

ORDINANCE NO. Z-896-11-12-16-17-21

INTRODUCED BY: _____

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 FINAL READING AND PUBLIC NOTICE ORDERED
THIS ____ DAY OF _____ 2020.

CITY OF COMMERCE CITY, COLORADO

Benjamin A. Huseman, Mayor

ATTEST

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 6TH 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, BEING A 3-1/4 INCH ALUMINUM CAP, "ILLEGIBLE" 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 PLAT RECORDED AT RECEPTION NO. C0291825, IN THE RECORDS OF THE ADAMS COUNTY CLERK AND RECORDER'S OFFICE, 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 POINT OF BEGINNING;

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

1. S 89°42'53" W, A DISTANCE OF 660.56 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 486.94 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;
5. S 89°43'23" W, A DISTANCE OF 1680.25 FEET TO A POINT OF CURVATURE;
6. ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1750.00 FEET, A CENTRAL ANGLE OF 7°29'52" 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 DENVER 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 SECTION 28;

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 28;

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:

1. S 55°25'26" E, A DISTANCE OF 813.02 FEET;
2. S 77°25'26" E, A DISTANCE OF 725.00 FEET;
3. S 34°25'26" E, A DISTANCE OF 850.00 FEET;
4. S 14°25'26" E, A DISTANCE OF 600.00 FEET;
5. S 84°25'26" E, A DISTANCE OF 569.94 FEET TO A POINT ON THE WEST LINE OF THE TOWER ROAD RIGHT-OF-WAY, AS DEDICATED BY SAID DIA TECH CENTER FILING NO. 1;

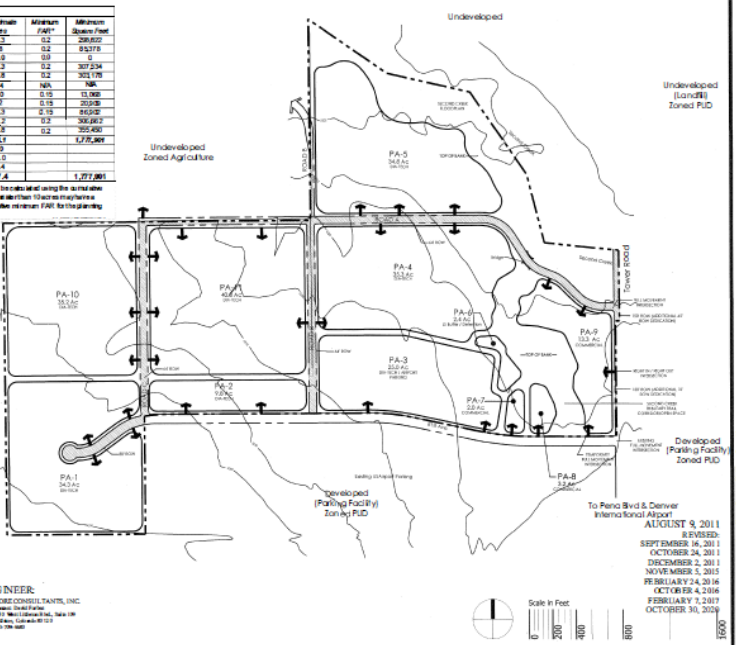
THENCE S 00°28'09" E, ALONG SAID WEST LINE, A DISTANCE OF 1570.74 FEET;
THENCE S 44°37'22" W, A DISTANCE OF 21.18 FEET TO THE POINT OF BEGINNING.

CONTAINING 12,046,321 SQUARE FEET, OR 276.545 ACRES, MORE OR LESS.

SHEET 3 OF 6
EXISTING CONDITIONS



PLANNER:	DEVELOPER:	ENGINEER:
VOGLER & ASSOCIATES Crestview 400 West 400 W. 12th Avenue, Suite 10 Denver, Colorado 80202-6808 (303) 893-1000	DEA TECH CENTER, LLC Management: C. M. Thompson Group, LLC Contact: Chris Thompson 3775 Steele Creek, Lakewood, CO 80225 (303) 251-3400	CORE CONSULTANTS, INC. Contact: David Forster 1180 West 12th Avenue, Suite 130 Lakewood, Colorado 80120 (303) 796-0400



AUGUST 9, 2011
REVISED:
SEPTEMBER 16, 2011
OCTOBER 24, 2011
DECEMBER 27, 2011
NOVEMBER 5, 2015
FEBRUARY 24, 2016
OCTOBER 4, 2016
FEBRUARY 7, 2017
OCTOBER 30, 2020