMPLOYEE AMENITY AREA OR STRUCTURE DESIGNED THAT PROVIDES YEAR-HOLDIN WEATHER PROTECTION AN OUTDOOR LIGHTING, IJ GAZEBO OR IJ ATTACHED STRUCTURAL ELEMENT, SACH WITH A MINIMUM PLOCE AREA RATIO OF AGE, THE STRIAMY BULLENG STRUCTUR SOURCE FOOTAGE OR A MINIMUM PLOS GLARE PEET, WHICHEVER IS GIGGATE