

ORDINANCE NO. 10

Series 2021

October 5, 2021: Introduced as Council Bill 10, Series 2021 by Mayor Pro Tem Katy Brown, seconded by Councilor Randy Weil and considered in full text on first reading. Passed by a vote of 6 yes and 0 no.

November 2, 2021: Considered in full text on second reading. Passed by a vote of 4 yes and 0 no.

**A BILL FOR AN ORDINANCE OF THE CITY OF CHERRY HILLS VILLAGE
TO REZONE A PARCEL OF LAND OWNED BY THE LYNN WELCH PUANA LIVING TRUST,
LOCATED AT 8 CHERRY HILLS DRIVE,
FROM R-2 (1.25-ACRE RESIDENTIAL) TO R-3 (1-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 approve amendments to the Official Zoning Map of the City of Cherry Hills Village; and

WHEREAS, the Lynn Welch Puana Living Trust is the record property owner of a certain parcel of land located at 8 Cherry Hills Drive, being that property (the "Subject Property") more particularly described as:

Lot 1, Foxley Subdivision, City of Cherry Hills Village, County of Arapahoe, State of Colorado;

and

WHEREAS, the City Council of Cherry Hills Village, upon the recommendation of City staff, has initiated a rezoning of the Subject Property, with written support from the property owner, seeking to rezone the Subject Property from the R-2 Zoning District (1.25-Acre Residential) to the R-3 Zoning District (1-Acre Residential) (the "Application"), and

WHEREAS, the Planning and Zoning Commission ("P&Z") held a duly noticed public hearing on September 14, 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, 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 rezoning in 1981 was implemented in obvious error and the proposed rezoning is necessary to correct the error as provided in Section 16-2-40 of Code relating to rezoning applications, and does so find;

NOW, THEREFORE, the Council of the City of Cherry Hills Village, hereby 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-2 Zoning District (1.25-Acre Residential) to the R-3 Zoning District (1-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 10, Series 2021
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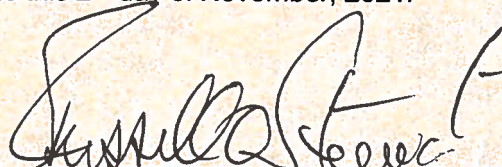
Ordinance to be necessary for the public health, safety and welfare.

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. 10, Series 2021, by the City Council of the City of Cherry Hills Village, Colorado this 2nd day of November, 2021.

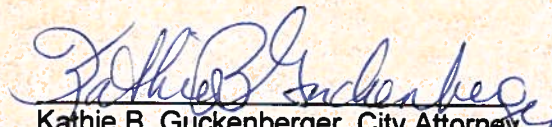
(SEAL)


Russell O. Stewart, Mayor

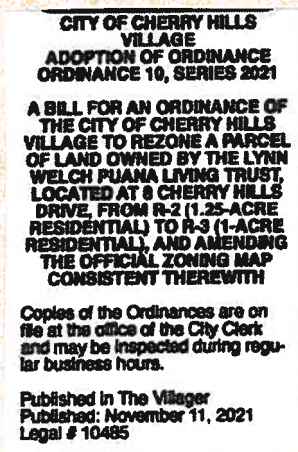
ATTEST:


Laura Gillespie, City Clerk

APPROVED AS TO FORM:


Kathie B. Guckenberger, City Attorney

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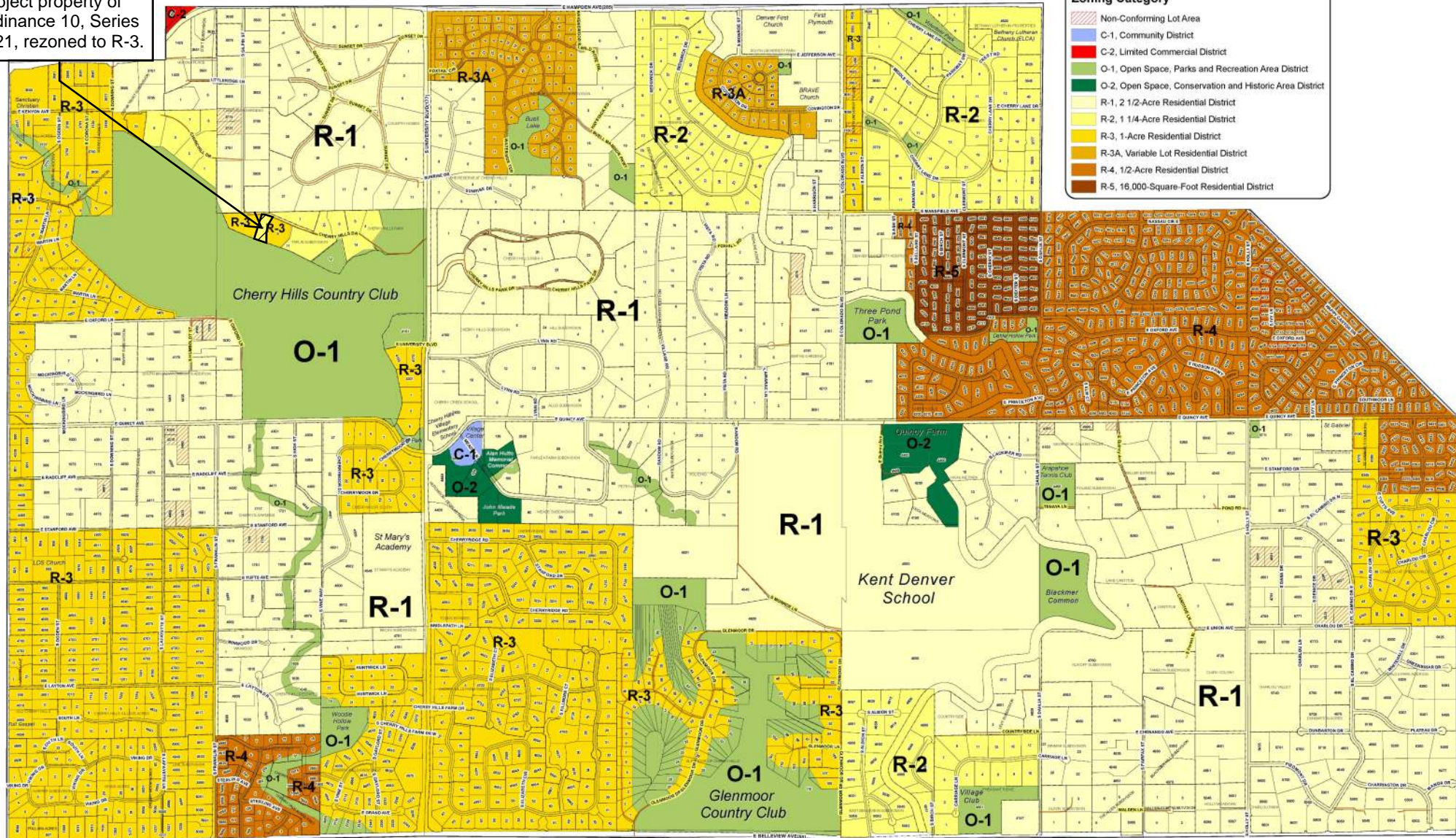
ATTACHMENT A TO ORDINANCE 10, SERIES 2021



CHERRY HILLS VILLAGE OFFICIAL ZONING MAP

Map Updated: 3/25/2019

Subject property of Ordinance 10, Series 2021, rezoned to R-3.



The purpose of this map is to show the official zoning districts of Cherry Hills Village. Lot lines as shown are based on Arapahoe County records and are for informational purposes only. The lot lines shown may not accurately reflect the legal subdivision status of the lots under municipal ordinance.

