

ORDINANCE NO. 3
Series 2019

March 5, 2019: Introduced as Council Bill 2, Series 2019 by Councilor Mike Gallagher, seconded by Councilor Al Blum and considered in full text on first reading. Passed by a vote of 6 yes and 0 no.

March 19, 2019: 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 120 MEADE LANE, JOHN MEADE PARK, AND ALAN HUTTO MEMORIAL
COMMONS FROM R-1 (2½ ACRE RESIDENTIAL DISTRICT), C-1 (COMMUNITY DISTRICT)
AND O-1 (OPEN SPACE, PARK AND RECREATION AREA DISTRICT) TO O-2 (OPEN
SPACE, CONSERVATION AND HISTORIC AREA DISTRICT), TO REZONE 2450 E. QUINCY
AVENUE FROM C-1 TO C-1 AND O-2, AND AMENDING THE ZONING MAP**

WHEREAS, pursuant to Section 16-2-40(a) of the Municipal Code (“Code”), the City Council is authorized to initiate amendments to the official zoning map of the City of Cherry Hills Village; and

WHEREAS, the City of Cherry Hills Village is the record owner of the following parcels of land within the boundaries of Cherry Hills Village, as identified by an identification number assigned by the Arapahoe County Assessor (“AIN”), which are collectively referred to herein as the “Subject Properties”; and

AIN	Address/Identification	Current Zoning
2077-12-2-002	2450 E. Quincy Avenue	C-1
2077-12-2-02-051	120 Meade Lane	C-1
2077-12-2-004	Alan Hutto Memorial Commons	R-1 and O-1
2077-12-2-02-039	John Meade Park	O-1
2077-12-2-02-038	John Meade Park	O-1
2077-12-2-02-050	John Meade Park	O-1

WHEREAS, a map depicting the location and current zoning of the Subject Properties is attached to this Ordinance as Attachment A, and is incorporated herein by reference; and

WHEREAS, City Staff initiated a rezoning of the Subject Properties by application dated December 14, 2018 (the “Application”), which Application seeks to rezone the Subject Properties or a portion thereof from their current zoning of C-1 (Community District), R-1 (2½-Acre Residential District), and O-1 (Open Space, Park and Recreation Area District), respectively, to O-2 (Open Space, Conservation and Historic Area District) as depicted in Attachment B, a copy of which is attached hereto and incorporated herein by reference; and

WHEREAS, the Application was presented to the Parks, Trails and Recreation Committee at its December 2018 meeting and its January 10, 2019 meeting and PTRC unanimously recommended approval; and

WHEREAS, the Planning and Zoning Commission held a duly noticed public hearing on January 22, 2019 to consider the Application and following the conclusion of the public hearing voted to recommend approval of the Application to 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 provided notice of the City Council public hearing in accordance with all applicable provisions of the Code; and

WHEREAS, the City Council finds that the proposed rezoning is consistent with the requirements outlined in Section 16-2-40 of Code relating to rezoning applications; and

WHEREAS, pursuant to Article 23 of Title 31, C.R.S., as amended, City Council has determined that the proposed rezoning of the Subject Properties, subject to any conditions set forth herein, furthers the public health, safety, convenience and general welfare of the community;

generally conforms with the City’s Master Plan, as amended and updated; is compatible with surrounding uses; and otherwise meets the applicable criteria set forth in the Code; and

WHEREAS, the City Council further finds that the proposed rezoning of the Subject Properties satisfies the purpose and intent of the O-2 zone district, as set forth in Section 16-11-110 of the Code, in that the rezoning of the Subject Properties will: (1) promote conservation values of properties owned or leased by the City, and (2) provide for the development, maintenance, and operation of the Subject Properties consistent with the Master Plan and the semi-rural character of the City.

NOW, THEREFORE, the 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 classifications of the Subject Properties as described herein and depicted in Attachment A shall be, and are hereby, changed from R-1 (2½ Acre Residential District), C-1 (Community District), and O-1 (Open Space, Park and Recreation Area District) to the new zoning classifications as set forth in the chart below:

AIN	Address/Identification	Current Zoning	New Zoning
2077-12-2-002	2450 E. Quincy Avenue	C-1	C-1 and O-2, as depicted in Attachment B
2077-12-2-02-051	120 Meade Lane	C-1	O-2
2077-12-2-004	Alan Hutto Memorial Commons	R-1 and O-1	O-2
2077-12-2-02-039	John Meade Park	O-1	O-2
2077-12-2-02-038	John Meade Park	O-1	O-2
2077-12-2-02-050	John Meade Park	O-1	O-2

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

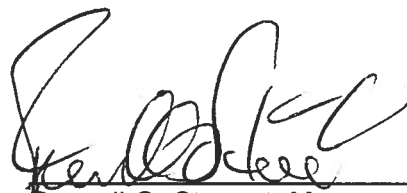
Section 4. Safety Clause. The City Council of the City of Cherry Hills Village deems this Ordinance to be necessary for the public health, safety, and welfare.

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. 3, Series 2019, by the City Council of the City of Cherry Hills Village, Colorado this 19th day of March, 2019.

(SEAL)



Russell O. Stewart, Mayor

ATTEST:

APPROVED AS TO FORM:

Laura Gillespie
Laura Gillespie, City Clerk

Kathie B. Guckenberger
Kathie B. Guckenberger, City Attorney

Published in *The Villager*
Published: 3-28-19
Legal #: 8924

**CITY OF CHERRY HILLS
VILLAGE
ADOPTION OF ORDINANCE
ORDINANCE 3, SERIES 2019**

A BILL FOR AN ORDINANCE OF THE CITY OF CHERRY HILLS VILLAGE TO REZONE 120 MEADE LANE, JOHN MEADE PARK, AND ALAN HUTTO MEMORIAL COMMONS FROM R-1 (2½ ACRE RESIDENTIAL DISTRICT), C-1 (COMMUNITY DISTRICT) AND O-1 (OPEN SPACE, PARK AND RECREATION AREA DISTRICT) TO O-2 (OPEN SPACE, CONSERVATION AND HISTORIC AREA DISTRICT), TO REZONE 2450 E. QUINCY AVENUE FROM C-1 TO C-1 AND O-2, AND AMENDING THE ZONING MAP

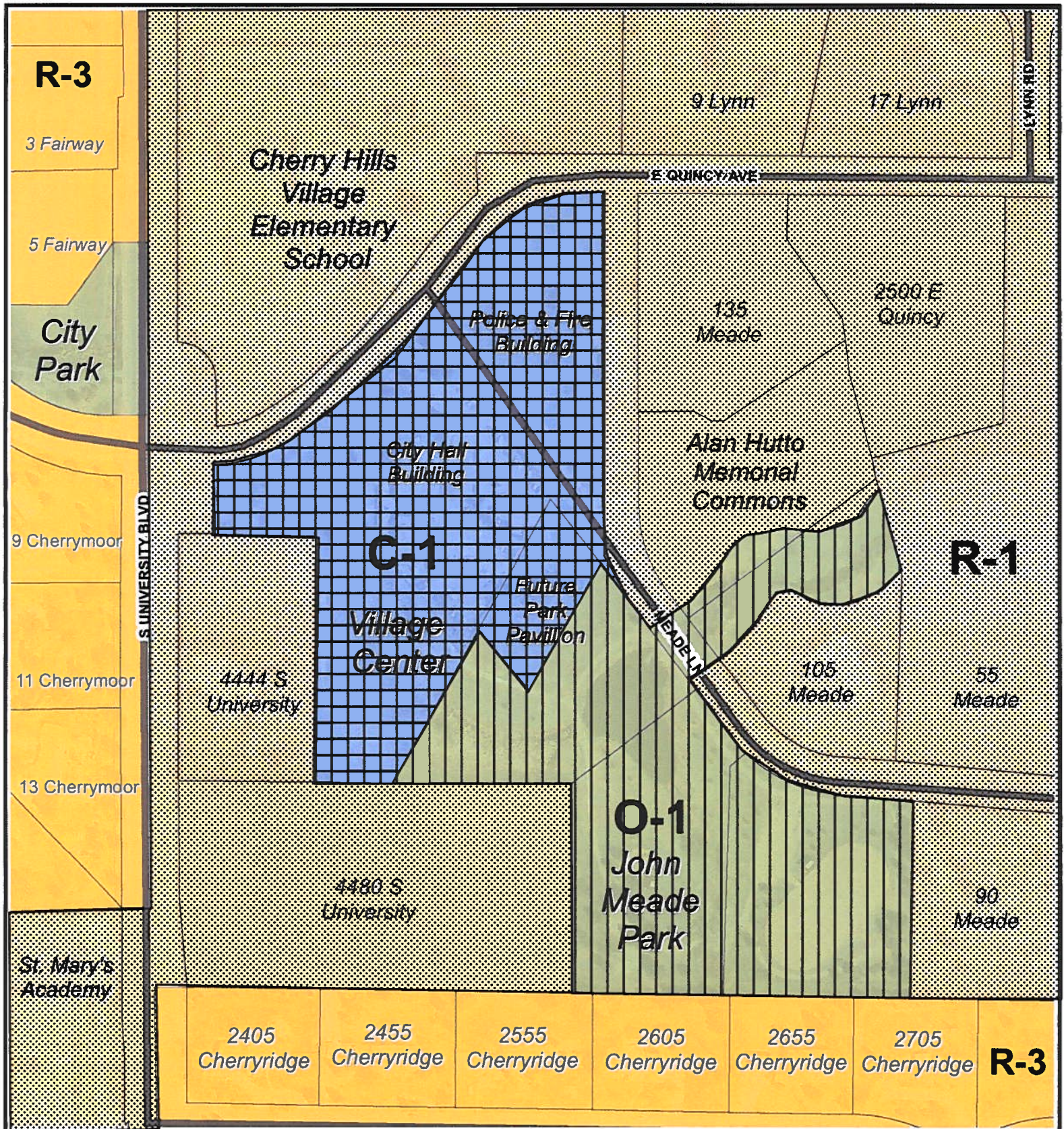
Copies of the Ordinances are on file at the office of the City Clerk and may be inspected during regular business hours.

Published in *The Villager*
Published: March 28, 2019
Legal # 8924

ATTACHMENT A
John Meade Park and Alan Hutto Memorial Current Zoning Map



JOHN MEADE PARK & ALAN HUTTO MEMORIAL CURRENT ZONING



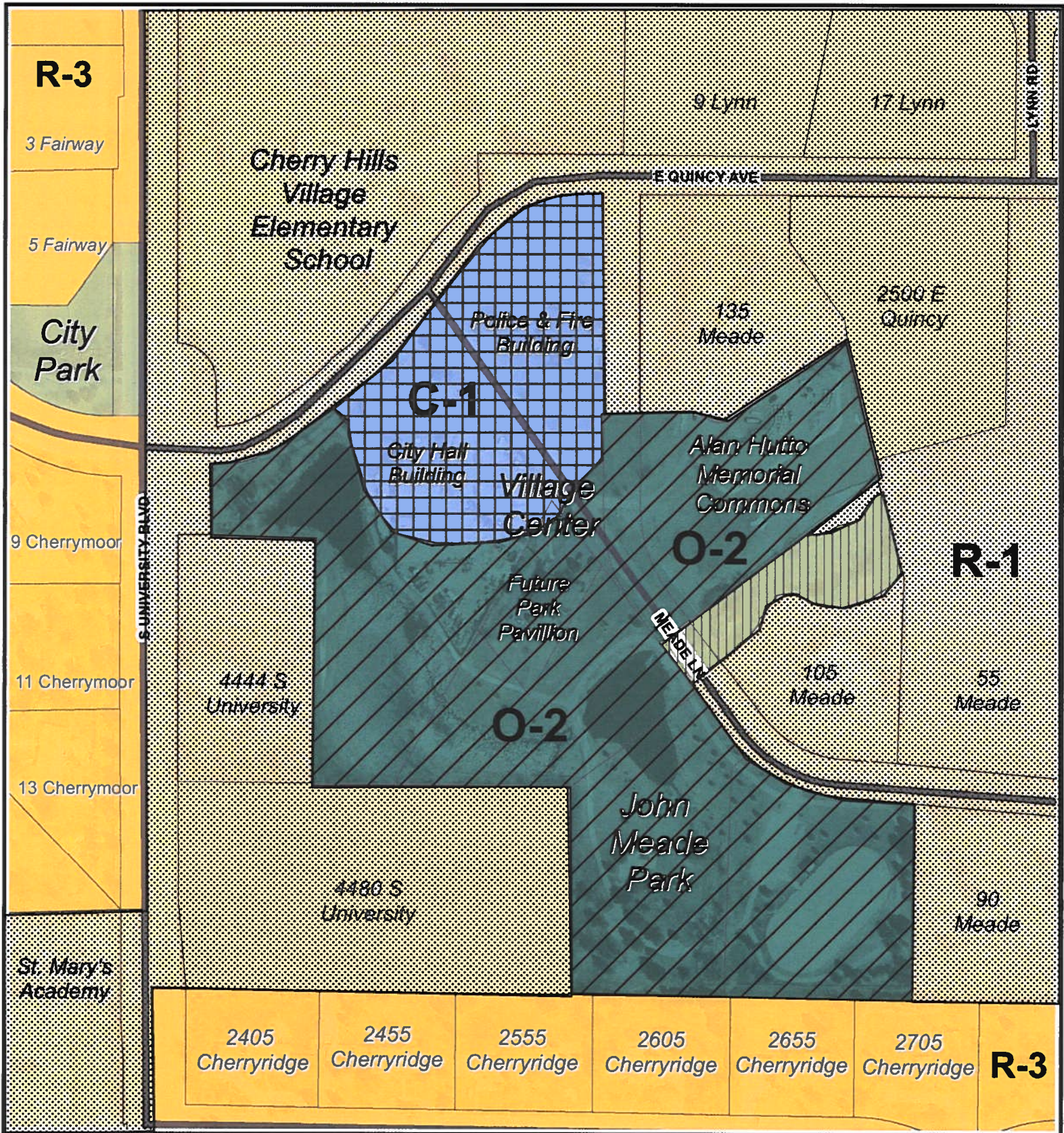
	C-1, Community District		R-2, 1 1/4-Acre Residential District
	C-2, Limited Commercial District		R-3, 1-Acre Residential District
	O-1, Open Space, Parks and Recreation Area District		R-3A, Variable Lot Residential District
	O-2, Open Space, Conservation and Historic Area District		R-4, 1/2-Acre Residential District
	R-1, 2 1/2-Acre Residential District		R-5, 16,000-Square-Foot Residential District



ATTACHMENT B
John Meade Park and Alan Hutto Memorial Rezoning Map



JOHN MEADE PARK & ALAN HUTTO MEMORIAL REZONING EXHIBIT



	C-1, Community District		R-2, 1 1/4-Acre Residential District
	C-2, Limited Commercial District		R-3, 1-Acre Residential District
	O-1, Open Space, Parks and Recreation Area District		R-3A, Variable Lot Residential District
	O-2, Open Space, Conservation and Historic Area District		R-4, 1/2-Acre Residential District
	R-1, 2 1/2-Acre Residential District		R-5, 16,000-Square-Foot Residential District

