

ORDINANCE NO. 18

Series 2013

November 5, 2013: Introduced as Council Bill 17, Series 2013 by Councilor Scott Roswell, seconded by Councilor Klasina VanderWerf and considered in full text on first reading. Passed by a vote of 6 yes and 0 no.

December 10, 2013: Considered in full text on second reading. Passed by a vote of 5 yes and 0 no.

**A BILL FOR AN ORDINANCE
TO REZONE A PORTION OF LOT 7, BLOCK B, CHERRY HILLS PARK SUBDIVISION
FROM R-2, 1 ¼ ACRE RESIDENTIAL DISTRICT TO R-1, 2 ½ ACRE RESIDENTIAL
DISTRICT AND AMENDING THE ZONING MAP**

WHEREAS, Richard J. Andrews, personal representative of the Estate of William D. Hewit and Richard John Andrews, Trustee of the William D. Hewit Descendants Trust, as applicants and owners ("Applicants") of Lot 7, Block B, Cherry Hills Park Subdivision, submitted an application to the City of Cherry Hills Village ("City"), requesting rezoning of a portion of the Applicant's property, consisting of approximately 512 square feet as more particularly described in the legal description attached hereto and incorporated herein as Exhibit A ("Property") from its current zoning of R-2, 1 ¼ acre Residential District to R-1, 2 ½-Acre Residential District; and

WHEREAS, in conjunction with the rezoning application, the Applicants have submitted a minor lot adjustment plat to consolidate the Property, as rezoned, with the adjacent property to the north, legally described as the South ½ of Tract 5, Camenisch Gardens Subdivision; and

WHEREAS, the Planning and Zoning Commission held a duly noticed public hearing to consider the rezoning application on October 8, 2013 and voted to recommend approval to the City Council; and

WHEREAS, the City Council held a duly noticed public hearing on the rezoning application at which time evidence and testimony were presented to the City Council; and

WHEREAS, the City Council finds that the proposed rezoning is consistent with the requirements outlined in Section 16-2-40 of the Cherry Hills Village Municipal Code ("Code") relating to rezoning applications; and

WHEREAS, the City Council finds that the proposed rezoning is consistent with the Cherry Hills Village Master Plan Future Land Use/Development Map in that the Property, and the adjacent property with which the Property will be consolidated, will maintain the Master Plan's designation of Low-Density Residential consisting of parcels of one acre in size or larger; and

WHEREAS, approval of this Council Bill on first reading is intended only to confirm that the City Council desires to comply with state law and the Municipal Code by setting a public hearing in order to provide the Applicants and the public an opportunity to present testimony and evidence regarding the application. Approval of this Council Bill on first reading does not constitute a representation that the City Council, or any member of the City Council, supports, approves, rejects, or denies the proposed rezoning.

NOW, THEREFORE, the Council of the City of Cherry Hills Village, ordains:

Section 1. Incorporation of Recitals. The recitals contained above are incorporated herein by reference and are adopted as findings of the City Council.

Section 2. Rezoning. The zoning classification of the Property described in Exhibit A shall be, and is hereby, changed from R-2, 1 ¼ acre Residential District to R-1, 2 ½-Acre Residential District, subject to the following conditions:

- a) In conjunction with filing the zoning map amendment with the City Clerk, the Applicants' minor lot adjustment plat, as conditionally approved administratively by the City, shall be executed and recorded; and
- b) Applicants shall pay all reasonable fees and costs incurred by the City and its consultants in review and processing of the rezoning.

Section 3. Zone Map Amendment. The City of Cherry Hills Village Zoning Map is hereby amended to show the change in zoning classification set forth in Section 2 of this Ordinance and a certified copy of such amendment shall be filed with the City Clerk.

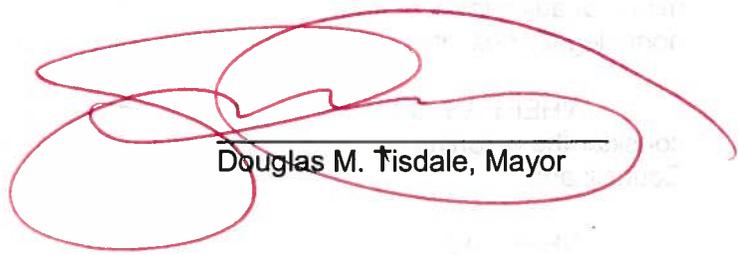
Section 4. Safety Clause. The City Council of the City of Cherry Hills Village deems this Ordinance to be necessary for the public health, safety and welfare.

Section 5. Severability. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided that such remaining portions or applications of this Ordinance are not determined by the court to be inoperable. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more section, subsection, sentence, clause, phrase, or portion be declared invalid.

Section 6. Effective Date. This Ordinance shall become effective ten (10) days after publication after second reading in accordance with Section 4.5 of the Charter for the City of Cherry Hills Village.

Adopted as Ordinance No. 18, Series 2013, by the City Council of the City of Cherry Hills Village, Colorado this 10th day of December, 2013.

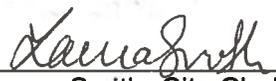
(SEAL)



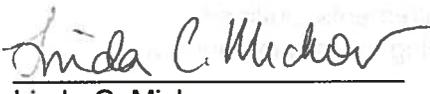
Douglas M. Tisdale, Mayor

ATTEST:

APPROVED AS TO FORM:



Laura Smith, City Clerk



Linda C. Michow,
City Attorney

Published in the Villager
Published: 12-19-13
Legal # 3865

CITY OF CHERRY HILLS VILLAGE
ADOPTION OF ORDINANCE
ORDINANCE 18, SERIES 2013

A BILL FOR AN ORDINANCE TO RE-ZONE A PORTION OF LOT 7, BLOCK B, CHERRY HILLS PARK SUBDIVISION FROM R-2, 1 1/4 ACRE RESIDENTIAL DISTRICT TO R-1, 2 1/2 ACRE RESIDENTIAL DISTRICT AND AMENDING THE ZONING MAP

Copies of the Ordinances are on file at the office of the City Clerk and may be inspected during regular business hours.

Published in the Villager
First Published December 19, 2013
Legal #: 3865

EXHIBIT A
LEGAL DESCRIPTION
AREA TO BE REZONED, BEING A PART OF:

CHERRY HILLS PARK & CAMENISCH GARDENS MINOR LOT LINE ADJUSTMENT

A MINOR LOT LINE ADJUSTMENT OF LOT 7, BLOCK B, CHERRY HILLS PARK
AND THE SOUTH ONE-HALF OF TRACT 5, CAMENISCH GARDENS,
A PART OF THE EAST 1/2 OF SECTION 2, T.5S., R.68W., OF THE 6TH P.M.
CHERRY HILLS VILLAGE, COUNTY OF ARAPAHOE, STATE OF COLORADO

AREA TO BE REZONED:
BEING MORE PARTICULARLY DESCRIBES AS FOLLOWS:
BEGINNING AT THE SW CORNER OF LOT 2, THENCE N88°56'00"E A DISTANCE OF 177.14 FEET TO THE
POINT OF BEGINNING.
THENCE N88°56'00"E A DISTANCE OF 134.04; THENCE S00°30'56"W A DISTANCE OF 14.18 FEET;
THENCE ALONG A NON-TANGENT CURVE TO THE LEFT HAVING A DELTA OF 15°32'48" A RADIUS OF
290.00 FEET AND AN ARC LENGTH OF 78.69 FEET; THENCE N89°32'25"W A DISTANCE OF 56.25 FEET
TO THE POINT OF BEGINNING.

CITY OF CHERRY HILLS VILLAGE,
COUNTY OF ARAPAHOE,
STATE OF COLORADO

MNB302