

**ORDINANCE NO. 31, Series 2018**

**INTRODUCED BY: COUNCILOR CHELSEA BEHANNA**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAFAYETTE, COLORADO ZONING CERTAIN LAND, FULLY DESCRIBED HEREIN, KNOWN AS THE SUNDAR SUBDIVISION FROM DEVELOPING RESOURCE (DR) TO R4/PUD (HIGH DENSITY RESIDENTIAL/PLANNED UNIT DEVELOPMENT) ZONE DISTRICT**

**WHEREAS**, the City Council of the City of Lafayette, Colorado finds that a proper application for zoning certain land fully described and depicted on Exhibit A, has been submitted by the applicant to the City; and

**WHEREAS**, the Subject Property is currently zoned DR (Developing Resource); and

**WHEREAS**, the Planning Commission, after a Public Hearing on July 24, 2018 and careful consideration of all relevant facts, has recommended approval of the zoning to the City Council, subject to City Council approval of the Final Plan and de-annexing from the Louisville Fire Protection District within two (2) years of the Final Plan recording; and

**WHEREAS**, the City Council held a public hearing on October 16, 2018 concerning the zoning request in conformance with the Lafayette Code of Ordinances; and

**WHEREAS**, the City Council of the City of Lafayette finds that due to changed or changing conditions in the area of the land for which zoning is requested, in particular the approval of a development plan for the subject property, it is in the public interest and reasonably necessary to zone the subject property to encourage development; and

**WHEREAS**, the City Council of the City of Lafayette finds that the rezoning is necessary to conform to the Comprehensive Plan Land Use designation of the subject property as High Density Residential; and

**WHEREAS**, the City Council of the City of Lafayette finds and declares that all officers, boards, and the City Council have complied with all applicable provisions of the City Charter, City Ordinances and State Statues.

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

SECTION 1. Upon approval by City Council of, and the recordation of, the Sundar Subdivision final plat and PUD within 90 days of the date of City Council approval thereof, the land described and depicted on Exhibit A, shall be zoned City of Lafayette R4/PUD (High Density Residential/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 Lafayette R4/PUD Zoning District.

SECTION 3. City Council directs that a certified copy of this Ordinance be filed with the City Clerk and further, that the City Clerk index, file and make the Ordinance available to the public.

SECTION 4. If the conditions set forth in Section 1 above are not timely fulfilled by February 3, 2019, this ordinance shall be void and of no effect.

SECTION 5. 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 6. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof is hereby repealed to the extent of such inconsistency or conflict.

SECTION 7. The repeal or modification of any provision of the Code of Ordinances of Lafayette, Colorado 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 8. This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

SECTION 9. This ordinance shall become effective upon the latter of the 10<sup>th</sup> day following enactment, or the day following final publication of the ordinance.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED THIS 5TH DAY OF NOVEMBER, 2018.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THIS 20TH DAY OF NOVEMBER, 2018.

**ATTEST:**

**CITY OF LAFAYETTE, COLORADO**

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Susan Barker, CMC  
Deputy City Clerk

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Christine Berg, Mayor

**APPROVED AS TO FORM:**

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David S. Williamson, City Attorney

**EXHIBIT A**

A PARCEL OF LAND BEING ALL OF RECEPTION NO. 2319040 LOCATED IN THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 1 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 15 A FOUND 2.5" ALUMINUM CAP PLS 35597;

THENCE ALONG THE NORTH/SOUTH CENTERLINE OF SAID SECTION 15 NORTH 00°19'25" EAST, A DISTANCE OF 385.00 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 00°19'25" EAST, CONTINUING NORTHERLY ALONG SAID LINE, A DISTANCE OF 944.93 FEET TO THE SOUTHWEST CORNER OF MAPLE GROVE SUBDIVISION, RECEPTION NO. 772085;

THENCE ALONG THE SOUTHERN LINE OF SAID RECEPTION NO. 772085 NORTH 89°53'26" EAST, A DISTANCE OF 2,267.07 FEET TO A POINT 366.00 FEET WEST OF THE EAST LINE OF SAID SOUTHEAST QUARTER;

THENCE SOUTH 00°17'17" WEST BEING 366.00 FEET WEST OF AND PARALLEL TO SAID EAST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 565.37 FEET TO THE NORTHERLY LINE OF PARCEL TITLED MU-47 DESCRIBED IN RECEPTION NO. 2462503;

THENCE ALONG THE NORTHERLY LINE OF SAID RECEPTION NO. 2462503 AND THE NORTHERLY LINES OF RECEPTION NO. 2263089 THE FOLLOWING FIVE (7) COURSES;

1. THENCE SOUTH 89°01'50" WEST, A DISTANCE OF 797.25 FEET;
  2. THENCE SOUTH 42°21'39" WEST, A DISTANCE OF 94.06 FEET;
  3. THENCE SOUTH 88°03'07" WEST, A DISTANCE OF 223.78 FEET;
  4. THENCE SOUTH 58°33'30" WEST, A DISTANCE OF 258.26 FEET;
  5. THENCE NORTH 87°32'18" WEST, A DISTANCE OF 432.96 FEET;
  6. THENCE SOUTH 70°06'53" WEST, A DISTANCE OF 548.66 FEET;
  7. THENCE ALONG A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 743.51 FEET, A CENTRAL ANGLE OF 01°21'01", WHOSE CHORD BEARS SOUTH 70°47'23" WEST A DISTANCE OF 17.52 FEET, FOR AN ARC DISTANCE OF 17.52 FEET TO THE POINT OF BEGINNING.
- CONTAINING 1,574,173 SQUARE FEET OR 36.138 ACRES, MORE OR LESS.

