

Date: 12/07/2023

Subject: An ordinance of the City of Littleton, Colorado, rezoning approximately 17.420 acres of 700 W. Mineral Avenue and 0.68 acres of right-of-way from Industrial Park/Planned Overlay District to Multi-Family Residential

Passed/Failed: Passed on first reading

## **CITY OF LITTLETON, COLORADO**

ORDINANCE 40 SERIES 2023

1	CITY OF LITTLETON, COLORADO
2 3	ORDINANCE NO. 40
4	
5	Series, 2023
6	
7	AN ORDINANCE OF THE CITY OF LITTLETON,
8	COLORADO, REZONING APPROXIMATELY 17.420
9	ACRES OF 700 W. MINERAL AVENUE AND 0.68 ACRES OF
10	RIGHT-OF-WAY FROM INDUSTRIAL PARK/PLANNED
11	OVERLAY DISTRICT TO MULTI-FAMILY RESIDENTIAL
12	WHEREAS and Low 9, 2022 Earlines Destance LLC and the second from Oracle
13	WHEREAS, on June 8, 2023, Embrey Partners, LLC, with consent from Qwest
14	Corporation C/O Lumen Technologies, the owner of the property described in Exhibit "A," as
15	attached hereto and fully incorporated herein by this reference, made an application for a rezoning
16	under the provisions of the Littleton City Code; and
17 18	WHEREAS, the rezoning from Industrial Park/Planned-Overlay District to Multi-
18	Family Residential is requested to allow for approximately 17.420 acres of the 700 W. Mineral
20	Avenue and associated right-of-way to be developed in accordance with the residential use
20	standards (the "Property"); and
22	standards (the Troperty ), and
23	WHEREAS, the Planning Commission of the City of Littleton, CO held a public
24	hearing on November 13, 2023 to consider the rezoning of a portion of 700 W. Mineral Avenue
25	and found the proposed rezoning to be in compliance with the decision criteria within Section 10-
26	9-4.1 of the Unified Land Use Code; and
27	, The of the childed Land Cobe Code, and
28	WHEREAS, the Planning Commission unanimously recommended approval to
29	City Council of the rezoning of a portion of 700 W. Mineral Avenue from Industrial Park/Planned
30	Overlay District to Multi-Family Residential; and
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32	WHEREAS, on December 19, 2023, the City Council of the City of Littleton held
33	a public hearing to consider the proposed rezoning; and
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35	WHEREAS, the council finds in fact that changed conditions have occurred such
36	that the character of the surrounding area is transitioning or being affected by other factors not
37	contemplated by the comprehensive plan; and
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39	WHEREAS, the council finds in fact that the range of uses allowed by the proposed
40	Multi-Family Residential zoning district will be <u>compatible</u> with the properties in the immediate
41	vicinity of the subject property; and
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43	WHEREAS, the council finds in fact that the traffic generated by the land uses
44	permissible in the proposed Multi-Family Residential zoning district will not lead to
45	undue congestion, noise, or traffic hazards; and
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WHEREAS, the council finds in fact that facilities and services are or will be
available to serve the subject property without compromising provisions for adequate levels of
service to other properties; and

**WHEREAS,** the council finds in fact that the proposed Multi-Family Residential zoning district will not cause harm to natural features on or <u>adjacent</u> to the subject property.

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## NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LITTLETON, COLORADO, THAT:

58 Section 1: The rezoning from Industrial Park/Planned Overlay District (IP/P-59 LO) to Multi-Family Residential (MFR) of the Property complies with the Comprehensive Plan of 60 Envision Littleton and satisfies the decision criteria within Section 10-9-4.1 of the Unified Land 61 Use Code. 62

63 Section 2: The rezoning explicitly terminates and supersedes all prior zoning 64 pertaining to the subject Property and, including but not limited to, that certain Declaration of 65 Planned Industrial Park Uses, Limitations, Restrictions and Covenants recorded December 31, 66 1969 in Book 1847 at Page 79, and that certain Resolution No. 19, Series of 1981, recorded June 67 22, 1944 at Reception No. 92824 in Book 7604, Page 272.

69 Section 3: The rezoning of the Property from Industrial Park/Planned Overlay
70 District (IP/PL-O) to Multi-Family Residential (MFR) is hereby approved.
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72 Section 4: The Official Zoning Map for the City of Littleton, Colorado is 73 hereby updated, as shown in Exhibit "B", attached hereto and fully incorporated herein by this 74 reference, to reflect City Council's approval of the rezoning. 75

76 Section 5: The effective date of this rezoning shall be the date that this
77 ordinance is recorded with the County Clerk and Recorder of Arapahoe County, Colorado.
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**Section 6:** Severability. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of this ordinance. The City Council hereby declares that it would have passed this ordinance, including each part, section, subsection, sentence, clause or phrase hereof, irrespective of the fact that one or more parts, sections, subsections, sentences, clauses or phrases may be declared invalid.

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86 **Section 7:** Repealer. All ordinances or resolutions, or parts thereof, in conflict 87 with this ordinance are hereby repealed, provided that this repealer shall not repeal the repealer 88 clauses of such ordinance nor revive any ordinance thereby.

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91 INTRODUCED AS A BILL at a regularly scheduled meeting of the City Council

Ordinance No. 40 Series, 2023 Page 3

- 92 of the City of Littleton on the 5th day of December, 2023, passed on first reading by a vote of <u>7</u>
- 93 FOR and <u>0</u> AGAINST; and ordered published by posting at Littleton Center, Bemis Library, the
- 94 Municipal Courthouse and on the City of Littleton Website.
- 95 PUBLIC HEARING on the Ordinance to take place on the 19<sup>th</sup> day of December,
- 96 2023, in the Council Chamber, Littleton Center, 2255 West Berry Avenue, Littleton, Colorado, at
- 97 the hour of 6:30 p.m., or as soon thereafter as it may be heard.
- 98 PASSED on second and final reading, following public hearing, by a vote of \_\_\_\_\_
- 99 FOR and \_\_\_\_\_ AGAINST on the 19<sup>th</sup> day of December, 2023 and ordered published by posting at
- 100 Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.
- 101 ATTEST:
- 102
- 103 Colleen L. Norton
- 104 CITY CLERK
- 105
- 106 APPROVED AS TO FORM:
- 107
- 108
- 109 Reid Betzing
- 110 CITY ATTORNEY

Kyle Schlachter MAYOR

