

**RESOLUTION NO. 8
SERIES 2021**

**INTRODUCED BY: KATY BROWN
SECONDED BY: RANDY WEIL**

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF CHERRY HILLS VILLAGE
APPROVING WITH CONDITIONS A SITE PLAN AMENDMENT
PERTAINING TO PARCELS OWNED BY DENVER FIRST CHURCH OF THE NAZARENE
AND GENERALLY LOCATED AT 3800 E. HAMPDEN AVENUE
AND IN THE 3500 BLOCK OF SOUTH MONROE STREET**

WHEREAS, Denver First Church of the Nazarene ("DFCN") is the record property owner of a certain parcel of land on which its main facilities are situated (the "Main Facilities Property"), being approximately 10.17 acres in size, located at 3800 E. Hampden Avenue, and more particularly described in Exhibit A, attached hereto and incorporated herein; and

WHEREAS, DFCN is also the record property owner of a certain parcel of land adjacent to the Main Facilities Property, and located in the 3500 block of South Monroe Street, being that property (the "Overflow Parking 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, the City approved an Expanded Use Permit in 2013 (now considered, pursuant to Section 16-7-320(b) of the Municipal Code (the "Code") to be a Site Plan, in connection with the expansion of certain of DFCN's facilities, which permit required that DFCN maintain 264 parking spaces on the Overflow Parking Property; and

WHEREAS, DFCN submitted an application dated June 18, 2020, seeking approval of a Site Plan Amendment pertaining to DFCN's ownerships, in order to eliminate the current parking requirements attaching to the Overflow Parking Property (the "Application"), together with applications to rezone the Overflow Parking Property and obtain preliminary plat approval for the Overflow Parking Property (the "Associated Applications"); and

WHEREAS, the Planning and Zoning Commission (P&Z) held a duly noticed public hearing on January 12, 2021 to consider the Application and Associated Applications, and following the conclusion of the public hearing voted to recommend approval of the Application and Associated Applications 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 Application and Associated Applications, 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 Site Plan Amendment meets the criteria outlined in Section 16-7-320(e) of Chapter 16 of the Code, relating to Site Plan Amendments, and complies with all other applicable provisions of the Code (including but not limited to Section 16-4-20(b)(1), pertaining to parking reductions), and does so find;

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF
CHERRY HILLS VILLAGE:**

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. Site Plan Amendment Approved. The Site Plan Amendment referenced herein (together with the associated Site Plan Agreement) is hereby approved, subject to the conditions set forth in Section 3 below.

Section 3. Conditions Imposed. The Site Plan Amendment herein approved is subject to the following conditions:

1. The Shared Parking Agreement with Brave Church must be executed within 90 days of approval of the Site Plan Amendment by City Council.
2. Prior to the issuance of permits resulting in any site demolition or site work pertaining to the Overflow Parking Property, DFCN will be required to submit appropriate documentation to the City and applicable referral partners for review and approval, and notification to the Covington HOA.

Section 4. Effective Date. This Resolution shall be effective upon the effective date of the ordinance (Council Bill 1, Series 2021) rezoning the Overflow Parking Property.

Section 5. Repealer. All resolutions or parts thereof in conflict with this resolution are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such resolution or revive any resolution.

Section 6. Severability. If any provision of this resolution is found by a court of competent jurisdiction to be invalid, the remaining provisions of this resolution will remain valid, it being the intent of the City that the provisions of this resolution are severable.

Introduced, passed and adopted at a regular meeting of City Council this 2nd day of March, 2021, by a vote of 6 yes and 0 no.

(SEAL)

DocuSigned by:

Russell O. Stewart

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Russell O. Stewart, Mayor

ATTEST:

DocuSigned by:

Laura Gillespie

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Laura Gillespie, City Clerk

APPROVED AS TO FORM:

DocuSigned by:

Kathie B. Guckenberger

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Kathie B. Guckenberger, City Attorney

Exhibit A

Legal Description of Main Facilities Property

A PARCEL OF LAND BEING A PORTION OF BLOCKS 2 THOROUGH 4 OF SOUTH UNIVERSITY PARK LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 1, TOWNSHIP 5 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF CHERRY HILLS VILLAGE, COUNTY OF ARAPAHOE, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE NORTH LINE OF THE NORTHEAST ONE-QUARTER OF SECTION 1, TOWNSHIP 5 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEING MONUMENTED AT THE WEST END AT THE NORTH ONE-QUARTER CORNER BY A 3" ALUMINUM CAP STAMPED "LS 19003 1995", AND MONUMENTED AT THE EAST END BY THREE REFERENCE MARKS PER MONUMENT RECORDS BY BERTSCH AND LEFEBRE, WITH THE LINE CONSIDERED TO BEAR N89⁰48'14"E.

COMMENCING AT THE NORTH ONE-QUARTER CORNER OF SAID SECTION 1;

THENCE S87⁰13'54"E, A DISTANCE OF 1353.47 FEET TO A POINT ON THE WEST BOUNDARY LINE OF BLOCK 4 OF SOUTH UNIVERSITY PARK, AND THE POINT OF BEGINNING, FROM WHENCE THE NORTHWEST CORNER OF LOT 2, BLOCK 4, SOUTH UNIVERSITY PARK BEARS N00⁰11'04"E, A DISTANCE OF 15 FEET;

THENCE N89⁰48'14"E ALONG A LINE PARALLEL TO AND 10 FEET NORTH OF THE SOUTH LINE OF SAID LOT 2, BLOCK 4, A DISTANCE OF 296.01 FEET TO A POINT ON THE CENTER LINE OF VACATED GARFIELD STREET;

THENCE S00⁰11'04" W ALONG THE SAID CENTERLINE OF VACATED GARFIELD STREET, A DISTANCE OF 10.00 FEET TO A POINT ON THE EXTENDED NORTH BOUNDARY LINE OF LOT 3, BLOCK 3, SOUTH UNIVERSITY PARK;

THENCE N89⁰48'14"E ALONG THE SAID EXTENDED NORTH BOUNDARY LINE OF LOT 3, BLOCK 3, A DISTANCE OF 163.00 FEET TO A POINT ON THE CENTERLINE OF THE NORTH-SOUTH VACATED ALLEY IN SAID BLOCK 3;

THENCE N00⁰11'04"E, ALONG THE SAID VACATED ALLEY CENTERLINE, A DISTANCE OF 5.00 FEET TO A POINT ON AN EXTENDED LINE BEING PARALLEL TO AND 5.00 FEET NORTH OF THE SOUTH BOUNDARY LINE OF LOT 2, BLOCK 2, SOUTH UNIVERSITY PARK;

THENCE N89⁰48'14"E ALONG THE SAID EXTENDED LINE BEING PARALLEL TO AND 5.00 FEET NORTH OF THE SOUTH BOUNDARY LINE OF LOT 2, BLOCK 2, A DISTANCE OF 326.01 FEET TO A POINT ON THE CENTERLINE OF THE NORTH-SOUTH VACATED ALLEY IN BLOCK 2;

THENCE S00⁰11'04" W ALONG THE SAID VACATED ALLEY CENTERLINE IN BLOCK 2, A DISTANCE OF 555.01 FEET TO A POINT ON THE EXTENDED SOUTH BOUNDARY LINE OF SAID BLOCK 2;

THENCE S89⁰48'14" W ALONG THE SAID BOUNDARY LINE OF SAID BLOCKS 2, 3 AND 4, A DISTANCE OF 785.02 FEET TO A POINT AT THE SOUTHWEST CORNER OF LOT 24, SAID BLOCK 4;

THENCE N00⁰11'04"E ALONG THE WEST BOUNDARY LINE OF SAID BLOCK 4, A DISTANCE OF 560.01 FEET TO THE POINT OF BEGINNING,

CONTAINING A CALCULATED AREA OF 436,350 SQUARE FEET OR 10.017 ACRES.