

TOWN OF MONUMENT

ORDINANCE NO. 17-2023

AN ORDINANCE APPROVING A CONDITIONAL USE FOR 267 B NORTH WASHINGTON TO ALLOW THE RECREATION AND ENTERTAINMENT, INDOOR USE IN THE DOWNTOWN BUSINESS ZONE DISTRICT

WHEREAS, the Town of Monument (“Town”) is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Town’s Home Rule Charter approved by the electors on November 8, 2022 (“Charter”); and

WHEREAS, pursuant to the requirements of Sections 18.01.220 and 18.03.320, Town of Monument Municipal Code (“MMC”), Bloom Healing Arts, LLC has filed an application (the “Application”) for approval of a Conditional Use for 267 B North Washington Street (the “Property”) to allow the Recreation and Entertainment, Indoor Use in the Downtown Business zoning district as set forth in Section 18.03.380, MMC (the “Conditional Use”); and

WHEREAS, pursuant to Section 18.01.220, MMC, the Town Planning Commission has conducted a public hearing on the Application and made a recommendation to the Town Council for approval; and

WHEREAS, as required for approval, pursuant to Section 18.03.320, MMC, the Town Council finds that the Conditional Use requested for 267 B North Washington Street:

- A. Is generally consistent with the Comprehensive Plan and other relevant Town goals and policies;
- B. Is generally consistent with the purpose and intent of the zoning district in which it is located;
- C. Is generally consistent with any applicable use-specific standards set forth in Title 18, Monument Municipal Code;
- D. Is compatible with adjacent uses in terms of scale, site design, and operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts);
- E. Facilities and services (including sewage and waste disposal, water, gas, election, police and fire protection, and streets and transportation, as applicable) will be available to serve the subject property while maintaining adequate levels of service for existing development;
- F. Adequate assurances of continuing maintenance have been provided; and

G. Any significant adverse impacts anticipated to result from the use will be mitigated or offset to the maximum extent reasonably practicable; and

WHEREAS, pursuant to Section 18.03.320 E., MMC, a conditional use is also subject to approval of a site plan application based on the applicable criteria for considering both conditional uses and site plans under Sections 18.03.150 and 18.03.320, MMC; Section 18.03.150 A., MMC requires a site plan only “for any new construction or building addition;” and therefore the Town Council finds that the requirement of a site plan associated with a conditional use does not apply to a change of use that does not involve new construction or a building addition; and

WHEREAS, this Ordinance was introduced by title, considered at public hearing, and voted upon at the regular meeting of the Town Council on August 7, 2023.

**THE TOWN COUNCIL OF THE TOWN OF MONUMENT, COLORADO,
ORDAINS:**

Section 1. Incorporation. The recitals set forth above are incorporated and ordained as if set forth in this section in full.

Section 2. Approval of Conditional Use. The Application is granted, and the Conditional Use for the Property is approved.

Section 3. Site Plan Waived. Section 18.03.320 E., MMC, which subjects a conditional use to approval of a site plan shall not apply so long as the Conditional Use granted herein is implemented without new construction or building addition.

Section 4. Publication. Pursuant to Subsection 6.5, 3. of the Town of Monument Home Rule Charter and Subsection 2.04.030, G. of the Monument Municipal Code, upon approval this Ordinance shall be published on the Town's official website in full for not less than ten (10) days.

Section 5. Authentication and Filing. Upon passage this Ordinance shall be authenticated by the Mayor and Town Clerk and maintained by the Town Clerk in such form as is sufficient to assure reasonable access by the public. Failure to authenticate any ordinance shall not invalidate it or suspend its operation.

Section 6. Effective Date. This Ordinance shall become effective and be in full force and effect ten (10) days after final publication.

Section 7. Severability. If any portion of this Ordinance or the application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect the remaining portions or applications of the ordinance which can be given effect without the invalid portion or application, provided such remaining portions or applications are not determined by the court to be inoperable.

INTORDUCED, **PASSED**, and **ADOPTED/REJECTED**, by the Town Council of the Town of Monument, Colorado this 7th day of August 2023, by a vote of 7 for and 0 against.

TOWN OF MONUMENT, COLORADO

By:

Mitch LaKind
Mitch LaKind, Mayor

Attest:

Laura Hogan
Laura Hogan, Town Clerk



CERTIFICATE OF PUBLICATION

I, the duly qualified and Town Clerk of the Town of Monument, Colorado, do hereby certify the foregoing Ordinance No. __-2023 was approved by the Town Council of the Town of Monument at its *regular* meeting held on the 7th day of August 2023, and was published on _____, 2023, on the Town's official website for not less than ten (10) days, as shown on the Attached Exhibit A.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Monument, Colorado, this _____ day of _____, 2023.

Tina Erickson, Deputy Town Clerk

(S E A L)

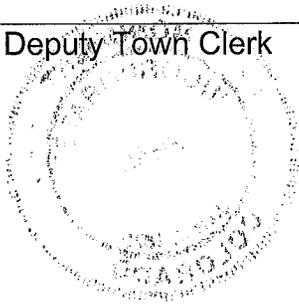


Exhibit A to Certificate of Publication [Screenshot showing date and time of website publication]

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ORDINANCE NO. 17-2023

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WHEREAS, the Town of Monument ("Town") is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Town's Home Rule Charter approved by the electors on November 9, 2022 ("Charter"), and

WHEREAS, pursuant to the requirements of Sections 18.01.220 and 18.03.320, Town of Monument Municipal Code ("MMC"), Bison Healing Arts, LLC has filed an application (the "Application") for approval of a Conditional Use for 267 B North Washington Street (the "Property") to allow the Recreation and Entertainment, Indoor Use in the Downtown Business zoning district as set forth in Section 18.03.350, MMC (the "Conditional Use"); and

WHEREAS, pursuant to Section 18.01.220, MMC, the Town Planning Commission has conducted a public hearing on the Application and made a recommendation to the Town Council for approval; and

WHEREAS, as required for approval, pursuant to Section 18.03.320, MMC, the Town Council finds that the Conditional Use requested for 267 B North Washington Street:

- A. Is generally consistent with the Comprehensive Plan and other relevant Town goals and policies;
- B. Is generally consistent with the purpose and intent of the zoning district in which it is located;
- C. Is generally consistent with any applicable use-specific standards set forth in Title 18, Monument Municipal Code;
- D. Is compatible with adjacent uses in terms of scale, site design, and operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts);
- E. Facilities and services (including sewage and waste disposal, water, gas, election, police and fire protection, and streets and transportation, as applicable) will be available to serve the subject property while maintaining adequate levels of service for existing development;
- F. Adequate assurances of continuing maintenance have been provided; and

G. Any significant adverse impacts anticipated to result from the use will be mitigated or offset to the maximum extent reasonably practicable; and

WHEREAS, pursuant to Section 18.03.320 E., MMC, a conditional use is also subject to approval of a site plan application based on the applicable criteria for considering both conditional uses and site plans under Sections 18.03.150 and 18.03.320, MMC; Section 18.03.150 A., MMC requires a site plan only for any new construction or building addition; and therefore the Town Council finds that the requirement of a site plan associated with a conditional use does not apply to a change of use that does not involve new construction or a building addition; and

WHEREAS, this Ordinance was introduced by title, considered at public hearing, and voted upon at the regular meeting of the Town Council on August 7, 2023.

THE TOWN COUNCIL OF THE TOWN OF MONUMENT, COLORADO, ORDAINS:

Section 1. Incorporation. The recitals set forth above are incorporated and ordained as if set forth in this section in full.

Section 2. Approval of Conditional Use. The Application is granted, and the Conditional Use for the Property is approved.

Section 3. Site Plan Waived. Section 18.03.320 E., MMC, which subjects a conditional use to approval of a site plan shall not apply so long as the Conditional Use granted herein is implemented without new construction or building addition.

Section 4. Publication. Pursuant to Subsection 6.5, 3, of the Town of Monument Home Rule Charter and Subsection 2.04.030, G, of the Monument Municipal Code, upon approval this Ordinance shall be published on the Town's official website in full for not less than ten (10) days.

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4872-9820-3, v. 3

INTRODUCED, PASSED, and ADOPTED/REJECTED, by the Town Council of the Town of Monument, Colorado this 7th day of August 2023, by a vote of 7 for and 0 against.

TOWN OF MONUMENT, COLORADO
By: 
Mich Larkins, Mayor

