CITY OF CENTENNIAL, COLORADO

ORDINANCE NO. 2019-O-17

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CENTENNIAL, COLORADO APPROVING INITIAL ZONING OF PROPERTY KNOWN AS THE INOVA III ANNEXATION FROM ARAPAHOE COUNTY LIGHT INDUSTRIAL (I-1) TO CITY OF CENTENNIAL BUSINESS PARK (BP\textsubscript{100}) WITH MODIFICATIONS UNDER THE LAND DEVELOPMENT CODE AND AMENDING THE OFFICIAL ZONING MAP

WHEREAS, a property owner has filed a petition for annexation with the City of Centennial (collectively, the “Petition”) requesting the annexation of certain property located generally southeast of the intersection of East Easter Avenue and South Lima Street consisting of a total of approximately 49.396 acres including the platted streets and other rights-of-way described in the Petition, and known as the INOVA III Annexation, and which property is described with particularity in Exhibit A attached hereto and incorporated herein by reference (the “Property”); and

WHEREAS, on June 3, 2019, following the conclusion of a duly noticed public hearing, the City Council of the City of Centennial adopted an Ordinance (the “Annexation Ordinance”) annexing the Property into the City of Centennial; and

WHEREAS, as required by C.R.S. § 31-12-115(2) and applicable provisions of the City’s Land Development Code (the “LDC”), property annexed to the City must be zoned pursuant to the City’s zoning regulations within ninety (90) days after the effective date of the Annexation Ordinances; and

WHEREAS, pursuant to an annexation and development agreement, certain modifications to the Business Park (BP\textsubscript{100}) zone district were negotiated between the property owner and the City; and

WHEREAS, at the same public hearing concluded on June 3, 2019, the City Council considered establishing the initial zoning district for the Property under the LDC; and

WHEREAS, the City of Centennial Planning and Zoning Commission considered the proposed initial zoning of the Property at a duly noticed public hearing held on May 8, 2019, and subsequently forwarded its recommendation concerning initial zoning to City Council; and

WHEREAS, public notice has been properly given of such proposed initial zoning of the Property by publication, in The Villager, a newspaper of general circulation within the City of Centennial, and by mail notification of adjacent property owners in accordance with the applicable provisions of the LDC; and

WHEREAS, in accordance with the LDC, a public hearing was held before the City Council at 13133 E. Arapahoe Road, Centennial at which time evidence and testimony were presented to the City Council concerning the initial zoning proposal; and
WHEREAS, the record for this case includes, but is not limited to, the City of Centennial Land Development Code ("LDC"), the City of Centennial Comprehensive Plan, and all other applicable laws, ordinances, resolutions and regulations, together with all City of Centennial policies that relate to the subject matter of the public hearing, reports, studies and all other submittals of the property owner(s), any evidence or correspondence submitted by members of the public at the public hearing, and the staff files and reports of the Community Development Department pertaining to this application; and

WHEREAS, pursuant to Article 23 of Title 31, C.R.S., as amended, City Council has determined that the proposed zoning of the Property, subject to the conditions set forth herein, furthers the public health, safety, convenience and general welfare of the community; generally conforms with the City’s Comprehensive Plan, as amended and updated; is compatible with surrounding uses; and otherwise meets the applicable criteria set forth in the LDC; and

WHEREAS, approval of this Ordinance on first reading is intended only to confirm that the City Council desires to comply with state law and the LDC by setting a public hearing in order to provide the owners of the Property and the public an opportunity to present testimony and evidence regarding the application. Approval of this Ordinance on first reading does not constitute a representation that the City Council, or any member of the City Council, supports, approves, rejects, or denies the proposed initial zoning.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CENTENNIAL, COLORADO, ORDAINS:

Section 1. Recitals Incorporated. The recitals contained above are incorporated herein by reference and are adopted as findings and determinations of the City Council.

Section 2. Initial Zoning of Property Approved. The City Council hereby grants and approves zoning of the Property from Arapahoe County Light Industrial (I-1) to City of Centennial Business Park (BP100). Specific zoning conditions and modifications to the Business Park (BP100) are set forth in the Annexation and Development Agreement for INOVA III Annexation approved contemporaneously with this Ordinance.

Section 3. Amendment of Zoning Map. The Official Zoning Map of the City of Centennial shall be amended to conform to and reflect the Property’s Business Park (BP100) zoning designation. The Community Development Department is directed to change the zoning of the Property on the City’s Official Zoning Map and to make any technical corrections to the Official Zoning Map necessitated by the initial zoning of the Property established by this Ordinance.

Section 4. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.
Section 5. Repeal. Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

Section 6. Effective Date. Except as otherwise expressly provided herein, the provisions of this Ordinance shall become effective thirty (30) days after publication following final passage.
FINALLY ADOPTED, PASSED, APPROVED WITH AMENDMENTS, IF ANY, AND ORDERED PUBLISHED BY TITLE ONLY, IN THE VILLAGER NEWSPAPER AND IN FULL ON THE CITY WEB SITE IN ACCORDANCE WITH SECTION 2-1-110 OF THE MUNICIPAL CODE BY THE CITY COUNCIL OF THE CITY OF CENTENNIAL, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS MEETING HELD ON THE ___ DAY OF ____________, 2019, BY A VOTE OF ____ IN FAVOR AND ______ AGAINST.

CITY OF CENTENNIAL

By: ____________________________
Stephanie Piko, Mayor

I hereby certify that the above Ordinance was finally adopted by the City Council of the City of Centennial at its meeting of ________________, 2019, and ordered published by title only, one time by The Villager newspaper on ________________, 2019 and in full on the City web site in accordance with Section 2-1-110 of the Municipal Code.

ATTEST:

SEAL

By: ____________________________
City Clerk or Deputy City Clerk

Published in full on the City’s website at: www.centennialco.gov on May 16, 2019 by Barbara Setterlind, City Clerk.
EXHIBIT A

Legal Description of Property to be Zoned BP100 (42.931 acres)

Lots 1 and 2, Block 1, Lots 1, 2 and 3, Block 2, and Tract A, Dry Creek Park Subdivision Filing No. 1, Except that portion of Lot 1, Block 1 as conveyed to the County of Arapahoe in Special Warranty Deed recorded March 10, 2004 at Reception No. B4044331 and re-recorded April 21, 2004 at Reception No. B4071928, Arapahoe County, Colorado.