

**CITY OF CENTENNIAL,  
COLORADO**

**ORDINANCE NO. 2016-O-03**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CENTENNIAL,  
COLORADO REZONING CERTAIN PROPERTY LOCATED AT 8586 EAST  
ARAPAHOE ROAD AND 8489 EAST BRIARWOOD AVENUE FROM URBAN  
CENTER (UC) AND NEIGHBORHOOD CONSERVATION (NC<sub>9</sub>) TO ACTIVITY  
CENTER (AC) UNDER THE 2011 LAND DEVELOPMENT CODE, AND  
AMENDING THE OFFICIAL ZONING MAP**

WHEREAS, JR Engineering LLC (“Applicant”), on behalf of the current owner, ARAPYOS LLC (the “Owner”), have submitted an application to rezone property consisting of approximately 0.946 acres, more or less, and located generally south and west of the intersection of South Yosemite Street and East Arapahoe Road in the City of Centennial, County of Arapahoe, State of Colorado (the “Property”); and

WHEREAS, the Property is more particularly described in the Willow Bend Rezoning Plan, a copy of which is on file with the Community Development Department (Case No. LU-15-00306) (the “Rezoning Plan”); and

WHEREAS, the Property consists of two parcels as more specifically shown and set forth in the Rezoning Plan, which parcels are legally described as follows:

Parcel 1 (8586 E. Arapahoe Road):

LOT 1, WILLOW BEND,  
COUNTY OF ARAPAHOE,  
STATE OF COLORADO

(consisting of 0.6027 acres, more or less)

Parcel 2 (8489 E. Briarwood Avenue):

LOT 13, BLOCK 43, WALNUT HILLS FILING NO. 5,  
TOGETHER WITH THE WEST ONE-HALF OF VACATED SOUTH  
WILLOW STREET  
LYING IMMEDIATELY EAST OF AND ADJACENT TO LOT 13, AS  
VACATED  
BY RESOLUTION NO. 500-09, RECORDED ON APRIL 24, 1990 IN  
BOOK 5911 AT PAGE 778,  
COUNTY OF ARAPAHOE,  
STATE OF COLORADO

(consisting of 0.343 acres, more or less); and

WHEREAS, the Applicant proposes to rezone the Property from Urban Center (UC) and Neighborhood Conservation (NC<sub>9</sub>) to Activity Center (AC) under the 2011 Land Development Code (“LDC”); and

WHEREAS, the City of Centennial Planning and Zoning Commission considered the zoning proposal at a duly noticed public hearing conducted on January 27, 2016, and forwarded its favorable recommendation to City Council; and

WHEREAS, public notice has been properly given of the proposed zoning of the Property by publication in *The Villager*, a newspaper of general circulation within the City of Centennial, by posting of said Property 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 the Centennial Civic Center, 13133 E. Arapahoe Road, Centennial, Colorado at which time evidence and testimony were presented to the City Council concerning said zoning proposal; and

WHEREAS, the administrative record for this case includes, but is not limited to, the LDC, the City of Centennial Comprehensive Plan, applicable sub-area plans, including but not limited to the I-25 Sub Area Plan and the Arapahoe Urban Corridor (AUC) Sub Area Plan, and all other applicable ordinances, resolutions and regulations, together with all City of Centennial land use application processing policies that relate to the subject matter of the public hearing, reports, studies and all other submittals of the Applicant, the Owner, or the Applicant’s or Owner’s designated representative(s), as applicable, 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 the Rezoning Plan; 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 any 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 Applicant, the Owner and the public an opportunity to present testimony and evidence regarding the zoning 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 zoning.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CENTENNIAL, COLORADO:**

**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. Zoning of Property Approved.** The City Council hereby grants and approves rezoning of the Property from Neighborhood Conservation (NC<sub>9</sub>) and Urban Center (UC)

to Activity Center (AC) under the 2011 LDC, as depicted on the Rezoning Plan. Following the effective date of this Ordinance, the Property shall be zoned Activity Center (AC) under the LDC.

**Section 3. Amendment of Zoning Map.** The Community Development Department is instructed to record the Rezoning Plan for Case No. LU-15-00306 in the real property records of Arapahoe County, Colorado following the date on which the Community Development Department has made any technical corrections to the Rezoning Plan to conform the same to all applicable requirements of the LDC and the Applicant and Owner have fully paid any outstanding fees to the City related to the City's review and processing of the Rezoning Plan. The Official Zoning Map of the City of Centennial shall be amended to conform to and reflect the Property's Activity Center (AC) zone district classification. The Community Development Department is directed to make such changes to the Official Zoning Map and to make any necessary technical corrections to the Rezoning Plan.

**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.

INTRODUCED, READ, AND ORDERED PUBLISHED BY THE CITY COUNCIL OF THE CITY OF CENTENNIAL, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD ON THE \_\_\_ DAY OF \_\_\_\_\_, 2016.

CITY OF CENTENNIAL

By: \_\_\_\_\_  
Cathy A. Noon, Mayor

Approved as to Form:

\_\_\_\_\_  
For City Attorney's Office

I hereby certify that the above Ordinance was introduced to the City Council of the City of Centennial at its meeting of \_\_\_\_\_, 2016 and ordered published one time by title only in *The Villager* newspaper on \_\_\_\_\_, 2016, and in full on the City web site in accordance with Section 2-1-110 of the Municipal Code.

SEAL

ATTEST:

By: \_\_\_\_\_  
City Clerk or Deputy City Clerk

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 \_\_\_\_\_, 2016, BY A VOTE OF \_\_\_\_ IN FAVOR AND \_\_\_\_ AGAINST.

CITY OF CENTENNIAL

By: \_\_\_\_\_  
Cathy A. Noon, Mayor

I hereby certify that the above Ordinance was finally adopted by the City Council of the City of Centennial at its meeting of \_\_\_\_\_, 2016, and ordered published by title only, one time by *The Villager* newspaper on \_\_\_\_\_, 2016 and in full on the City web site in accordance with Section 2-1-110 of the Municipal Code.

SEAL

ATTEST:

By: \_\_\_\_\_  
City Clerk or Deputy City Clerk

*Published in full on the City's website on February 4, 2016 by Barbara Setterlind, City Clerk.*