



November 13, 2020

City of Commerce City
Community Development
7887 E. 60th Ave.
Commerce City, CO 80022

RE: *Project Narrative: 9940 Havana Street (100th & Havana) Zone Change*

The project is located on the east side of Havana Street and north of the CAST Transportation development within Lot 4 of the Cast Transportation Subdivision. More specifically, the site is located in Adams County Parcel No. 0172114012004 at 9940 Havana Street, Commerce City, CO (the "Site"). The O'Brien Canal bisects a portion of the property on the north side. This portion of the property will be referred to as Tract A, refer to Appendix D for the Rezoning Map.

The Project Site consists of a 28.47-acre vacant site. The proposed development is for three industrial distribution buildings totaling approximate 302,500 SF. Truck and employee parking, landscaping and associated infrastructure are part of the project. No development is proposed on Tract A.

The property is currently zoned I-2 with conditions within the CAST Transportation Development and is requesting to be rezoned to I-2 without conditions. This project is also requesting to rezone Tract A to Public Zone District. Based on a pre-application meeting with City Staff on August 27, 2019 and follow up discussions, City staff are supportive of this rezoning request.

CAST TRANSPORTATION ZONING CONDITIONS

Per the CAST Transportation Site Plan dated June 30, 1995, prepared by Jehn & Associates, Inc., Lot 4 is Zone I-2 with conditions. Included in the conditions are the following:

Section D: Site Design Criteria and Regulations

- a) All planning and zoning regulations (except landscaping) of the City of Commerce City effective June 15, 1995 shall apply to this request if the issues in such regulations are not specifically addressed in this request. The specific provisions herein shall supersede City regulations with respect to the issues of this zoning request.
- f) Lot 3 & 4 shall require a development plan be submitted and approved by the City Council before any development may occur on the lot.

Section I: Open Space Landscaping

- e) A detailed landscape plan for each lot shall be created and approved by the Department of Community Development before any use or development shall occur.

The allowable Uses By Right for Lot 4 include:

- 1) All uses by right in the I-1 district

- 2) General offices
- 3) The manufacture, assembly and/or production of components and parts for:
 - a. Electronics
 - b. Instruments
 - c. Optics
 - d. Watches
 - e. Computers
- 4) Machinery sales, excluding truck trailers and heavy equipment 1.5 tons and above in size.
- 5) The repair, rental and service of any commodity, except heavy equipment (1.5 tons and above in size).
- 6) Transportation terminals for freight. Truck repair allowed as an accessory use only.
- 7) Outdoor storage, temporary storage or transfer of the following materials may be permitted on site. Stored materials must be in the designated area. Temporarily stored materials must be covered or in containers.
 - a. Cement
 - b. Concrete products
 - c. Fertilizer (chemical or organic) and raw materials for manufacture.
 - d. Fiberglass
 - e. Insulation materials
 - f. Gypsum
 - g. Paints and like products
 - h. Paper and pulp cellulose
 - i. Construction materials and equipment
 - j. Petroleum and petroleum products per the requirements of Article XIV section 21-271(B) of the Zoning Ordinance
 - k. Plastics other an extrusion
 - l. All industrial uses in this development must meet the performance standards of the Section 21-271 of the Zoning Ordinance.
 - m. No uses or improvements which consistently produce obnoxious noise, order or glare visible from outside any lot shall be allowed.
 - n. Raw materials used in manufacture of commercial, industrial and retail commodities.
 - o. Manufactured consumer goods and/or components thereof.

Please refer to the CAST Transportation Site Plan included in Appendix A of this report.

PROPOSED CONDITIONS

As part of this zone change request, this project proposes to rezone to a straight I-2 zoning without conditions and rezone Tract A to Public zoning. Refer to Appendix B for zone district I-2 and Public Zone District standards and allowable uses.

Per the City of Commerce City, "The purpose of the medium intensity district (I-2 district) is to provide for a district in which light and medium industrial and similar uses may be operated. Medium-intensity industry consists of any industrial or manufacturing operation subject to acceptable safeguards to control potential nuisances and hazardous effects both on and off the premises." For Public Zone

Districts, “The purpose of the public zone district (Public district) is to protect established public lands and to provide an area in the city for location of parks, public open space, government buildings and facilities, schools and school grounds, and quasi-public buildings and facilities.”

This zone change request will remove the requirements previously outlined in Section D (a) and D (f), and Section I (e), mentioned in the preceding section.

The current I-2 zoning does not allow for the following uses which are allowed under the CAST Transportation I-2 with conditions zoning:

- The parking and storage of toxic or hazardous material
- The manufacturing, processing, use, sale, or storage of any flammable, corrosive, explosive or toxic substance.
- Above-ground storage tanks greater than 48,000 gallons
- Material piles greater than 8 feet in height

As previously mentioned, no development is planned for Tract A as part of this project.

The proposed zone change removes unnecessary steps in the development review process as well as removes unfavorable allowable uses. This zone change will bring the design standards up to current City of Commerce City code per the latest version of the Land Development Code.

The following sections address how the proposed zone change is consistent with the City's requirements for zone change approval.

CONSISTENCY WITH THE COMPREHENSIVE PLAN

As indicated in the City of Commerce City's Comprehensive Plan Figure 3.2, dated 9/27/2010, the Future Land Use for this site is Industrial/Distribution. Tract A is indicated as Open Space. Refer to Figure 3.2 in Appendix C of this report. This aligns with the proposed use for this project, industrial/distribution. Per the City of Commerce City's Land Development Code, Warehousing & Distribution is an “Allowed By Right” use within Zone I-2.

As part of this project, no development is proposed on Tract A. By rezoning Tract A to Public Zone District, this is consistent with the Comprehensive Plan's Future Land Use for this area, which is indicated as Park space.

COMPATABILITY WITH SURROUNDING LAND USES

The requested rezone to I-2 and Public is compatible with surrounding land uses. Below is a partial list of the surrounding developments and their uses.

South (CAST Transportation Subdivision):

- Jeh/Eagle Supply - outdoor storage facility
- CAST Transportation - trucking and hauling facility

Southwest (Mountain View Industrial Park):

- Denver Machine Shop – machine shop
- TMT Cutters Inc. – asphalt/concrete removal contractor
- Peterson Fluid Systems – machine part distributor/retailer

West:

- O'Brian Canal – FRICO irrigation canal
- Vacant Land – Currently zoned I-3 and Comprehensive Plan denotes this area as “General Industrial”

Northwest (Kushniroff Resubdivision No. 5 PUD):

- McKinney Trailer Rentals - outdoor trailer storage/rental facility
- Saia LTL Freight - distribution center
- Midwest Motor Express – distribution/hauling center
- Reddaway – distribution/hauling center
- General Building Materials, Inc – distribution facility
- Prime Self Storage – outdoor storage facility

North:

- O'Brian Canal – FRICO irrigation canal
- First Creek Dog Park
- Single family residential development – Currently zoned AG and Comprehensive Plan denotes this area as “Industrial/Distribution”

Northeast:

- HWY 2
- Vacant Land – Currently zoned I-2 and Comprehensive Plan denotes this area as “Industrial/Distribution”

East (Eagle Creek Filing 2 PUD):

- Vacant Land – Comprehensive Plan denotes this area as “Open Space”
- HWY 2

Southeast (Eagle Creek Filing 2 PUD):

- HWY 2
- Eagle Creek Subdivision – residential subdivision on east side of HWY 2

IMPACT TO PUBLIC SERVICES

The proposed rezoning does not negatively impact public services, including but not limited to: water, sewer, streets and drainage.

- Water and sewer are provided along Havana Street and are maintained by South Adams County Water and Sanitation District (SACWSD). The proposed industrial/distribution use is typically a low volume water consumer.
- Havana Street is maintained by the City of Commerce City. As part of this project, the eastern half of the ultimate section of Havana Street will be constructed, thus improving the capacity of Havana Street.
- Historic drainage patterns will be maintained as part of this development so that there is no negative impact to the downstream system.

IMPACT TO PUBLIC USES

The proposed rezoning does not negatively impact public uses, including but not limited to, parks, schools and open space. By rezoning Tract A to Public, this may enhance the existing First Creek Dog Park immediately adjacent.

Based on the CAST Transportation Zoning Conditions, Lot 4 was not intended to be used for parks, schools or open space. Per the current Comprehensive Plan, parks, schools and/or open space are also not intended uses. This project proposes to construct a detached sidewalk along the Havana Street frontage which will provide a safer and more pedestrian friendly route for people to use in order to access nearby First Creek Dog Park. Industrial/distribution developments do not create an increased demand for schools.

COMMUNITY COMPATABILITY

As previously mentioned, the proposed zone change is compatible with the surrounding land uses as well as the Future Land Uses per the Comprehensive Plan. The zone change benefits the community by removing the undesirable uses from the CAST Transportation Zoning conditions. The proposed I-2 zoning district allows for wide range of uses enabling for a mix of development types in the immediate and surrounding area. As previously indicated, Tract A is immediately adjacent to the First Creek Dog Park and by rezoning to Public, this is compatible with the surrounding community.

PUBLIC INTEREST TO ALLOW ZONE CHANGE

Commerce City is a rapidly growing and developing area. It is in the public's interest to remove the undesirable allowable uses from the CAST Transportation Zoning conditions. The proposed zone change simplifies the development process and provides for a better development for the City. While removing the undesirable allowed uses, the proposed zone change still aligns with the current surrounding land uses as well as the Comprehensive Plan and Future Land Use. Rezoning Tract A to Public also aligns with the Comprehensive Plan and Future Land Use.

CONCLUSION

As discussed in the previous section, the proposed zone change for Lot 4 of the CAST Transportation Subdivision from I-2 zoning with conditions zoning to I-2 zoning without conditions and Tract A to Public zoning is consistent with the Comprehensive Plan, is compatible with surrounding land uses, does not negatively impact public services or public uses, is compatible with community and is in the public's interest. The proposed zone change is also in City's interest as it removes cumbersome development restrictions, removed undesirable uses and aligns the development standards to the current code.

With Kimley-Horn, you should expect more and will experience better. Please contact me at (303) 974-3625 or brad.cooney@kimley-horn.com should you have any questions.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.

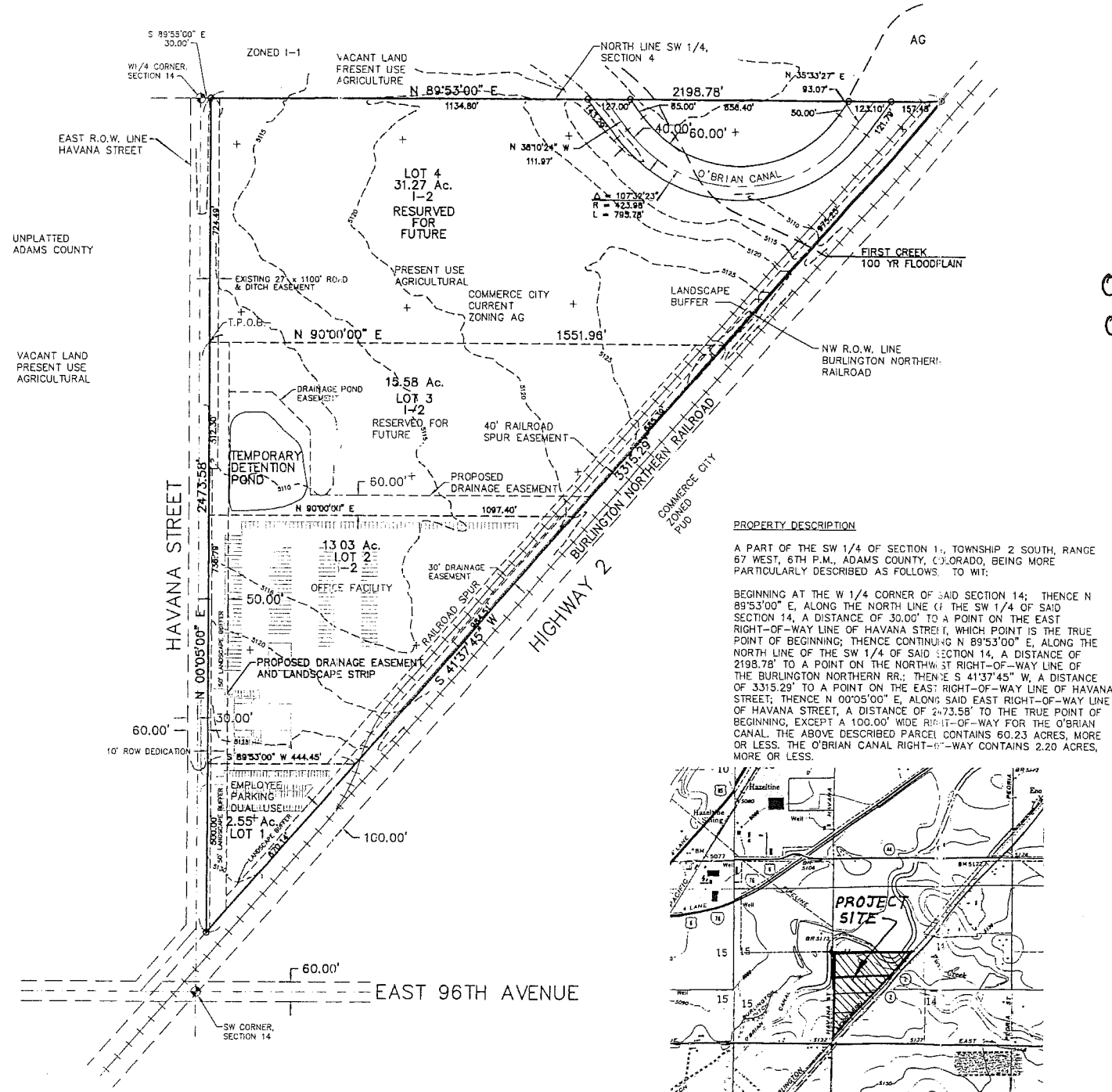
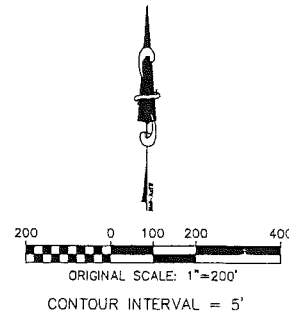
A handwritten signature in black ink, appearing to read 'Brad Cooney', with a stylized flourish at the end.

Brad Cooney, PE

APPENDIX A

CAST TRANSPORTATION ZONING CONDITIONS

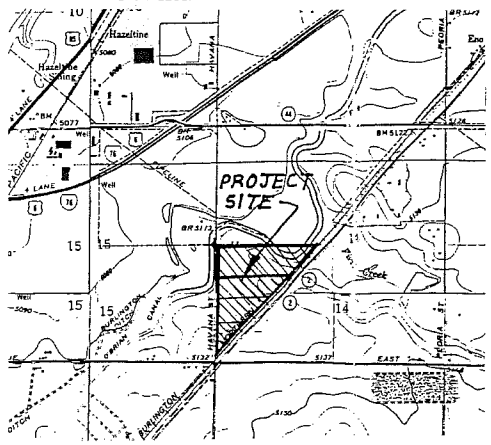
CAST TRANSPORTATION SITE PLAN



PROPERTY DESCRIPTION

A PART OF THE SW 1/4 OF SECTION 14, TOWNSHIP 2 SOUTH, RANGE 67 WEST, 6TH P.M., ADAMS COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: TO WIT:

BEGINNING AT THE W 1/4 CORNER OF SAID SECTION 14; THENCE N 89°53'00" E, ALONG THE NORTH LINE OF THE SW 1/4 OF SAID SECTION 14, A DISTANCE OF 30.00' TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF HAVANA STREET, WHICH POINT IS THE TRUE POINT OF BEGINNING; THENCE CONTINUING N 89°53'00" E, ALONG THE NORTH LINE OF THE SW 1/4 OF SAID SECTION 14, A DISTANCE OF 2198.78' TO A POINT ON THE NORTH-TO-RIGHT-OF-WAY LINE OF THE BURLINGTON NORTHERN RR; THENCE S 41°37'45" W, A DISTANCE OF 3315.29' TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF HAVANA STREET; THENCE N 00°05'00" E, ALONG SAID EAST RIGHT-OF-WAY LINE OF HAVANA STREET, A DISTANCE OF 2473.58' TO THE TRUE POINT OF BEGINNING, EXCEPT A 100.00' WIDE RIGHT-OF-WAY FOR THE O'BRIAN CANAL. THE ABOVE DESCRIBED PARCEL CONTAINS 60.23 ACRES, MORE OR LESS. THE O'BRIAN CANAL RIGHT-OF-WAY CONTAINS 2.20 ACRES, MORE OR LESS.



- A) EXISTING/PROPOSED LAND USES:**
- 1.) **Proposed Use:** Proposed use is a roll served truck transport facility with an office, shop, truck parking, off loading, and storage facility. Temporary parking for employees will take place on the commercial site.
- B. USES BY RIGHT ON LOT 2, 3 & 4:**
- (1) All uses by right in the I-1 district.
 - (2) General offices.
 - (3) The manufacture, assembly and/or production of components and parts for:
 - a. Electronics.
 - b. Instruments.
 - c. Optics.
 - d. Watches.
 - e. Computers.
 - (4) Machinery sales, excluding truck trailers and heavy equipment 1.5 tons and above in size.
 - (5) The repair, rental and service of any commodity, except heavy equipment. (1.5 tons and above in size).
 - (6) Transportation terminals for freight. Truck repair allowed as an accessory use only.
 - (7) Outdoor storage, temporary storage or transfer of the following materials may be permitted on site. Stored materials must be in the designated area. Temporarily stored materials must be covered or in containers.
 - a. Cement.
 - b. Concrete products.
 - c. Fertilizer (chemical or organic) & raw materials for manufacture.
 - d. Fiberglass.
 - e. Insulation materials.
 - f. Gypsum.
 - g. Paints and like products.
 - h. Paper pulp and cellulose
 - (8) Construction materials & equipment
 - (9) Petroleum and petroleum products, per the requirements of Article XIV section 21-271(f) of the Zoning Ordinance.
 - (10) Plastics other than extrusion.
- C. USES BY RIGHT ON LOT 1:**
- (1) All industrial uses in this development must meet the performance standards of the section 21-271 of the zoning ordinance.
 - (2) No uses or improvements which constantly produce obnoxious noise, odor or glare visible from outside any lot shall be allowed.
 - (3) Raw materials used in manufacture of commercial, industrial & retail commodities.
 - (4) Manufactured consumer goods and/or components thereof.

EXCLUSION

- (1) Outside storage of sand, gravel and bulk products.
 - (2) The manufacturing, processing, use, sale or long-term storage of any highly flammable, corrosive, or explosive liquids class A & B, solids or gases, or highly toxic substances. In interpreting this restriction, the Uniform Building Code (UBC) and Uniform Fire Code (UFC) shall be consulted. If, upon such consultation of said codes, the intensity of use or the duration of storage exceeds the occupancy standards as set forth in the UBC and/or UFC, the use shall be excluded.
- C. USES BY RIGHT ON LOT 1:**
- (1) All uses by right in C-1 & C-2 districts provided such uses comply with the respective parking and open space requirements of the C-1 & C-2 district.
 - (2) Banks and financial institutions.
 - (3) Department stores.
 - (4) Eating and drinking restaurants, including drive-thru types.
 - (5) Liquor stores.
 - (6) Convenience stores.
 - (7) Theaters, not including "drive-in" (see permitted uses).
 - (8) Hotel and motels.
 - (9) Parking lot.
- D. Site Design Criteria and Regulations:**
- a.) All planning and zoning regulations (except landscaping) of the City of Commerce City effective June 15, 1995 shall apply to this request if the issues in such regulations are not specifically addressed in this request. The specific provisions herein shall supersede City regulations with respect to the issues of this zoning request.
 - b.) All fences located on the periphery of lot 1 & 2 of this project shall be chain link. Such fences shall be required as part of the application for a building permit. Fencing adjacent to Havana Street on Lot 1 may be chain link up to 6 feet, when the use is a parking lot.
 - c.) Fences shall have a maximum height of 8 feet in side and rear setbacks and 72 inches in front setbacks for Lots 2 & 3. When developed as a commercial site, fencing shall not exceed 42" in height along Havana Street. Fence details shall be submitted to the Planning Dept. for approval.
 - d.) Any and all storage or truck or equipment parking areas facing any street, or visible from any street, shall be screened by a berm or landscaping, or a combination thereof.
 - e.) Trees used as part of screening for storage shall be 50% spruce or pine trees.
 - f.) Only earth tone colors, whites, blacks and shades of moderate blues, greens and grays may be used as primary building colors.
 - g.) Lot 3 & 4 shall require a development plan be submitted and approved by the city council before any development may occur on the lot.
- h.)** Any exterior portion of a building facing a street must have a minimum of 50% of its exterior front wall area be either brick, glass, aggregate, painted or stained wood, or some combination thereof.
- I.) Setback Standards**
- 1.) Building setbacks along Havana Street 50 feet minimum
 - 2.) Building Front setback along internal driveways 7 feet minimum
 - 3.) Building Side setback 12.5 feet minimum
 - 4.) Building Rear setback 10 feet minimum
 - 5.) Minimum distance between structures on adjoining lots 25 feet minimum
 - 6.) Maximum Height of structures Lot 2 50 feet maximum Lot 1 25 feet maximum
- J.) Maximum Building Coverage Ratio: 0.5**
(Floor Area to Land Area)
- k.) Off-Street Parking:**
- | Use | Spaces/1000 sq. ft. gross floor area |
|--|--------------------------------------|
| Light Industrial and warehouse | 2.0 |
| Manufacturing | 3.0 |
| Offices | 4.0 |
| Retail | 5.0 |
| Shut-Down Restaurant | 8.0 |
| Area or 1.3 space per each 3 seats, whichever creates the most parking | |
| Fast Food Restaurant | 12.0 |
| Area or 1.3 space per each 3 seats, whichever creates the most parking | |
- l.) Open Space Landscaping:**
- a.) A minimum of 10% of each building lot is to remain in open space.
 - b.) Open space area shall be landscaped and maintained by the lot owner.
 - c.) Landscaping shall be selected for adaptability to the Colorado climate and drought resistance. All grasses or sodded areas intended for use as "lawn" areas (as opposed to "natural" areas containing buffalo grass, or similar, in the drainage areas) shall be sprinkler irrigated. Xeriscape landscaping shall be acceptable, subject to approval of the Department of Community Development.
 - d.) There shall be a landscaped buffer strip, to contain berms, fencing and/or trees. The strip shall be 50' wide along Havana Street for lots 1,2,3,4. A 25' wide strip along Havana Street shall be required for lot 4. A landscape buffer up to 25' in width, as governed by topographic conditions, shall be installed along the entire East property line of lots 1,2,3,4. The exact width and planting shall be determined with each site development plan.
 - e.) A detailed landscape plan for each lot shall be created and approved by the department of community development before any use or development shall occur.

5146P003
478-95-140

OWNER
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7 DUNLAP COURT
SAVOY, ILLINOIS 61874

OWNER UNDER CONTRACT
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889 CHESTNUT TRAIL
GREENWOOD VILLAGE, CO.
PHONE: (303) 892-1111

DEVELOPER
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1960 51st STREET
DENVER, CO 80216
ATTN: MR. GARY KYLE
PHONE: (303) 534-8376
FAX: (303) 534-3218

LAND SURVEYOR & ENGINEER
JEHN & ASSOCIATES
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ARVADA, CO 80216
ATTN: MR. BRYAN SMITH
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ARCHITECT
DOB CONSTRUCTION COMPANY, INC.
909 EAST SIXTY-SECOND AVENUE
DENVER, CO 80216
ATTN: MR. CHRIS GREENWALD
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FAX: (303) 287-3697

JUNE 30, 1995

Jehn & Associates, Inc.
PROFESSIONAL ENGINEERS AND SURVEYORS

5695 YUKON STREET, SUITE C
ARVADA, COLORADO 80002
PHONE (303) 423-8036 FAX (303) 467-9438



APPENDIX B

ZONE DISTRICT I-2 AND PUBLIC STANDARDS AND ALLOWABLE USES

BULK STANDARD	REQUIREMENT
Building separation	N/A

Table amended by Ord. 1887, July 2012

Table amended by Ord. 1938, January 2013

Sec. 21-4350. I-2 Medium-Intensity Industrial District

- (1) **Purpose and Intent.** The purpose of the medium intensity industrial district (I-2 district) is to provide for a district in which light and medium industrial and similar uses may be operated. Medium-intensity industry consists of any industrial or manufacturing operation subject to acceptable safeguards to control potential nuisances and hazardous effects both on and off of the premises.
- (2) **Standards.** It shall be unlawful for any person to build, own, or occupy any structure within an I-2 district that deviates from the standards set forth in the following table unless a variance or minor modification has been granted in accordance with the provisions of this land development code.

Table IV-14. I-2 Medium-Intensity Industrial District Standards

BULK STANDARDS	REQUIREMENT
Minimum gross floor area	N/A
Minimum density	N/A
Maximum density	N/A
Minimum floor area ratio	0.05
Maximum floor area ratio	N/A
Minimum lot area	50,000-square feet
Maximum lot area	N/A
Minimum lot frontage	80 feet
Minimum front yard setback	20 feet
Maximum front yard setback	100 feet
Minimum side yard setback (interior lot)	20 feet
Maximum side yard setback (interior lot)	N/A
Minimum side yard setback (corner lot)	20 feet
Maximum side yard setback (corner lot)	N/A
Minimum side yard setback (corner lot) collector or arterial	20 feet
Maximum side yard setback (corner lot) collector or arterial	150 feet
Minimum rear yard setback	25 feet
Minimum building height	15 feet
Maximum building height	50 feet
Minimum open space	N/A

BULK STANDARDS	REQUIREMENT
Building location	No building shall be located less than 50 feet from the boundary of any residential zone district
Building separation	N/A

Table amended by Ord. 1887, July 2012

Table amended by Ord. 1938, January 2013

Sec. 21-4355. I-3 Heavy-Intensity Industrial District

- (1) **Purpose and Intent.** The purpose of the heavy intensity industrial district (I-3 district) is to provide a district designed to accommodate normal operation of almost all industries, subject to those regulations necessary for the protection of nearby property owners in the lawful use of their respective properties.
- (2) **Standards.** It shall be unlawful for any person to build, own, or occupy any structure within an I-3 district that deviates from the standards set forth in the following table unless a variance or minor modification has been granted in accordance with the provisions of this land development code.

Table IV-15. I-3 Heavy-Intensity Industrial District Standards

BULK STANDARD	REQUIREMENT
Minimum gross floor area	N/A
Minimum density	N/A
Maximum density	N/A
Minimum floor area ratio	0.05
Maximum floor area ratio	N/A
Minimum lot area	50,000-square feet
Maximum lot area	N/A
Minimum lot frontage	80 feet
Minimum front yard setback	20 feet
Maximum front yard setback	100 feet
Minimum side yard setback (interior lot)	25 feet
Maximum side yard setback (interior lot)	N/A
Minimum side yard setback (corner lot)	25 feet
Maximum side yard setback (corner lot)	N/A
Minimum side yard setback (corner lot) collector or arterial	25 feet
Maximum side yard setback (corner lot) collector or arterial	150 feet
Minimum rear yard setback	25 feet
Minimum building height	15 feet

BULK STANDARD	REQUIREMENT
Minimum side yard setback (interior lot)	10 feet
Maximum side yard setback (interior lot)	N/A
Minimum side yard setback (corner lot)	30 feet
Maximum side yard setback (corner lot)	N/A
Minimum side yard setback (corner lot) collector or arterial	30 feet
Minimum rear yard setback	30 feet
Minimum building height	10 feet.
Maximum building height	35 feet
Minimum open space	50 percent of gross lot area. Open space may include corrals, riding rings, pasture area, farming area, or landscaped areas.
Building location	N/A
Building separation	N/A

Sec. 21-4365. PUBLIC Public Zone District

- (1) **Purpose and Intent.** The purpose of the public zone district (Public district) is to protect established public lands and to provide an area in the city for location of parks, public open space, government buildings and facilities, schools and school grounds, and quasi-public buildings and facilities.
- (2) **Standards.** It shall be unlawful for any person to build, own, or occupy any structure within a public zone district that deviates from the standards set forth in the following table unless a variance or minor modification has been granted in accordance with the provisions of this land development code.

Table IV-17. PUBLIC District Standards

BULK STANDARD	REQUIREMENT
Minimum gross floor area	N/A
Minimum density	N/A
Maximum density	N/A
Minimum floor area ratio	N/A
Maximum floor area ratio	N/A
Minimum lot area	20,000-square feet
Minimum lot frontage	70 feet
Minimum front yard setback	20 feet

BULK STANDARD	REQUIREMENT
Maximum front yard setback	N/A
Minimum side yard setback (interior lot)	5 feet on either side with a minimum of 30 feet total for both setbacks
Maximum side yard setback (interior lot)	N/A
Minimum side yard setback (corner lot)	15 feet
Maximum side yard setback (corner lot)	N/A
Minimum side yard setback (corner lot) collector or arterial	20 feet
Maximum side yard setback (corner lot) collector or arterial	150 feet
Minimum rear yard setback	20 feet
Minimum building height.	N/A
Maximum building height	50 feet
Minimum open space	N/A
Building location	N/A
Building separation	N/A

Sec. 21-4370. PUD Planned Unit Development District

- (1) **Purpose and Intent.** The purpose of the planned unit development district (PUD district) is to allow projects of innovative design and layout that would not otherwise be permitted under this land development code because of the strict application of zoning district or general development standards. Typically, the PUD consists of a combination of land uses that provides a higher level of standards through innovative land planning and site design concepts. The PUD district shall not be used merely as a mechanism to avoid the application of the requirements of other zone districts. The PUD district is further intended to:
- (a) Promote more economical and efficient use of land while providing a harmonious grouping of a variety of land uses;
 - (b) Promote innovative design of residential areas and allow for greater densities when additional site amenities are included in the development.
 - (c) Create physical connections between existing and proposed developments in order to achieve an integrated community with common open space, transportation, transit, and public service networks; and

USES ALLOWED BY ZONING DISTRICT																		
R = ALLOWED BY RIGHT P = USE BY PERMIT C = CONDITIONAL USE OG = OIL & GAS PERMIT BLANK CELL = EXCLUDED																		
USE CLASSIFICATION	SPECIFIC USE TYPE	NAICS CODE	R-1	R-2	R-3	R-4	MHP	C-1	C-2	C-3	MU-1	I-1	I-1S	I-2	I-3	AG	PUBLIC	ADDITIONAL REGULATIONS
Vehicle/Equipment Sales and Services	Automobile rentals									R		R		R				21-5272
	Automobile washing facility								R	R		R		R				21-5218
	Limited moving truck (< 30 feet)/equipment self-rental facilities									P		R		R	R			21-5272
	Major equipment repair											R		R	R			
	Mobile home dealer/sales													R	R			
	Motor vehicle dealer/sales, new and used automobiles < 3 acres									R		R						21-5272
	Motor vehicle dealer/sales, new and used automobiles > 3 acres									C		C						21-5272
	Motor vehicle dealer/sales, new and used RV's, trailers, and campers)											R		R	R			21-5272
	Tire shop									R		R		R	R			21-5271
	Towing Services with Impound Yard													R	R			21-5241
	Towing Services without Impound Yard											R		R	R			21-5241
	Vehicle repair, major (includes auto body repair, paint shops, and incidental sales of parts)											R		R	R			21-5271
	Vehicle repair, minor									P	R		R		R	R		21-5271
	Vehicle storage (inoperable vehicles)															C		
Vehicle storage (operable vehicles only)														R	R			
Visitor Accommodations	Bed and breakfast establishments			P	P	P	P		R								R	
	Hotel or motel lodging establishments									P	R	R	R					21-5248
	Overnight campground																P	P
OFFICE FLEX																		
Office Flex	Office flex											R		R	R			21-5251
INDUSTRIAL USES																		
Auction House or Yard	Auction house (inside)	453998										C	R	C	C			
	Auction house or yard (outside)	453998												C	C			
Artisan/Handcrafted Manufacturing	Artisan/handcrafted manufacturing							R	R	R	R	R	R	R	R		R	
Contractor Operations	Building, developing, general contracting	236										R	R	R	R			
	Construction Crane Uses														R			
	Contractor's shop and storage yard	236-238										*	*	R	R			21-5254
	Contractor - landscaping	561730												R	R	R		
	Heavy construction equipment (new/used sales and storage)	237												R	R			
	Special trade contractors	238											R	R	R	R		
Manufacturing, Chemical	Basic chemical manufacturing	3251												C	R			
	Explosives, including ammunition and fireworks	32592													C			21-5239
	Fertilizer manufacture, organic or nonorganic, and pesticides	32531													C	C		
	Fiberglass manufacturing	327993												R	R			
	Glue, gelatin (animal), or caulking compound manufacturing	32552													C			
	Hazardous Materials														C			21-5120 / 21-5239
	Industrial launderers/dry cleaning plants	812332													C			
	Insecticides, fungicides, disinfectants, and related industrial and household chemical compounds (blending only)	3253													C			
	Nitrate manufacturing	32592													C			
	Paint, coating, and adhesive product manufacturing	3255													R			
	Pharmaceutical and medical product manufacturing	3254												R	R			
	Plastic product manufacturing, including extrusion of plastic	3261												R	R			
	Resin, synthetic rubber, artificial and synthetic fibers/fill manufacturing	3252													R	R		
	Rubber product manufacturing	3262												R	R			
	Soaps, cleaner and toilet preparation manufacturing	3259												R	R			
	Tire manufacturing	32621													C			

USES ALLOWED BY ZONING DISTRICT																		
R = ALLOWED BY RIGHT P = USE BY PERMIT C = CONDITIONAL USE OG = OIL & GAS PERMIT BLANK CELL = EXCLUDED																		
USE CLASSIFICATION	SPECIFIC USE TYPE	NAICS CODE	R-1	R-2	R-3	R-4	MHP	C-1	C-2	C-3	MU-1	I-1	I-1S	I-2	I-3	AG	PUBLIC	ADDITIONAL REGULATIONS
Manufacturing, Food	Animal food manufacturing	311119														C		
	Bakeries, pasta and tortilla manufacturing	3118										R	R	R	R			
	Beverage manufacturing	3121										R	R	R	R			
	Brewery											P	R	R	R			21-5214
	Bulk grain transfer														P	P		21-5223
	Dairy product manufacturing	3115										R	R	R	R			
	Distillery											P	R	R	R			21-5214
	Fruit and vegetable preserving, and specialty food manufacturing	3114										R	R	R	R			
	Grain and oilseed milling, including grain elevator	3112														R	R	
	Meat products, including slaughtering	31161														C		
	Meat products, packing & processing (no slaughtering)	311612										R	R	R	R			
	Microbrewery								P	R	R	R	R	P				21-5214
	Micro-winery							R	R	R	R	R	R					21-5214
	Rendering and meat byproduct processing	311613														C		
	Other food manufacturing	311999										R	R	R	R			
	Poultry packing & slaughtering	311615														C		
Sugar and confectionary product manufacturing	3113														C			
Tobacco manufacturing	3122														C			
Winery								P	R	R	R	R	P				21-5214	
Manufacturing, Machinery	Aerospace product and parts manufacturing	3364												R	R			
	Commercial and service industry machinery manufacturing	3333										R	R	R	R			
	Computer and electronic product manufacturing	334										R	R	R	R			
	Electrical equipment, appliance and component manufacturing	335										R	R	R	R			
	Furniture and related product manufacturing	337										R	R	R	R			
	HVAC and commercial refrigeration equipment manufacturing	3334												R	R			
	Metalworking machinery	3335										R	R	R	R			
	Miscellaneous manufacturing	339										R	R	R	R			
	Motor vehicle and transportation manufacturing	3361													R	R		
	Power distribution and speciality transformer	335311														C		
	Relay and industrial control manufacturing	335314														C		
	Ship and boat building/repair	33661													R	R		
	Signs manufacturing	339950													R	R		
	Switchgear and switchboard apparatus	335313														C		

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Manufacturing, Metal	Alumina refining and production	33131													C			
	Architectural metals manufacturing	3323												R	R			
	Boiler, tank and shipping container manufacturing	3324													R			
	Coating/engraving/heat treating processes	3328													R			
	Cutlery and handtool manufacturing	3322										R	R	R	R			
	Electrometallurgical manufacturing	33111													R			
	Electroplating, Plating, Polishing, Anodizing, and Coloring (Sandblasting)	332813												R	R			
	Fabricated metal product manufacturing	332													R			
	Ferroalloy product manufacturing	331112													C			
	Foundries	3315													C			
	Forging and stamping	3321													R	R		
	Hardware manufacturing	3325										R	R	R	R			
	Machinery shops; turn products; screw, nut, and bolt manufacturing	3327										R	R	R	R			
	Metal and metal ores, reduction, refining, smelting, and alloying	33131 / 33141													C			
	Metal Coating, Engraving (including Galvanizing and Powdercoating)	332812													R			
	Other fabricated metal product manufacturing	33299													R			
	Primary metal manufacturing	331													C			
	Spring and wire product manufacturing	3326													R	R		
	Steel and iron works and rolling mills (ferrous)	33111													C			
	Steel product manufacturing	3312													C			
Manufacturing, Non-metallic Mineral	Brick, firebrick refractories and clay products	32712													R			
	Concrete/cement batching plant (ready-mix)	3273													C			
	Concrete product manufacturing														R			
	Construction/building, masonry/veneer/block,														R			
	Fly ash storage/distribution													P	P			
	Nonmetallic mineral product manufacturing	3271													R	R		
	Monument or gravestone processing and shaping, including sales	327991													R	R		
	Stucco manufacturing	327999													R			
Manufacturing, Oil and Gas	Asphalt batch plant	324121													C			
	Petroleum and coal products manufacturing	324													C			
	Petroleum product containment (including asphaltic oil)														C			
	Refining operations including bio-diesel														C			
	Support activities for oil and gas operations (pipelines, etc.)	213112	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Manufacturing, Textile	Apparel manufacturing	31521										R	R	R	R			
	Fabric mills	3132													R	R		
	Leather and allied product manufacturing	316													C			
	Leather and hide tanning and finishing	3161													C			
	Textile/fabric finishing/fabric coating mills	3132													C			
	Textile products mills	314												R	R			

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Manufacturing, Wood Product	Basket and hamper (wood, reed, rattan, etc.) manufacturing	32192										R	R	R	R			
	Box and crate manufacturing	32192										R	R	R	R			
	Pulp good, pressed or molded (including paper mache products)	32229												R	R			
	Veneer, plywood, and engineered wood product manufacturing	3212													C			
	Wood preservation	321114												C	C			
	Wood product manufacturing	3212- 3219										R	R	R	R			
	Wood pulp or fiber; reduction or processing	3212													R			
	Wood pulp, paper, and paperboard mills	3221													C			
Marijuana Uses	Medical marijuana center									R		R	R	R	R			21-5249
	Medical marijuana infused product manufacturer											R	R	R	R			21-5249
	Optional premises cultivation operation											R	R	R	R			21-5249
	Primary caregiver											R	R	R	R			21-5249
	Retail marijuana cultivation facility											R	R	R	R			21-5249
	Retail marijuana product manufacturing facility											R	R	R	R			21-5249
	Retail marijuana store									R		R	R	R	R			21-5249
	Retail marijuana testing facility											R	R	R	R			21-5249
Motion Picture and Video Industry	Motion picture and video industry	51211								R	P	R	R	R	R			
Outdoor Storage	Above-ground storage tanks < 48,000 gallons											R		R	R		R	21-5212
	Above-ground storage tanks > 48,000 gallons														C		R	21-5212
	Above-ground storage tanks of propane < 10,000 cubic feet capacity		R	R	R	R	R	R	R	R	R	R			R	R	R	
	Material piles > 8 feet in height													C	C			21-5254
	Modular nonresidential unit (sales, rental, or service)													R	R			21-5254
	Outdoor storage of vehicles (RVs, boats, or buses)													R				21-5254
	Outdoor storage											*		R				21-5254
Printing and Publishing	Printing and related support activities	3231										R	R	R	R			
	Publishing industry	511										R	R	R	R			
Railroad Services	Railroad spur														C	C		
	Rail transportation and support facilities including rail yard	482 & 4882													C	C		
Research and Development Services	Scientific R & D services	5417										R	R	R	R			
	Solar panel array, production and distribution															R		
	Testing laboratories, non-medical	54138										R	R	R	R			
	Testing of jet engines or rockets	54138														C		
	Trade and technical uses											R	R	R	R			

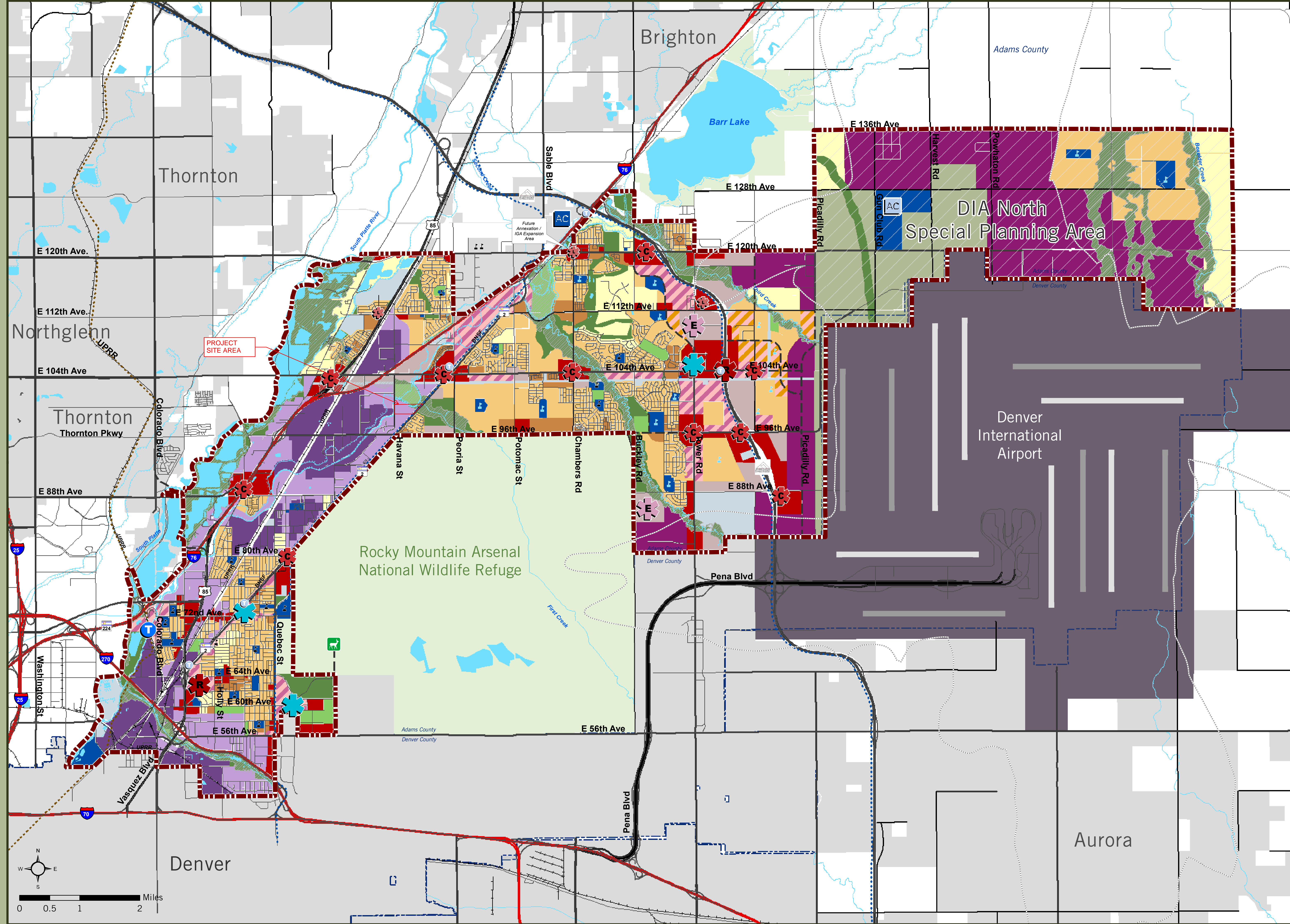
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Resource Extraction	Borrow pit	212319													C	C		21-5222
	Construction sand and gravel mining	21232													C	C		
	Minerals and earths: quarrying, extracting, grinding, mining, crushing, and processing	212													C	C		
	Ore dumps and elevators	212													C	C		
	Subsurface extraction (including oil and natural gas extraction)	211-213	OG	OG	OG	OG	OG	OG	OG	OG	OG	OG	OG	OG	OG	OG	OG	
Toxic / Hazardous Uses	The parking and storage of toxic or hazardous material														C			21-5239
	The manufacturing, processing, use, sale, or storage of any flammable, corrosive, explosive, or toxic substance														C			21-5239
Truck / Transportation Services	Private Bus Station with repair											P	P	R				
	Private Bus Station without repair									P		R	C	R				
	Transportation terminal	488490										C		R	R			21-5270
	Transportation terminal where vehicles carry flammable, explosive, hazardous, or high toxic materials														C			21-5270
	Trailer sales and service limited to use for private passenger motor vehicles								R			R	R	R	R			21-5272
	Truck sales (non-trailer)											R	R	R	R			21-5272
	Truck stop (natural gas sales)	488490										C	C	C	C			21-5270
	Truck and/or truck trailer sales, repair, and/or maintenance (including oil, lube, and/or wash)	811111										*	*	R	R			21-5218
Warehousing & Distribution	Commercial indoor self-storage facility								R		R	R	R	R				21-5225
	Household moving center	4842										R	R	R	R			
	Motor freight transportation terminal and shipping, excluding couriers	4841										R	R	R	R			
	Mini-storage and warehouse with outdoor storage	531130													R	R		21-5250
	Mini-storage and warehouse without outdoor storage	531130										R	R	R	R			21-5250
	Produce storage and warehousing	49313										R	R	R	R			
	Retail sales in conjunction with warehouse establishment											R	R	R	R			
Warehousing and storage, general	4931										R	R	R	R				
Waste-Management and Remediation Services	Composting facilities (non-hazardous)	56221													C	C		
	Hazardous waste collection, treatment, and disposal	562211													C	C	C	21-5258
	Landfill, construction/demolition	562219													C	C	C	21-5244
	Landfill, solid waste	562212													C	C	C	21-5244
	Radioactive waste handling	562211													C			
	Recycling facilities/material resource recovery facility	56292													C		R	21-5256
	Scrap metal collection and transfer facility	56292													C			21-5258
	Solid waste combusters and incinerators	56221												C	R			
	Tire collection, reduction and transfer facility (including scrap tires)	56211													C			21-5260
	Refuse transfer facility and/or transfer facility														C			21-5258

USES ALLOWED BY ZONING DISTRICT																			
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USE CLASSIFICATION	SPECIFIC USE TYPE	NAICS CODE	R-1	R-2	R-3	R-4	MHP	C-1	C-2	C-3	MU-1	I-1	I-1S	I-2	I-3	AG	PUBLIC	ADDITIONAL REGULATIONS	
Wholesale Establishments (Including Accessory Offices)	Auto crushing															C			
	Auto dismantling, storage or used parts sales (inoperable vehicles)															C			
	Building materials, garden equipment, and supply dealers	4441										R	R	R	R				
	Food Production	4244										R	R	R	R				
	Grocery and related product wholesale	4244										R	R	R	R				
	Junkyards, open or enclosed															C			
	Machinery, equipment and supplies, wholesale	4234													R	R			
	Metal and mineral (except petroleum) wholesale	4235													R	R			
	Retail sales in conjunction with wholesaling								C			R	R	R	R				
	Salvage yard	493190															C		
	Warehousing and wholesaling establishments excluding explosives and live animals												R	R	R	R			
	Wholesale establishments incidental to other principal uses									C		R	R	R	R				
Wholesale houses and distributors (including warehouse clubs)	45291									R		R	R	R	R				
PUBLIC, INSTITUTIONAL & CIVIC USES																			
Airport/Heliport	Public or private airport or heliport											C		C	C	C	C		
Ambulance Service	Garage and office for ambulance service							R	R	R		R		R	R		R		
Arts and Cultural Uses	Arts and cultural uses							R	R	R	R	R		R	R		R		
Clubs and Lodges	Private lodge or club							P	R	R	R			R	R				
	Gun club (indoor)											R		R	R	R	R		
	Gun club (outdoor)																C	C	
Community Services	Events center < 15,000 sf								R	R		R		R	R				
	Events center > 15,000 sf									R		R		R	R				
Day Care Facilities, Adult or Child	Child care center		P	P	P	P	P	P	R	R	R	R	R				P	21-5224	
	Adult day care center		P	P	P	P	P	P	R	R	R	R	R				P		
	Family child care home		R	R	R	R	R	R	R									21-5224	
Golf Course	Golf course/driving range								C	C							P	R	
Hospitals	Hospital								C	R		R						R	
	Outpatient surgical centers								R	R		R						R	
Public Lands, Parks, and Buildings	Library				P	P		R	R	R	R	R						R	
	Public administrative office or service building							R	R	R	R	R		R	R			R	
	Public park or recreational facilities		R	R	R	R	R	R	R	R	R	R		R	R		R	R	
	Public stadium, arena, or auditorium																	R	
	Police or fire station																	R	
	Other public facility																	R	
Religious Institutions	Church or religious institution		P	P	P	P	P	P	R	R	R	R	R						
Educational Facilities	Elementary and secondary education schools		P	P	P	P	P	P	R	R	R	P	R				P	R	
	Private business, trade, and vocation schools		P	P	P	P	P	P	R	R	R	P	R		R		P	P	
	Post secondary colleges and universities								C	C	C	C						R	
	Schools of special instruction		P	P	P	P	P	P	R	R	R	P	R				P		
Transportation Facilities	Private automobile parking lots or parking garages as a principal use									C		C		C	C				
	Parking garage									R	R	R		R	R			R	
	Public parking lot																	R	
Utilities	Electric substation or gas regulator station							C	C	C		C		C	C	C	C	21-5234	
	Power plant																C		
	Public utility installation		C	C	C	C	C	C	C	C	C	C		C	C	C	C		
	Public utility office								R	R	R	R						R	
	Public utility storage yard														R	R			
	Water or wastewater treatment facility															C		C	
	Wind energy conversion systems (windmills)		P	P	P	P	P	P	P	P	P	P		P	P	P	P	21-5264	
Zoos, Arboretum, Botanical Gardens	Zoos, arboretum, botanical gardens									C						C	R		


APPENDIX C


COMPREHENSIVE PLAN AND FUTURE LAND USE


Future Land Use Plan




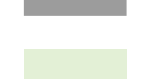
Legend


 IGA Growth Boundary


 County Boundary


 Denver International Airport


 DIA Noise Contours - 60 LDN


 Current Runway


 Future Runway


 National Wildlife Refuge, Barr Lake State Park


 Wildlife Refuge Visitors Center


 100 Year Floodplain


 Future Roads


 Planned Transit Station


 Possible Transit Station


 Future Transit Line

 Future Light Rail Line


 Future Adams County Government Administrative Complex


 Future Adams County Regional Public Safety Training Center


 Existing School


 Future School Site


Centers

 Activity Center

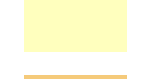
 Employment Campus / Business Center


 Regional Commercial Center


 Community Commercial Center


 Local Commercial Center


Future Land Use


 Residential - Low


 Residential - Medium


 Residential - High


 Mixed-Use - E-470


 Mixed-Use (Corridor and Commercial)


 Commercial


 Office / Flex


 DIA Technology


 Industrial / Distribution

 General Industrial

 DIA Reserve

 Utility

 Public/State

 Park


 Open Space

Figure 3.2

Source: Adams County Tax Assessor, Adams County GIS, Commerce City GIS, U.S. Census TIGER files, Clarion Associates, 2008

9/27/10

CLARION, BBC, FHU

APPENDIX D

REZONING MAP

K:\DEN_Civil\096441009_100th & Havana\CADD\PlanSheets\Rezone\096441009CV.dwg Cooney, Brad 11/13/2020 11:40 AM

LOCATED IN THE SOUTHWEST $\frac{1}{4}$ OF SECTION 14, TOWNSHIP 2 SOUTH, RANGE 67 WEST OF THE 6TH P.M.
COMMERCE CITY, COUNTY OF ADAMS, STATE OF COLORADO

OWNER/LIEN ZONE CHANGE

I _____, BEING THE OWNER/LIEN
HOLDER OF THE PROPERTY LOCATED IN THE COUNTY OF ADAMS,
STATE OF COLORADO, DO HEREBY SUBMIT THIS PLANNED UNIT
DEVELOPMENT AND AGREE TO PERFORM UNDER THE TERMS
STATED HEREIN.

MY COMMISSION EXPIRES _____



LOT 4, CAST TRANSPORTATION SUBDIVISION, COUNTY OF ADAMS, STATE OF COLORADO

ADDRESS: 9940 HAVANA STREET
PARCEL NUMBER: 172114012004
EXISTING ZONING: I-2 WITH CONDITIONS
PROPOSED ZONING: I-2 WITHOUT CONDITIONS; TRACT A TO BE REZONED TO PUBLIC
ACRES: 28.47 ACRES
EXISTING LAND USE: VACANT
FUTURE LAND USE: INDUSTRIAL/DISTRIBUTION PER COMPREHENSIVE PLAN. TRACT A
IS OPEN SPACE PER COMPREHENSIVE PLAN.

SHEET NO.	SHEET INDEX
1	COVER SHEET
2	EXISTING CONDITIONS
3	PROPOSED ZONE CHANGE

APPROVAL OF THE CITY OF COMMERCE CITY PLANNING COMMISSION:
APPROVED THIS _____ DAY OF _____, 20__.

APPROVAL OF THE CITY COUNCIL OF THE CITY OF COMMERCE CITY:
APPROVED THIS _____ DAY OF _____ 20__.

MAYOR

THIS PUD ZONE DOCUMENT WAS FILED FOR RECORD IN THE OFFICE
OF ADAMS COUNTY CLERK AND RECORDER, IN THE STATE OF
COLORADO, AT _____, M, THIS _____ DAY OF _____,
20____.

BY: _____
COUNTY CLERK AND RECORDER

RECEPTION NUMBER: _____

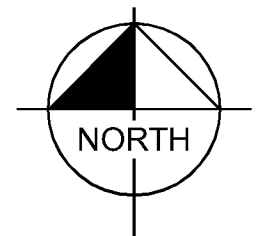
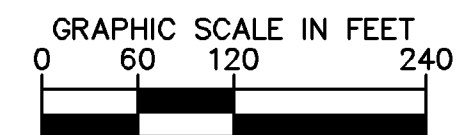
Kimley»Horn
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4582 South Ulster Street, Suite 1500
Denver, Colorado 80237 (303) 228-2300

100111 & 11707000
COMMERCE CITY, ADAMS COUNTY, COLORADO
ZONE CHANGE
COVER SHEET

DESIGNED BY:	BJC
DRAWN BY:	CTM
CHECKED BY:	BJC


FILE NO.	PROJECT NO. 096441009
SHEET NO. 1	

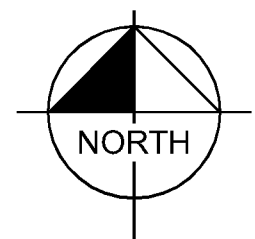
LOT 4, CAST TRANSPORTATION SUBDIVISION
LOCATED IN THE SOUTHWEST $\frac{1}{4}$ OF SECTION 14, TOWNSHIP 2 SOUTH, RANGE 67 WEST OF THE 6TH P.M.
COMMERCE CITY, COUNTY OF ADAMS, STATE OF COLORADO
ZONE CHANGE



LOT 4, CAST TRANSPORTATION SUBDIVISION
LOCATED IN THE SOUTHWEST $\frac{1}{4}$ OF SECTION 14, TOWNSHIP 2 SOUTH, RANGE 67 WEST OF THE 6TH P.M.
COMMERCE CITY, COUNTY OF ADAMS, STATE OF COLORADO
ZONE CHANGE



- GRAPHIC SCALE IN FEET
- 
- A horizontal scale bar with tick marks at 0, 60, 120, and 240 feet. The bar is divided into alternating black and white segments.



SHEET NO.		DESIGNED BY: B/C		COMMERCIE CITY, ADAMS COUNTY, COLORADO									
PROJECT NO.		DRAWN BY: CTM		ZONE CHANGE									
FILE NO.		CHECKED BY: B/C		PROPOSED ZONE CHANGE									
<div><div>Kimley»Horn</div><div>©2020 KIMLEY-HORN AND ASSOCIATES, INC. 4582 South Ulster Street, Suite 1500 Denver, Colorado 80237 (303) 228-2300</div></div>													
				NO.		REVISION		BY		DATE			
				1		REV PER AHJ COMMENTS		BJC		11/13/20			