

ORDINANCE NO. 02, Series 2020
INTRODUCED BY: COUNCILOR BRIAN WONG

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAFAYETTE,
COLORADO, REZONING CERTAIN LAND, FULLY DESCRIBED HEREIN, KNOWN
AS LOT 1A, FILING NO. 5, REPLAT A, SOLA SUBDIVISION, FROM COMMUNITY
SERVICE BUSINESS (B1) TO SENIOR AND SPECIAL RESIDENTIAL/PLANNED
UNIT DEVELOPMENT (RSR/PUD) ZONE DISTRICT**

WHEREAS, Sola Inc. is the fee owner of certain real property located within the SoLa-Commercial/Institutional Planned Unit Development (“SoLa PUD”), known as Lot 1A, Filing No. 5, Replat A, SoLa Subdivision, as more fully described and depicted in Exhibit A attached hereto (the “Property”); and

WHEREAS, Inland Group, LLC, (the “Applicant”) applied for the rezoning of the Property from its current zoning of B1 (Community Service Business) to the RSR/PUD (Senior and Special Residential/Planned Unit Development) Zoning District, as more fully described in Exhibit A attached hereto (“Traditions at SoLa Rezoning”); and

WHEREAS, the City Council of the City of Lafayette, Colorado, finds that a proper application for rezoning the Property has been submitted by the Applicant to the City; and

WHEREAS, the Planning Commission, after a Public Hearing on November 28, 2018, and careful consideration of all relevant facts, recommended approval of the rezoning to the City Council, subject to City Council approval of the Lot 1A, Filing No. 5, Replat A, SoLa Subdivision PUD Amendment (“PUD Amendment”) and Comprehensive Plan Amendment submitted by the Applicant; and

WHEREAS, the City Council held a public hearing on January 15, 2019, concerning the zoning request in conformance with the Lafayette Code of Ordinances, and on February 5, 2019, approved Ordinance No. 02, Series 2019, rezoning the Property to the City of Lafayette RSR/PUD (Senior and Special Residential/Planned Unit Development) Zoning District, subject to approval by City Council of, and the recordation of, the PUD Amendment and Comprehensive Plan Amendment within 90 days of the date of City Council approval thereof; and

WHEREAS, on January 15, 2019, City Council approved the PUD Amendment, as well as the Special Use Review and Site Plan / Architectural Review, each with conditions, all of which have been met as of November 2019; and

WHEREAS, because it took longer than anticipated for the applicant to finalize financing and to complete necessary vacation and dedication of certain easements affecting the Property, the PUD Amendment was not recorded within the 90-day deadline set by Ordinance No. 02, Series 2019, and, therefore, Ordinance No. 02, Series 2019, lapsed and became void by operation of its terms and the rezoning did not take effect; and

WHEREAS, the Applicant requests that the rezoning of the Property from the B1 (Community Service Business) Zoning District to the RSR/PUD (Senior and Special Residential/Planned Unit Development) Zoning District be re-approved; and

WHEREAS, the City Council held a public hearing on January 7, 2020, concerning the rezoning request in conformance with the Lafayette Code of Ordinances; and

WHEREAS, the City Council of the City of Lafayette finds that there has not been a substantial change in circumstances related to the Property or the rezoning application since the Planning Commission's November 2018 hearing and recommendation to Council to approve the requested rezoning; 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 rezoning is requested, in particular the approval of a development plan for the Property, it is in the public interest and reasonably necessary to rezone the Property to encourage development; and

WHEREAS, the City Council of the City of Lafayette finds that the rezoning is necessary because the use was not anticipated at the time of the adoption of the Comprehensive Plan and the use promotes goals within said plan; 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 Statutes.

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

SECTION 1. Upon the recordation of the Lot 1A, Filing No. 5, Replat A, SoLa Subdivision PUD Amendment and Comprehensive Plan Amendment, the real property described and depicted on Exhibit A, attached hereto and incorporated herein, shall be zoned City of Lafayette RSR/PUD (Senior and Special 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 land described in Section 1 above to City of Lafayette RSR/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 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 5. 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 6. 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 7. This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

SECTION 8. This ordinance shall become effective upon the latter of the 10th day following enactment, or the day following final publication of the ordinance.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED THIS 7TH DAY OF JANUARY, 2020.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THIS 21ST DAY OF JANUARY, 2020.

ATTEST:

CITY OF LAFAYETTE, COLORADO

Susan Koster, CMC, City Clerk

Jamie Harkins, Mayor

APPROVED AS TO FORM:

Mary Lynn Macsalka, City Attorney

EXHIBIT A
Traditions at SoLa Rezoning

LOT 1A, FILING NO. 5, REPLAT A, SOLA SUBDIVISION

CITY OF LAFAYETTE, COUNTY OF BOULDER, STATE OF COLORADO

CONTAINING 146,318 SQUARE FEET OR 3.359 ACRES, MORE OR LESS.

