

**CITY OF CENTENNIAL,
COLORADO**

ORDINANCE NO. 2021-O-03

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CENTENNIAL,
COLORADO, REZONING CERTAIN PROPERTY LOCATED AT THE
SOUTHEAST CORNER OF EAST ORCHARD ROAD AND SOUTH GRANT
STREET FROM NEIGHBORHOOD CONSERVATION, 18,000 SF MINIMUM
(NC₁₈) AND NEIGHBORHOOD CONSERVATION, 6,000 SF MINIMUM (NC₆)
TO PLANNED UNIT DEVELOPMENT (PUD) UNDER THE LAND
DEVELOPMENT CODE, AND AMENDING THE OFFICIAL ZONING MAP**

WHEREAS, PCS Group Inc. (the “Applicant”) on behalf of BLJ Leasing, Inc., University Pre-School & Kindergarten, Inc., and Lester and Ann Cole (the “Owners”) submitted an application to rezone property consisting of approximately 1.886 acres, more or less, which is located at the southeast corner of E. Orchard Rd. and S. Grant St. in the City of Centennial (the “Property”); and

WHEREAS, the Property is more particularly described in the Gallup’s Gardens PUD Preliminary Development Plan, a copy of which is on file with the Community Development Department (Case No. PUD-20-00002) (the “Preliminary Development Plan” or “PDP”); and

WHEREAS, the Property is legally described as follows:

TRACTS A, B, C, AND D AND LOTS 1 THROUGH 14
GALLUP’S GARDENS SUBDIVISION
CITY OF CENTENNIAL,
COUNTY OF ARAPAHOE,
STATE OF COLORADO; and

WHEREAS, the Applicant proposes to rezone the Property from Neighborhood Conservation, 18,000 SF Min. (NC₁₈) and Neighborhood Conservation, 6,000 SF Min. (NC₆) to Planned Unit Development (“PUD”) under the 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 February 24, 2021, 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 Centennial Citizen*, 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 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, 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 Preliminary Development 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 meets the applicable criteria set forth in Sections 12-14-903(C) and 12-14-604(E) of 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, 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. Zoning of Property Approved. The City Council hereby grants and approves rezoning of the Property from Neighborhood Conservation, 18,000 SF Min. (NC₁₈) and Neighborhood Conservation, 6,000 SF Min. (NC₆) to Planned Unit Development ("PUD") under the LDC, as depicted on the Preliminary Development Plan. Following the effective date of this Ordinance, the Property shall be zoned Planned Unit Development ("PUD") under the LDC.

Section 3. Amendment of Zoning Map. The Community Development Department is instructed to record the Preliminary Development Plan for Case No. PUD-20-00002 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 Preliminary Development 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 Preliminary Development Plan. The Official Zoning Map of the City of Centennial shall be amended to conform to and reflect the Property's PUD 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 Preliminary Development 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 _____, 2021.

CITY OF CENTENNIAL

By: _____
Stephanie Piko, 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 _____, 2021 and ordered published one time by title only in *The Centennial Citizen* newspaper on _____, 2021, 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

FINALLY ADOPTED, PASSED, APPROVED WITH AMENDMENTS, IF ANY, AND ORDERED PUBLISHED BY TITLE ONLY, IN *THE CENTENNIAL CITIZEN* 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 _____, 2021, 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 _____, 2021, and ordered published by title only, one time by *The Centennial Citizen* newspaper on _____, 2021 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