

ORDINANCE NO. 20-04

**INTRODUCED BY:
Council Member Sweeney
Mayor Pro Tem Thomas**

**AN ORDINANCE OF THE CITY COUNCIL OF FEDERAL HEIGHTS, COLORADO
REZONING CERTAIN LAND DESCRIBED HEREIN, KNOWN AS LOT 1 AND
OUTLOT A, THRIVE CHURCH SUBDIVISION, FROM C-1 ZONE DISTRICT TO
PLANNED UNIT DEVELOPMENT (PUD) ZONE DISTRICT AND THE ASSOCIATED
PUD PLAN**

WHEREAS, Thrive Church, Inc., (“Owner”) is the owner of the land described and depicted on Exhibit A, to wit:

LOT 1 AND OUTLOT A, THRIVE CHURCH SUBDIVISION, CITY OF FEDERAL HEIGHTS, COUNTY OF ADAMS, STATE OF COLORADO (“the Property”); and

WHEREAS, the Owner has submitted an application to rezone the Property from C-1 Zone District to the PUD Zone District and the associated PUD Plan, entitled, “Thrive Church Planned Unit Development” (the “Thrive Church PUD”) (collectively, the “Application”); and

WHEREAS, on January 6, 2020, the City of Federal Heights Planning and Zoning Commission held a public hearing regarding the Application, and in consideration of all the evidence presented during the January 6, 2020 public hearing recommended approval of the Application with no conditions; and

WHEREAS, proper notice of the required public hearing has been accomplished according to law, including posting on the subject property, publication in the local newspaper, as well as the necessary letters to all owners of real property adjacent to the site; and

WHEREAS, public hearings regarding the Application before the Planning Commission and City Council have been held in accordance with the zoning ordinance of the City of Federal Heights; and

WHEREAS, City Council has considered the Planning and Zoning Commission’s recommendation, and after consideration of all the evidence and testimony presented at the January 20, 2020 public hearing, City Council finds and declares that the proposed rezone request is in substantial conformance with the requirements of sections 70-116 and 70-117 of the Federal Heights Municipal Code, and that the proposed Thrive Church PUD is in substantial conformance with the technical requirements of Article VII., Division 10 of the Federal Heights Municipal Code.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FEDERAL HEIGHTS, COLORADO:

Section 1. Upon approval by City Council of, and the recordation of, the Thrive Church Subdivision final plat within 90 days of the date of City Council approval thereof, the land described and depicted on Exhibit A, attached hereto and incorporated herein, shall be zoned PUD (Planned Unit Development) Zoning District.

Section 2. Upon timely compliance with all conditions in Section 1 above, the City Council certifies a change in the Zoning Map zoning the property described herein to City of Federal Heights PUD Zoning District.

Section 3. The Final PUD Plan for Thrive Church Subdivision, as attached hereto as Exhibit B, is hereby approved for property known as Lot 1 and Outlot A, Thrive Church Subdivision.

Section 4. The Mayor and City Clerk are hereby authorized and directed to certify upon the final PUD plan the City's approval and acceptance thereof. The City Clerk is hereby authorized and directed to file the final PUD plan with the Adam's County Clerk and Recorder's office upon fulfillment of all conditions as indicated herein.

Section 5. The approval of the Thrive Church Subdivision Final PUD Plan shall be null and void if: (a) the conditions of this ordinance are not timely complied with, unless extended by a Resolution of City Council; or (b) a building permit has not been issued, or if construction has not begun, which pertains to the approved Thrive Church Subdivision Final PUD plan within one year from the date of City Council approval thereof.

Section 6. If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The city council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 7. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portions hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 8. The repeal or modification of any provision of the Federal Heights Municipal Code by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision. Each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions for enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.

Section 9. This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

INTRODUCED, READ AND PASSED AS AN ORDINANCE, ON FIRST READING,
AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF FEDERAL
HEIGHTS, COLORADO, THE 21st DAY OF January 2020.

READ, PASSED AND ADOPTED AS AN ORDINANCE ON SECOND READING,
AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF FEDERAL
HEIGHTS, COLORADO, THE 4th DAY OF February 2020.

/s/ Linda S. Montoya, Mayor

ATTEST:
/s/ Patti K. Lowell, CMC
City Clerk

APPROVED AS TO FORM:
/s/ William P. Hayashi
City Attorney