

ORDINANCE NO. 1
Series 2021

February 16, 2021: Introduced as Council Bill 1, Series 2021 by Mayor Pro Tem Katy Brown, seconded by Councilor Mike Gallagher and considered in full text on first reading. Passed by a vote of 6 yes and 0 no.

March 2, 2021: Considered in full text on second reading. Passed by a vote of 6 yes and 0 no.

A BILL FOR AN ORDINANCE OF THE CITY OF CHERRY HILLS VILLAGE TO REZONE A PARCEL OF LAND OWNED BY DENVER FIRST CHURCH OF THE NAZARENE, LOCATED IN THE 3500 BLOCK OF SOUTH MONROE STREET, FROM R-1 (2½-ACRE RESIDENTIAL) TO R-4 (½-ACRE RESIDENTIAL), AND AMENDING THE OFFICIAL ZONING MAP CONSISTENT THEREWITH

WHEREAS, pursuant to Section 16-7-350(a) of the Municipal Code (the "Code"), rezoning of a specific parcel, lot, or property may be initiated by application of the property owner; and

WHEREAS, pursuant to Sections 16-2-20(c) and 16-7-350(a) of the Code, the City Council is authorized to initiate and/or approve amendments to the Official Zoning Map of the City of Cherry Hills Village; and

WHEREAS, Denver First Church of the Nazarene ("DFCN") is the record property owner of a certain parcel of land located in the 3500 block of South Monroe Street, being that property (the "Subject Property") more particularly described as:

Lot 1, Block 1, Amended Plat of Lot 1, Block 1, Highline Meadows in Cherry Hills, City of Cherry Hills Village, County of Arapahoe, State of Colorado;

and

WHEREAS, DFCN initiated a rezoning of the Subject Property by submitting an application dated June 18, 2020, seeking to rezone the Subject Property from the R-1 Zoning District (2½-Acre Residential) to the R-4 Zoning District (½-Acre Residential) (the "Application"), together with associated applications for a Site Plan Amendment and Preliminary Plat; and

WHEREAS, the Planning and Zoning Commission (P&Z) held a duly noticed public hearing on January 12, 2021 to consider the Application and following the conclusion of the public hearing voted to recommend approval of the Application to City Council, based on the evidence and testimony presented at such hearing; and

WHEREAS, the City provided notice of a City Council public hearing in accordance with all applicable provisions of the Code; and

WHEREAS, the City Council thereafter held such duly-noticed public hearing on the rezoning Application on March 2, 2021, at which time evidence and testimony were presented to the City Council; and

WHEREAS, the City Council determines that testimony and other evidence in the record supports a finding that the proposed rezoning is consistent with, and meets, the requirements outlined in Section 16-2-40 of Code relating to rezoning applications (to wit; such rezoning will better facilitate implementation of the City's Master Plan), and does so find.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE, COLORADO 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 Approved. The zoning classification of the Subject Property shall be, and is hereby, changed from the R-1 Zoning District (2½-Acre Residential) to the R-4 Zoning District (½-Acre Residential).

Section 3. Zoning Map Amendment. The Official Zoning Map of the City of Cherry Hills Village 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. 1, Series 2021, by the City Council of the City of Cherry Hills Village, Colorado this 2nd day of March, 2021.

(SEAL)

DocuSigned by:
Russell O. Stewart
Russell O. Stewart, Mayor

ATTEST:

APPROVED AS TO FORM:

DocuSigned by:
Laura Gillespie
Laura Gillespie, City Clerk

DocuSigned by:
Kathie B. Guckenberger
Kathie B. Guckenberger, City Attorney

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**CITY OF CHERRY HILLS
VILLAGE
ADOPTION OF ORDINANCE
ORDINANCE 1, SERIES 2021**

A Bill for an Ordinance of the City of Cherry Hills Village to Rezone a parcel of land owned by Denver First Church of the Nazarene, located in the 3500 block of South Monroe Street, from R-1 (2½-acre residential) to R-4 (½-acre residential), and amending the official Zoning Map consistent therewith

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

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