

ORDINANCE NO. PUDA23-0004

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

AN ORDINANCE APPROVING THE BURLINGTON NORTHERN/CATELLUS PUD ZONE DOCUMENT AMENDMENT 6 TO EXPAND THE ALLOWED COMMERCIAL USES, TO INCLUDE AN AUTOMOBILE WASHING FACILITY, AS PERMITTED USES AT THE PROPERTY GENERALLY LOCATED AT 12411 EAST 104TH AVENUE AND CONSISTING OF 1.06 ACRES

WHEREAS, the owner of the property generally located 12411 East 104th 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 additional land uses, including an automobile washing facility;

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 November 21, 2024 and February 20, 2025 in the Sentinel Express, a legal newspaper of general circulation in the City of Commerce City; mailing on November 19, 2024, and January 21, 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 November 22, 2024, and January 28, 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 deny the Burlington Northern/Catellus PUD Zone Document Amendment 6; 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. 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. 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 Burlington Northern/Catellus PUD Zone Document Amendment 6 as set forth in Exhibit B, attached hereto and incorporated herein, 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 overrules the recommendation of the Planning Commission and approves the Burlington Northern/Catellus PUD Zone Document Amendment 6. The zoning map of the City of Commerce City, Colorado, is hereby amended to reflect the rezoning approved by this ordinance.

SECTION 4. 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 3RD DAY OF MARCH, 2025.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED
THIS 7TH DAY OF APRIL, 2025.

CITY OF COMMERCE CITY, COLORADO

Steven J. Douglas, Mayor

ATTEST

Dylan A. Gibson, City Clerk

Exhibit A
(Legal Description)
Case #PUDA23-0004

Lot 2, Block 1, Turnberry Market Place Filing No. 4

Contains 47,345 square feet or 1.0869 acres, more or less.

Exhibit B
(PUD Zone Document)
Case #PUDA23-0004

BURLINGTON NORTHERN/CAPELLUS TURNBERRY CAR WASH PUD AMENDMENT NO. 6

LOT 2, BLOCK 1, TURNBERRY MARKET PLACE FILING NO. 4, COUNTY OF ADAMS, STATE OF COLORADO.

12411 E 104th Avenue
Commerce City, CO 80022

SHEET 1 OF 4

VICINITY MAP

12411 E 104th Avenue
Commerce City, CO 80022



APPROVAL CERTIFICATE

Owner/Lead of Transaction: _____ City Approval: _____
 Approval of the 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____
 City Clerk: _____
 Mayor: _____

SHEET INDEX

BURLINGTON NORTHERN/CAPELLUS PUD

SHEET NO.	SHEET DESCRIPTION
1	PLANNING AREA MAP
2	SITE LOCATION / PARCEL
3	LAND USE MATRIX
4	BULK STANDARDS

GENERAL PROJECT NOTES

THIS PUD ZONE DOCUMENT PRIMARILY SEEKS TO AMEND THE FOLLOWING:
 A. MODIFY THE PERMITTED USE TO THIS SPECIFIC PARCEL TO ADD AN EXPRESS CAR WASH FACILITY AS A PERMITTED USE AMONG OTHER USES PERMITTED IN THE PUD GENERALLY

LEGAL DESCRIPTION

LOT 2, BLOCK 1, TURNBERRY MARKET PLACE FILING NO. 4, COUNTY OF ADAMS, STATE OF COLORADO.

BURLINGTON NORTHERN/CAPELLUS
TURNBERRY CAR WASH PUD AMENDMENT NO. 6
COMMERCE CITY, CO

City Seal Pro:
Debra J. Hill, R.
Northwest Highway
Suite 1000
Commerce City, CO 80022

FILE # _____
 MAP # _____
 RECEPTION # _____
 Sheet Number
1 of 4

BURLINGTON NORTHERN/CAPELLUS TURNBERRY CAR WASH PUD AMENDMENT NO. 6

LOT 2, BLOCK 1, TURNBERRY MARKET PLACE FILING NO. 4, COUNTY OF ADAMS, STATE OF COLORADO.

12411 E 104th Avenue
Commerce City, CO 80022

SHEET 2 OF 4

PARCEL AREA	ACRES	% ACRES
PARCEL	1.06	100%



PARCEL AREA
1.06 ACRES

BURLINGTON NORTHERN/CAPELLUS
TURNBERRY CAR WASH PUD AMENDMENT NO. 6
COMMERCE CITY, CO

City Seal Pro:
Debra J. Hill, R.
Northwest Highway
Suite 1000
Commerce City, CO 80022

City Seal Pro:
Debra J. Hill, R.
Northwest Highway
Suite 1000
Commerce City, CO 80022

Issue Date: _____
 06/05/2024
 Review Date: _____
 06/05/2024

Sheet Title
PLANNING AREA MAP

FILE # _____
 MAP # _____
 RECEPTION # _____
 Sheet Number
2 of 4

