

ORDINANCE NO. PUDA25-0002

AN ORDINANCE APPROVING THE NEXUS NORTH AT DIA PUD ZONE DOCUMENT AMENDMENT NO. 3 TO ALLOW WAREHOUSE AND DISTRIBUTION LAND USES AND REDUCE THE MAXIMUM FRONT YARD SETBACK FOR PLANNING AREA 3 CONSISTING OF 21.5 ACRES LOCATED AT 17010 EAST 88TH AVENUE

WHEREAS, the owner of the property located at 17010 East 88th Avenue in the City of Commerce City ("City") and described in Exhibit A, attached hereto and incorporated herein, has submitted an application to amend the existing PUD Zone Document to allow warehouse and distribution land uses and reduce the maximum front yard setback for Planning Area 3;

WHEREAS, in accordance with Section 21-3180 of the City's Land Development Code, all required notices of public hearings before the Planning Commission of the City and the City regarding the requested zoning was given, including by: publication on June 17, 2025 and September 4, 2025 in the Sentinel Express, a legal newspaper of general circulation in the City of Commerce City; mailing on June 18, 2025, and June 18, 2025, 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 June 20, 2025, in the manner and for the duration required by the Land Development Code;

WHEREAS, following a public hearing conducted in compliance with law, the Planning Commission made findings and recommended that the City Council approve the Nexus North at DIA PUD Zone Document Amendment No. 3; and

WHEREAS, the City Council has conducted a public hearing regarding the requested zoning.

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

SECTION 1. Findings. The recitals to this ordinance are incorporated as findings of the City Council. This ordinance is found to be necessary for the preservation of the public health, safety, and welfare and in the public interest.

SECTION 2. The City Council of the City of Commerce City finds, consistent with the Commerce City Land Development Code, Section 21-3251, with regard to the proposed PUD Zone Document Amendment for the Nexus North at DIA PUD Zone Document Amendment No. 3 that:

- (a) The PUD Zone Document is consistent with the policies and goals of the comprehensive plan, any applicable adopted area plan, or community plan of the city, or reflects conditions that have changed since the adoption of the comprehensive plan;
- (b) The PUD Zone Document is consistent with any previously reviewed PUD concept schematic;
- (c) The PUD Zone Document addresses a unique situation, confers a substantial benefit to the city, or incorporates creative site design such that it achieves the purposes set out in section 21-4370 (PUD Zone District) and represents an improvement in quality over what could have been accomplished through strict applications of the otherwise applicable district or development standards. This may include but is not limited to improvements in open space; environmental

protection; tree/vegetation preservation; efficient provision of streets, roads, and other utilities and services; unique architecture or design, or increased choice of living and housing environments;

- (d) The PUD Zone Document complies with all applicable city standards not otherwise modified or waived by the city;
- (e) The PUD Zone Document is integrated and connected with adjacent development through street connections, sidewalks, trails, and similar features;
- (f) To the maximum extent feasible, the PUD Zone Document mitigates any potential significant adverse impacts on adjacent properties or on the general community;
- (g) Sufficient public safety, transportation, and utility facilities and services are available to serve the Property, while maintaining sufficient levels of service to existing development;
- (h) As applicable, the proposed phasing plan for development of the PUD Zone Document is rational in terms of available infrastructure, capacity, and financing; and
- (i) The same development could not be accomplished through the use of other techniques, such as height exceptions, variances, or minor modifications.

SECTION 3. The City Council hereby accepts the recommendation of the Planning Commission and approves the Nexus North at DIA PUD Zone Document 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 4. Repealer. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency.

SECTION 5. Effective Date. This ordinance shall be effective as provided in Section 5.3(g) of the City Charter.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED
THIS 15TH DAY OF SEPTEMBER, 2025.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED
THIS 20TH DAY OF OCTOBER, 2025.

CITY OF COMMERCE CITY, COLORADO

Steve J. Douglas, Mayor

ATTEST

Dylan A. Gibson, City Clerk

Exhibit A
(Legal Description)
Case #PUDA25-0002

A PARCEL OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 2 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF COMMERCE CITY, COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 28, THENCE S 45° 35' 39" E, A DISTANCE OF 42.38 FEET TO THE SOUTHEAST CORNER OF THE INTERSECTION OF EAST 88TH AVENUE RIGHT-OF-WAY AND BUCKLEY ROAD RIGHT-OF-WAY AND THE POINT OF BEGINNING;

THENCE N 89° 20' 26" E ALONG THE SOUTH LINE OF SAID EAST 88TH AVENUE RIGHT-OF-WAY AND ALONG A LINE BEING 30.00 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 28, A DISTANCE OF 1126.25 FEET TO THE NORTHWEST CORNER OF TRACT D, NEXUS NORTH AT DIA FILING NO. 2, A SUBDIVISION PLAT RECORDED AT RECEPTION NO. 2020000126372, IN THE RECORDS OF THE ADAMS COUNTY CLERK AND RECORDER'S OFFICE;

THENCE ALONG THE WEST LINE OF SAID TRACT D THE FOLLOWING TWO (2) COURSES;

1. S 18° 38' 08" E, A DISTANCE OF 23.43 FEET;
2. S 46° 28' 50" E, A DISTANCE OF 421.70 FEET TO THE NORTH CORNER OF LOT 1, SAID NEXUS NORTH AT DIA FILING NO. 2;

THENCE S 57° 24' 24" W ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 1182.44 FEET TO A POINT ON THE EAST LINE OF QUINTERO STREET RIGHT-OF-WAY, SAID NEXUS NORTH AT DIA FILING NO. 2;

THENCE ALONG SAID EAST LINE THE FOLLOWING TWO (2) COURSES:

1. N 39° 45' 08" E, A DISTANCE OF 2.50 FEET TO A POINT OF NON-TANGENT CURVATURE;
2. ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 68.00 FEET, A CENTRAL ANGLE OF 243° 30' 10" AND AN ARC LENGTH OF 288.99 FEET, THE CHORD OF WHICH BEARS N 80° 50' 31" W, A DISTANCE OF 115.65 FEET TO A POINT ON THE EAST LINE OF LOT 2, NEXUS NORTH AT DIA FILING NO. 3, A SUBDIVISION PLAT RECORDED AT RECEPTION NO. 2021000091367, SAID DOUGLAS COUNTY RECORDS;

THENCE ALONG THE EAST AND NORTH LINES OF SAID LOT 2 THE FOLLOWING TWO (2) COURSES:

1. N 22° 35' 36" W, A DISTANCE OF 166.44 FEET;
2. THENCE S 67° 24' 24" W, A DISTANCE OF 280.18 FEET TO THE NORTHWEST CORNER OF SAID LOT 2, ALSO A POINT ON THE EAST LINE OF SAID BUCKLEY ROAD RIGHT-OF-WAY;

THENCE N 00° 31' 44" W ALONG SAID EAST LINE AND ALONG A LINE BEING 30.00 FEET EAST OF AND PARALLEL TO THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 28, A DISTANCE OF 870.25 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 936,473 SQUARE FEET OR 21.498 ACRES, MORE OR LESS.

THE BEARINGS FOR THIS DESCRIPTION ARE BASED ON THE WEST LINE OF THE
NORTHWEST QUARTER OF
OF SECTION 28, TOWNSHIP 2 SOUTH, RANGE 66 WEST OF THE SIXTH P.M., BEING
ASSUMED TO BEAR
S 00° 31' 44" E, FROM THE NORTHWEST CORNER OF SAID SECTION 28, BEING
MONUMENTED BY A #6 REBAR WITH A 3-1/4 INCH DIAMETER ALUMINUM CAP STAMPED
"PLS 7276" TO THE WEST QUARTER CORNER OF SAID SECTION 28, BEING MONUMENTED
BY A #6 REBAR WITH A 3-1/4 INCH DIAMETER ALUMINUM CAP STAMPED "PLS 14630",
WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.