

ORDINANCE NO. 7
Series 2024

August 6, 2024: Introduced as Council Bill 4, Series 2024 by Councilor Earl Hoellen, seconded by Councilor Robert Eber, and considered in full text on first reading. Passed by a vote of 6 yes and 0 no.

September 17, 2024: Considered in full text on second reading. Passed by a vote of 5 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 CHERRY HILLS COUNTRY CLUB,
LEGALLY DESCRIBED AS LOT 1 OF THE CARMEL LANE SUBDIVISION LOT
CONSOLIDATION, FROM R-3 (1-ACRE RESIDENTIAL) TO O-1 (OPEN SPACE, PARKS,
AND RECREATION AREA DISTRICT), 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, Cherry Hills Country Club is the record property owner of a certain parcel of land located at the northwest corner of E. Quincy Avenue and S. University Boulevard (the "Subject Property") more particularly described as:

**Lot 1 of the Carmel Lane Subdivision Lot Consolidation, City of Cherry Hills Village,
County of Arapahoe, State of Colorado;**

and has initiated a rezoning of the Subject Property, by submitting an application dated November 17, 2021, seeking to rezone the Subject Property from the R-3 Zoning District (1-Acre Residential) to the O-1 Zoning District (Open Space, Parks, and Recreation Area District) (the "Application"); and

WHEREAS, the Planning and Zoning Commission ("P&Z") held a duly noticed public hearing on July 9, 2024, 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 proposed rezoning will better facilitate implementation of the City's Master Plan as required by Section 16-2-40 of the Code relating to rezoning applications as the requested rezoning will prevent the property from being developed with homes and it will maintain the existing use of an institutional property, and does so find;

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 Approved. The zoning classification of the Subject Property shall be, and is hereby, changed from the R-3 Zoning District (1-Acre Residential) to the O-1 Zoning District (Open Space, Parks, and Recreation Area District).

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.

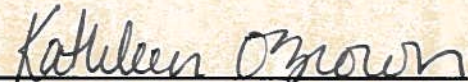
Section 4. Safety Clause. The City Council of the City of Cherry Hills Village deems this Ordinance to be necessary for the public health, safety and welfare.

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. 7, Series 2024, by the City Council of the City of Cherry Hills Village, Colorado this 17th day of September, 2024.

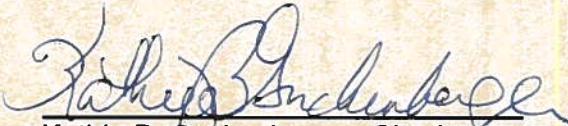
(SEAL)


Kathleen Brown, Mayor

ATTEST:

APPROVED AS TO FORM:


Laura Gillespie, City Clerk


Kathie B. Guckenberger, City Attorney

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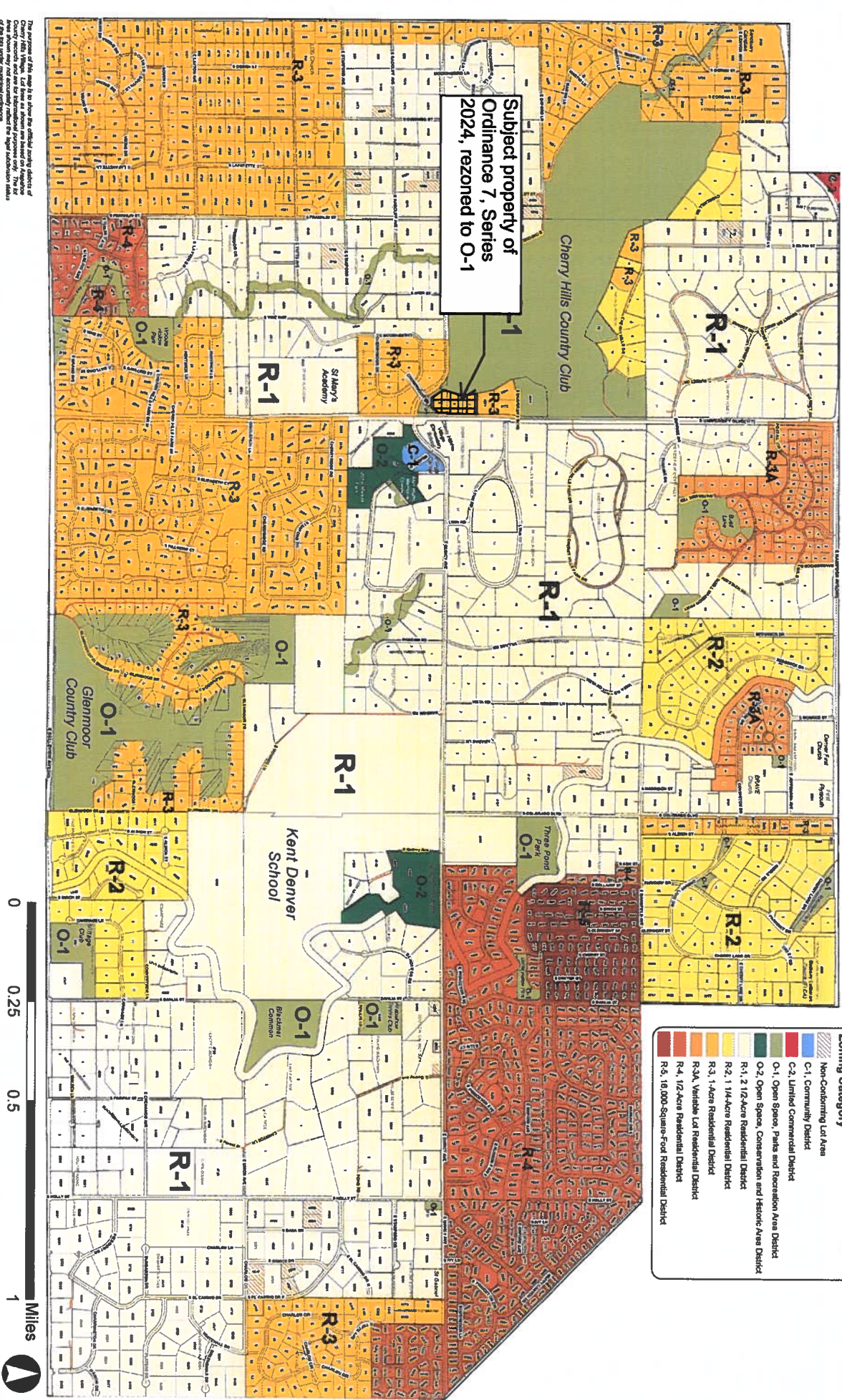
<p>CITY OF CHERRY HILLS VILLAGE ADOPTION OF ORDINANCE ORDINANCE 7, SERIES 2024</p> <p>A BILL FOR AN ORDINANCE OF THE CITY OF CHERRY HILLS VILLAGE TO REZONE A PARCEL OF LAND OWNED BY THE CHERRY HILLS COUNTRY CLUB, LEGALLY DESCRIBED AS LOT 1 OF THE CARMEL LANE SUBDIVISION LOT CONSOLIDATION, FROM R-3 (1-ACRE RESIDENTIAL) TO O-1 (OPEN SPACE,</p>	<p>PARKS, AND RECREATION AREA DISTRICT), AND AMENDING THE OFFICIAL ZONING MAP CONSISTENT THEREWITH</p> <p>Copies of the Ordinances are on file at the office of the City Clerk and may be inspected during regular business hours.</p> <p>Published in <i>The Villager</i> Published: September 26, 2024 Legal # 11581</p>
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ATTACHMENT A TO ORDINANCE 7, SERIES 2024



CHERRY HILLS VILLAGE OFFICIAL ZONING MAP

Map Updated: 3/25/2019



This map is for informational purposes only. It is not intended to be used for legal or financial purposes. The map is not a warranty of any kind. The map is not a representation of any kind. The map is not a guarantee of any kind. The map is not a promise of any kind. The map is not a statement of any kind. The map is not a declaration of any kind. The map is not a certification of any kind. The map is not a confirmation of any kind. The map is not a finding of any kind. The map is not a conclusion of any kind. The map is not a judgment of any kind. The map is not an opinion of any kind. The map is not a belief of any kind. The map is not a faith of any kind. The map is not a trust of any kind. The map is not a hope of any kind. The map is not a dream of any kind. The map is not a vision of any kind. The map is not a mission of any kind. The map is not a purpose of any kind. The map is not a goal of any kind. The map is not an objective of any kind. The map is not a result of any kind. The map is not an effect of any kind. The map is not a consequence of any kind. The map is not a side effect of any kind. The map is not a secondary effect of any kind. The map is not a collateral effect of any kind. The map is not a incidental effect of any kind. The map is not a consequential effect of any kind. The map is not a final effect of any kind. The map is not a permanent effect of any kind. The map is not a temporary effect of any kind. The map is not a partial effect of any kind. The map is not a complete effect of any kind. The map is not a total effect of any kind. The map is not a full effect of any kind. The map is not a partial effect of any kind. The map is not a complete effect of any kind. The map is not a total effect of any kind. The map is not a full effect of any kind.