

CITY OF LAFAYETTE

ORDINANCE NO. 09, Series 2021

INTRODUCED BY: COUNCILOR STEPHANIE WALTON

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAFAYETTE,
COLORADO, ZONING CERTAIN LAND, FULLY DESCRIBED HEREIN,
FROM DEVELOPING RESOURCE (DR) TO COMMUNITY BUSINESS (B1) -
PLANNED UNIT DEVELOPMENT (PUD) ZONE DISTRICT; AND
APPROVING THE INDIAN PEAKS MARKETPLACE FINAL PLANNED UNIT
DEVELOPMENT PLAN**

WHEREAS, BJ Baseline LLC, a Colorado limited liability company, (the “Applicant”), is the fee owner of four parcels of real property generally located in the City of Lafayette and more particularly described in Exhibit A attached hereto (the “Property”); and

WHEREAS, Applicant has submitted an application for the rezoning of the two southern parcels of the Property, totaling approximately 10.64 acres in size and more particularly described in Exhibit B attached hereto (collectively, the “South Parcel”), from Developing Resource (DR) to B1-PUD (Community Business - Planned Unit Development) (“Rezoning Application”); and

WHEREAS, Applicant has also submitted an application for the approval of the Indian Peaks Marketplace Final PUD Plan (“Final PUD Plan”), to accommodate the development of two commercial buildings on the South Parcel of the Property and two commercial buildings located on the north parcel (“North Parcel”) of the Property; (the Final PUD Plan and Rezone Application, collectively, constitute the “Applications”); and

WHEREAS, the Planning Commission, after conducting a public hearing on the Rezoning Application on September 22, 2020, rendered a decision recommending approval of the Rezoning Application; and

WHEREAS, the City Council, on appeal, approved the Preliminary Plan/Planned Unit Development application on October 6, 2020; and

WHEREAS, on April 20, 2021, the City Council conducted a public hearing on the Applications; and

WHEREAS, after reviewing the record of the Planning Commission public hearing, and after considering the testimony, evidence, and argument presented at the City Council public hearing, the City Council finds and determines that: (a) the Applications are complete; (b) the rezoning is necessary to conform to the Comprehensive Plan; (c) rezoning the South Parcel of the Property to B1-PUD is consistent with the Comprehensive Plan’s Land Use Designation of the Property as Community Business; (d) that the Applicant has met the applicable requirements and standards set forth in Section 26-18-5(d) of the Lafayette Code of Ordinances; and (e) that the zoning map amendment and Final PUD Plan approval furthers the public health, safety, and general

welfare of the City.

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

Section 1. The above recitals and findings of the City Council are hereby incorporated into this ordinance.

Section 2. The land legally described in Exhibit B, attached hereto and incorporated herein by this reference, which consists of approximately 10.64 acres, more or less, shall be zoned City of Lafayette B1-PUD (Community Business - Planned Unit Development) Zoning District.

Section 3. The Indian Peaks Marketplace Final PUD Plan, attached hereto as Exhibit C and incorporated herein by this reference, is hereby approved, conditioned upon adding the note addressing “Indian Peaks South Commercial Business District Regulations” on the Indian Peaks Filing No. 17 - Tract A Final Plan/PUD to the Indian Peaks Marketplace Final PUD Plan, and further conditioned upon the applicant addressing the timing for the formation of a business owners' association in such note after consultation with City Planning staff and approval of such note language by the City Planning Director.

Section 4. The Indian Peaks Marketplace Final PUD Plan, as it relates to the Property, hereby establishes an overlay PUD zone to allow more than one principal building to be developed on Lot 1 of the North Parcel and Lot 2 of the South Parcel. Except as explicitly provided in the Indian Peaks Marketplace Final PUD Plan, the zoning regulations, development standards, design standards, or any other land-use standards in the underlying B1 zone district shall apply to the entirety of the Property and any property within the PUD overlay.

Section 5. Upon the recordation of the Indian Peaks Marketplace Final PUD Plan in the property records of the Boulder County Clerk and Recorder, the City Council certifies a change in the Zoning Map zoning the South Parcel to City of Lafayette B1-PUD (Community Business - Planned Unit Development) Zoning District.

Section 6. The 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 7. 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 8. 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 9. 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 10. This ordinance is deemed necessary for the protection of the health, welfare, and safety of the community.

Section 11. This ordinance shall become effective upon the latter of the 10th day following enactment, or the day following final publication of the ordinance.

INTRODUCED AND PASSED ON FIRST READING THE 18TH DAY OF MAY, 2021.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THE 1ST DAY OF JUNE, 2021.

CITY OF LAFAYETTE, COLORADO

Jamie Harkins, Mayor

ATTEST:

Lynnette Beck, CMC, City Clerk

APPROVED AS TO FORM:

Mary Lynn Macsalka, City Attorney

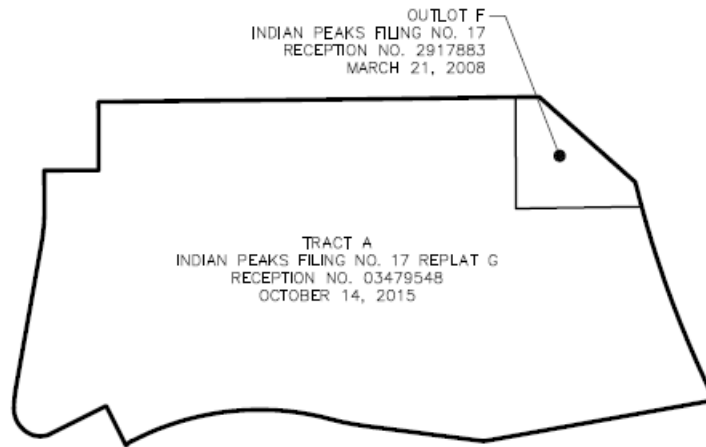
EXHIBIT A

Property

NORTH PARCEL:

PARCEL DESCRIPTION

TRACT A, INDIAN PEAKS FILING NO. 17 REPLAT G, AS DESCRIBED IN THE RECORDS OF BOULDER COUNTY ON OCTOBER 14, 2015, AT RECEPTION NO. 03479548, AND OUTLOT F, INDIAN PEAKS FILING NO. 17 AS DESCRIBED IN THE RECORDS OF BOULDER COUNTY ON MARCH 21, 2008, AT RECEPTION NO. 2917883, COUNTY OF BOULDER, STATE OF COLORADO.



SOUTH PARCEL:

PARCEL DESCRIPTION

TRACTS B1 AND D1, INDIAN PEAKS FILING NO. 17 REPLAT C, AS DESCRIBED IN THE RECORDS OF BOULDER COUNTY ON AUGUST 23, 2012, AT RECEPTION NO. 03246466, COUNTY OF BOULDER, STATE OF COLORADO.

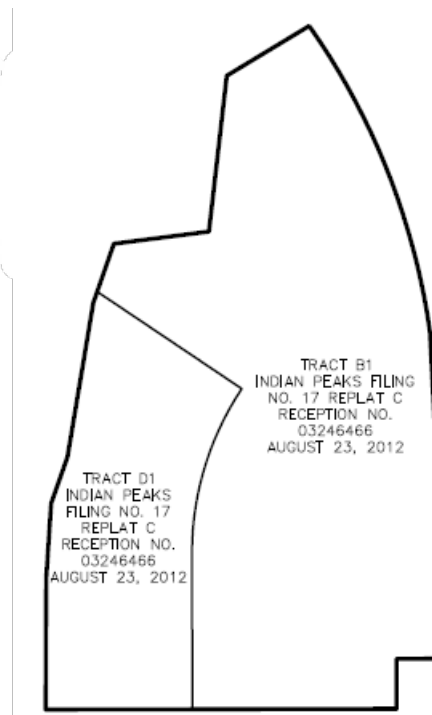


EXHIBIT B

South Parcel

PARCEL DESCRIPTION

TRACTS B1 AND D1, INDIAN PEAKS FILING NO. 17 REPLAT C, AS DESCRIBED IN THE RECORDS OF BOULDER COUNTY ON AUGUST 23, 2012, AT RECEPTION NO. 03246466, COUNTY OF BOULDER, STATE OF COLORADO.

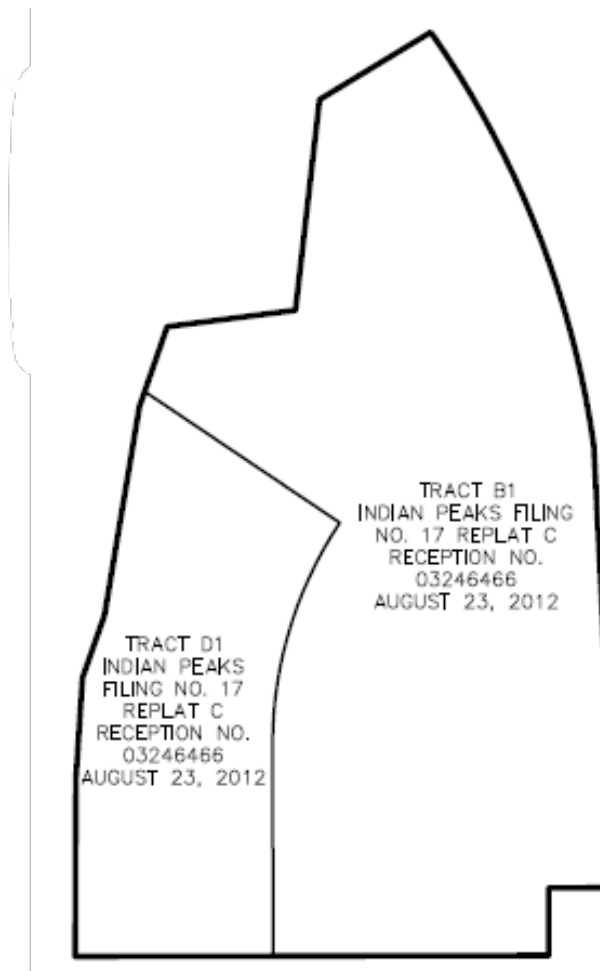


EXHIBIT C

Final PUD Plan

(attached)