

ORDINANCE NO. Z-973-21-24

INTRODUCED BY: CHACON, DOUGLAS, DOUGLAS DUKES, FORD, KIM, MADERA, NOBLE, TETER

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO BY ZONING THE PROPERTY ANNEXED AS THE ANDERSON RANCH ANNEXATION FROM AGRICULTURAL-3 DISTRICT TO A PUD ZONE DISTRICT AND APPROVING A PUD ZONE DOCUMENT

WHEREAS, in conjunction with the related annexation case AN-268-24, the owner of the property generally known as the Anderson Ranch Annexation and described in the Anderson Ranch PUD Zone Document, attached hereto and incorporated herein at Exhibit A, has submitted an application to zone the Property to a Planned Unit Development zone district, as set forth in Exhibit A, upon annexation to the City of Commerce City;

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 20, 2024 and August 1, 2024 in the Commerce City Sentinel-Express, a legal newspaper of general circulation in the City of Commerce City; mailing on June 18, 2024, and August 8, 2024, 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 21, 2024, and August 7, 2024, 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 move forward with approval of the proposed zoning of a Planned Unit Development; and

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

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

**SECTION 1. Findings.** The foregoing recitals are incorporated into this ordinance as findings of fact. The City Council authorizes any action by it on the requested zoning outside of the period of time provided by Section 10.11 of the City Charter.

**SECTION 2. Approval Criteria.** The City Council of the City of Commerce City finds, consistent with the Commerce City Land Development Code, Section 21-3350, that the proposed rezoning of the Property generally located at the northwest corner of East 98<sup>th</sup> Avenue and Chambers Road from Adams County Agricultural-3 District to PUD Zone District as set forth in Exhibit A is \_\_\_\_\_. Additionally, the City Council of the City of Commerce City finds, consistent with the Commerce City Land Development Code section 21-3251(3), with regard to the proposed rezoning to a PUD Zone District as set forth in Exhibit A, 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 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 complies with all applicable city standards not otherwise modified or waived by the city;
- e. The PUD is integrated and connected with adjacent development through street connections, sidewalks, trails, and similar features;
- f. To the maximum extent feasible, the proposal 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 subject property, while maintaining sufficient levels of service to existing development;
- h. As applicable, the proposed phasing plan for development of the PUD 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. Determination.** The City Council hereby accepts the recommendation of the Planning Commission regarding the requested zoning and approves with conditions the Anderson Ranch PUD Zone Document and the rezoning of the Property from Agricultural-3 to Commerce City PUD, as defined in the Commerce City Land Development Code and Exhibit A. The zoning map of the City of Commerce City, Colorado, is hereby amended to reflect the rezoning approved by this ordinance.

**SECTION 4. Conditions.** On first reading the City Council approved the requested zoning with the following conditions to the Planned Unit Development.

- a. A trail along the south side of East 100<sup>th</sup> Avenue is to be added to the Planned Unit Development,

- b. An additional roundabout at East 100<sup>th</sup> Avenue at the first proposed intersection west of Chambers Road is to be added to the Planned Unit Development,
- c. Residential lots adjacent to Harvest Meadows will include matching lot lines to the Harvest Meadows lots is to be added as a note to the Planned Unit Development, and
- d. No vinyl siding is permitted within the Planned Unit Development.

**SECTION 5. 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 6. Effective Date.** This ordinance shall be effective upon the effective date of the annexation of the Property through AN-268-24, as stated therein and as determined pursuant to C.R.S. 31-12-113(1).

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED THIS 21ST DAY OF OCTOBER, 2024.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THIS 18TH DAY OF NOVEMBER, 2024.

CITY OF COMMERCE CITY, COLORADO

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Steve J. Douglas, Mayor

ATTEST

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Dylan A. Gibson, City Clerk

Exhibit A

LEGAL DESCRIPTION

THAT PART OF EAST ONE-HALF OF SECTION 18, TOWNSHIP 2 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 18, THENCE SOUTH 88°47'00" WEST ALONG THE NORTH LINE OF SAID SOUTHEAST ONE-QUARTER, A DISTANCE OF 30.01 FEET TO THE WEST RIGHT-OF-WAY LINE OF CHAMBERS ROAD ALSO BEING A POINT ON THE PRESENT COMMERCE CITY LIMITS LINE AS SHOWN ON THE DE-ANNEXATION ORDINANCE, COUNCIL ORDINANCE NO. 1247, RECORDED IN RECEPTION NO. C0776049, ADAMS COUNTY RECORDS AND THE POINT OF BEGINNING; THENCE SOUTH 00°14'15" WEST, 1329.89 FEET ALONG SAID WEST RIGHT-OF-WAY LINE AND ALONG SAID PRESENT COMMERCE CITY LIMITS LINE (COUNCIL ORDINANCE NO. 1247) TO THE SOUTH LINE OF THE NORTH ONE-HALF OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 18; THENCE SOUTH 88°53'10" WEST, 2628.93 FEET ALONG THE PRESENT COMMERCE CITY LIMITS LINE AS SHOWN ON THE ANNEXATION MAP RECORDED IN FILE 18, MAP 245, ADAMS COUNTY RECORDS (AN-159-00) AND ALONG SAID SOUTH LINE TO THE SOUTHWEST CORNER OF SAID NORTH ONE-HALF OF THE SOUTHEAST ONE-QUARTER; THENCE NORTH 00°13'10" EAST, 1325.16 FEET ALONG THE WEST LINE OF SAID NORTH ONE-HALF OF THE SOUTHEAST ONE-QUARTER AND ALONG THE PRESENT COMMERCE CITY LIMITS LINE (AN-159-00) TO THE SOUTHWEST CORNER OF THE SOUTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER (CENTER CORNER SECTION 18); THENCE ALONG THE PROLONGED LINE OF NORTH 00°13'10" EAST, 1340.64 FEET ALONG THE PRESENT COMMERCE CITY LIMITS LINE AS SHOWN ON THE ANNEXATION MAP RECORDED IN FILE 16, MAP 783, ADAMS COUNTY RECORDS (AN-99-88) AND ALONG THE WEST LINE OF SAID SOUTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER TO THE NORTHWEST CORNER OF SOUTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER; THENCE NORTH 89°00'51" EAST, 1329.82 FEET ALONG THE ALONG THE PRESENT COMMERCE CITY LIMITS LINE (AN-99-88) AND ALONG THE NORTH LINE OF SAID SOUTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER TO THE NORTHEAST CORNER OF SAID SOUTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER; THENCE SOUTH 00°13'42" WEST, 1335.29 FEET ALONG THE PRESENT COMMERCE CITY LIMITS LINE (AN-99-88) AND ALONG THE EAST LINE OF SAID SOUTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER TO THE SOUTHWEST CORNER OF THE SOUTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 18; THENCE NORTH 88°47'00" EAST, 1299.73 FEET ALONG SAID PRESENT COMMERCE CITY LIMITS LINE (AN-99-88) AND ALONG THE NORTH LINE OF THE NORTH ONE-HALF OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 18 TO THE POINT OF BEGINNING. CONTAINS 5,267,997 SQUARE FEET OR 120.937 ACRES MORE OR LESS