



# City Council Communication

**AGENDA DATE:** March 17, 2025

**LEGISTAR ITEM #:** Res 2025-048

**SUBMITTED BY:** Lee Zarzecki  
Office

**DEPARTMENT:** City Attorney's

<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution	<input type="checkbox"/> Presentation
<input type="checkbox"/> Admin Business	<input type="checkbox"/> Public Hearing	<input type="checkbox"/> Other

## REQUEST

Adopt a resolution denying Case No. PUDA23-004 and adopting written findings based on the March 3, 2025 public hearing.

## BACKGROUND

On March 3, 2025 a public hearing was held by City Council on Case No. PUDA23-0004. The case was a planned unit development amendment (PUDA) request submitted by Car Wash Pro Designers on behalf of Nolly Enterprises, LLC. The application was requesting to amend the permitted land uses on a single parcel at 12411 E 104th Avenue to include a car wash, among other proposed uses.

The Planning Commission originally heard the case on December 3, 2024 and voted at the public hearing to continue the case to February 4, 2025. At the February 4, 2025 hearing, the Planning Commission voted 5-0 to recommend denial of Case No. PUDA23-0004 by City Council based on their findings that the case failed to meet the criteria in Section 21-3251(c), (e), and (f) of the City's Land Development Code.

At the public hearing on March 3, 2025, City Council voted to deny Case No. PUDA23-0004 based on the application's failure to meet criteria in Section 21-3251(i) of the Land Development Code. The outcome of the vote was 6 Aye and 2 Nay with 1 Excused Absence.

# CITY COUNCIL COMMUNICATION CONTINUED

## FINANCIAL IMPACT

Contractor	N/A
Amount of Request/Contract	\$N/A
Amount Not To Exceed	\$N/A
Amount Budgeted	\$N/A
Budget Year	FYN/A
Funding Source	N/A
Additional Funds Needed	\$N/A
Funding Source (if funds needed)	N/A

## PROJECT TIMELINE

<b>Estimated Start Date</b>	<b>Estimated End Date</b>
N/A	N/A
<b>Years and Months of Contract</b>	<b>Number of Times Renewable</b>
N/A	N/A

## JUSTIFICATION

<input type="checkbox"/> Council Goal	<input type="checkbox"/> Strategic Plan	<input type="checkbox"/> Work Plan	<input checked="" type="checkbox"/> Legal
Citation	Commerce City Charter Sec. 10.11 (b)(4) " Within thirty (30) days, unless changed by ordinance, after the council hearing, the council shall either zone the property by ordinance as initiated or requested or shall deny the initiated or requested zoning, setting out the reasons relied upon for denying the zoning."		

## BOARDS & COMMISSIONS ASSIGNED

Board or Commission	Planning Commission
Recommendation	5-0 Recommending Denial
Date of Recommendation	February 4, 2025

## PUBLIC OUTREACH

Public Hearings were held by the Planning Commission on December 4, 2024 and February 5, 2025 where any interested party

## CITY COUNCIL COMMUNICATION CONTINUED

may testify on the case. A Public Hearing was held by City Council was held on March 3, 2025 where any interested party may testify on the case. Written comments were received on the case and were part of the City Council agenda packet. Public notices were sent to the Sentinel Express for the hearings and notices were posted on the premise and to property owners within a 500-foot radius. A neighborhood meeting was held on October 24, 2024 at Bison Ridge Recreation Center.

### **AVAILABLE ACTIONS**

- Action 1 - Adopt the Resolution as drafted
- Action 2 - Adopt the Resolution with amendments
- Action 3 - Deny the Resolution

### **STAFF RECOMMENDATION**

Staff recommends adoption of the Resolution as drafted.