

**ORDINANCE OF THE  
CITY OF LONE TREE**

**Series of 2015**

**Ordinance No. 15-02**

**AN ORDINANCE APPROVING THE REZONING OF CERTAIN TERRITORY  
KNOWN AND DESIGNATED AS A PORTION OF TRACT H, PARKWAY  
SUBDIVISION FILING NO. 1,  
IN THE CITY OF LONE TREE, COLORADO  
(GENERAL MOTORS)**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LONE TREE,  
COLORADO:**

**ARTICLE 1 - AUTHORITY**

Chapter 16, Article XXV of the Lone Tree Municipal Code, as amended, (the “Code”) governs the process for approving Rezoning.

**ARTICLE 2 – REZONING APPLICATION FILED**

A petition for rezoning (the “Petition”) was filed with the City of Lone Tree (the “City”) requesting that the City approve the rezoning of 0.3656 acres of Petitioner’s land, hereinafter described in Exhibit A, attached hereto and incorporated herein by this reference (the “Property”), the result of a land swap in the replat application, from Parks and Open Space (POS) to Commercial 1 (C1). This Property is proposed as parking for commercial purposes, a use not allowed in the current POS zone district.

**ARTICLE 3 – REZONING**

A. Findings of Fact on Rezoning.

1. Public notice in the form required by the Code and applicable Colorado statutes has been given of the rezoning application and the public hearing on this Ordinance by one publication in a newspaper of general circulation within the City at least fifteen (15) days before the public hearing on such rezoning, and evidence thereof has been provided to the City as required.

2. Written notice of the rezoning request and the public hearings before the Planning Commission and City Council was sent by first class mail to all adjoining landowners, to homeowner associations that have authority over property

located within 200 feet of the land proposed for rezoning, to mineral rights owners, and to lessees and easement holders in the form and manner required by the Code at least fifteen (15) days prior to the public hearings, and evidence thereof has been provided to the City as required.

3. Notice of the rezoning request and the public hearings before the Planning Commission and the City Council in the form required by the Code was posted on the property for fifteen (15) consecutive days prior to said hearings, and evidence thereof has been provided to the City as required.

4. The Planning Commission and the City Council have held the public hearings as required by the Code and applicable Colorado statutes and have considered all relevant evidence presented in such hearings. The Planning Commission recommended approval of the rezoning request.

5. The City Council has considered the standards for approval of rezoning as set forth in Chapter 16, Article XXV of the Code, and based upon the evidence, testimony, and staff report, finds that the standards of approval of said Chapter have been satisfied.

6. The City Council finds that the proposed rezoning is in conformity with the Lone Tree Comprehensive Plan.

7. A need exists for the designation of City rezoning of the property to "C1 – Commercial 1", to ensure beneficial use and conformity with adjoining property and for determining proper taxes that are due and payable upon the real and personal property within the area being annexed in connection with this rezoning.

8. The City Council hereby determines that the proposed rezoning of real property should be approved subject to the terms and conditions set forth in the staff report submitted to City Council.

#### **ARTICLE 4 – APPROVAL OF REZONING REQUEST**

The Petition for Rezoning requested that rezoning be granted by the City Council. The City Council finds full compliance with all the requirements established by the Zoning Ordinance, the Planning Commission and the City Council. The Property is hereby rezoned "C1 – Commercial 1" under the Lone Tree Zoning Ordinance and Zoning Map.

#### **ARTICLE 5- AMENDMENT OF MAP**

The Zoning Map of the City is hereby amended to reflect the rezoning of the Property.

## **ARTICLE 6 – EFFECTIVE DATE**

This Ordinance shall take effect thirty (30) days following publication and second reading if no changes are made on second reading, or thirty (30) days after publication following second reading if changes are made upon second reading.

## **ARTICLE 7 – SEVERABILITY**


If any part or provision of this Ordinance, or its application to any person or circumstance is adjudged to be invalid or unenforceable, the invalidity or unenforceability of such part, provision, or application shall not affect any of the remaining parts, provisions or applications of this Ordinance that can be given the effect without the invalid provision, part or application, and to this end the provisions and parts of this Ordinance are declared to be severable.

**INTRODUCED, READ, AND ORDERED PUBLISHED ON SEPTEMBER 1, 2015.**

**PUBLISHED IN THE DOUGLAS COUNTY NEWS PRESS ON SEPTEMBER 17, 2015, LEGAL NOTICE NO. 927704.**

**APPROVED AND ADOPTED WITH NO CHANGES ON SECOND READING ON OCTOBER 6, 2015, TO BECOME EFFECTIVE ON OCTOBER 17, 2015.**

**CITY OF LONE TREE**

  
James D. Gunning, Mayor

**ATTEST:**

  
Jennifer Pettinger, CMC, City Clerk



**EXHIBIT A**  
Legal Description of Property



**PROPERTY DESCRIPTION**

A PARCEL OF LAND BEING A PORTION OF TRACT H, PARKWAY SUBDIVISION FILING NO. 1, RECORDED UNDER RECEPTION NO. 342828 IN THE OFFICES OF THE DOUGLAS COUNTY CLERK AND RECORDER, LOCATED IN THE NORTH ONE-HALF OF SECTION 4, TOWNSHIP 6 SOUTH, RANGE 67 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, CITY OF LONE TREE, COUNTY OF DOUGLAS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE WESTERLY LINE OF TRACT H, PARKWAY SUBDIVISION FILING NO. 1, MONUMENT AS SHOWN HEREON, BEARING N18°04'05"W A DISTANCE OF 130.43 FEET AS SHOWN ON SAID SUBDIVISION.

COMMENCING AT THE NORTHEASTERLY CORNER OF LOT 1, BLOCK 3, PARKWAY SUBDIVISION FILING NO. 1, RECORDED UNDER RECEPTION NO. 342828 IN THE OFFICES OF THE DOUGLAS COUNTY CLERK AND RECORDER;

THENCE ON THE WESTERLY LINE OF TRACT H, PARKWAY SUBDIVISION FILING NO. 1, S61°58'19"W A DISTANCE OF 9.41 FEET TO THE POINT OF BEGINNING;

THENCE DEPARTING SAID WESTERLY LINE, THE FOLLOWING FIVE (5) COURSES:

1. S00°41'13"W A DISTANCE OF 65.45 FEET;
2. S18°04'05"E A DISTANCE OF 28.26 FEET;
3. S52°01'16"E A DISTANCE OF 130.73 FEET;
4. S14°50'35"E A DISTANCE OF 35.59 FEET;
5. S37°58'44"W A DISTANCE OF 47.57 FEET, TO A POINT ON THE WESTERLY LINE OF SAID TRACT H;

THENCE ON SAID WESTERLY LINE, THE FOLLOWING THREE (3) COURSES:

1. N52°01'10"W A DISTANCE OF 142.52 FEET;
2. N18°04'05"W A DISTANCE OF 130.43 FEET;
3. N61°58'19"E A DISTANCE OF 70.14 FEET, TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 15,936 SQUARE FEET OR 0.3658 ACRES.

**PROPERTY DESCRIPTION STATEMENT**

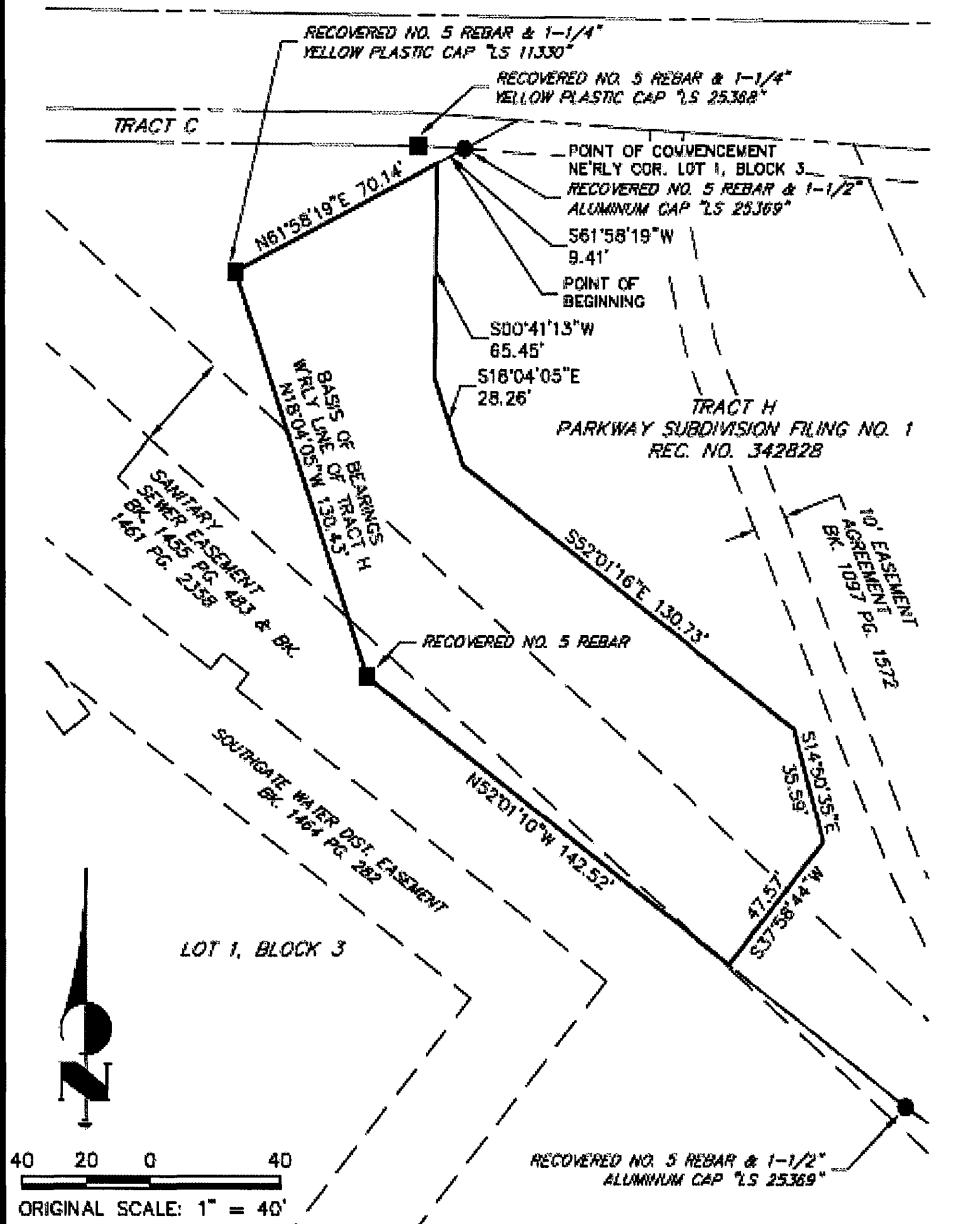
I, JARROD ADAMS, A PROFESSIONAL LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE ABOVE PROPERTY DESCRIPTION AND ATTACHED EXHIBIT WERE PREPARED UNDER MY RESPONSIBLE CHARGE, AND ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF, ARE CORRECT.

JARROD ADAMS, PROFESSIONAL LAND SURVEYOR  
COLORADO NO. 38252  
FOR AND ON BEHALF OF JR ENGINEERING, LLC



# EXHIBIT

## COUNTY LINE ROAD



NOTE: THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED SURVEY. IT IS INTENDED ONLY TO DEPICT THE ATTACHED PROPERTY DESCRIPTION.

ZONING EXHIBIT  
GM PLAT  
PROJECT NO.: 15637.00  
DATE: 08/28/15

SHEET: 2 OF 2



Central 363-740-8888 • Central Springs 78-588-2838  
Fort Collins 970-498-8888 • [www.jr-engineering.com](http://www.jr-engineering.com)