



Legal Notice

Date: 12/21/2023

Subject: An ordinance of the City of Littleton, Colorado, rezoning approximately 17.420 acres of 700 W. Mineral Avenue and 0.68 acres of the right-of-way from Industrial Park/Planned Overlay District to multi-family residential

Passed/Failed: Passed on second reading and public hearing

CITY OF LITTLETON, COLORADO

**ORDINANCE 40
SERIES 2023**

CITY OF LITTLETON, COLORADO

ORDINANCE NO. 40

Series, 2023

**AN ORDINANCE OF THE CITY OF LITTLETON,
COLORADO, REZONING APPROXIMATELY 17.420
ACRES OF 700 W. MINERAL AVENUE AND 0.68 ACRES OF
RIGHT-OF-WAY FROM INDUSTRIAL PARK/PLANNED
OVERLAY DISTRICT TO MULTI-FAMILY RESIDENTIAL**

WHEREAS, on June 8, 2023, Embrey Partners, LLC, with consent from Qwest Corporation C/O Lumen Technologies, the owner of the property described in Exhibit “A,” as attached hereto and fully incorporated herein by this reference, made an application for a rezoning under the provisions of the Littleton City Code; and

WHEREAS, the rezoning from Industrial Park/Planned-Overlay District to Multi-Family Residential is requested to allow for approximately 17.420 acres of the 700 W. Mineral Avenue and associated right-of-way to be developed in accordance with the residential use standards (the “Property”); and

WHEREAS, the Planning Commission of the City of Littleton, CO held a public hearing on November 13, 2023 to consider the rezoning of a portion of 700 W. Mineral Avenue and found the proposed rezoning to be in compliance with the decision criteria within Section 10-9-4.1 of the Unified Land Use Code; and

WHEREAS, the Planning Commission unanimously recommended approval to City Council of the rezoning of a portion of 700 W. Mineral Avenue from Industrial Park/Planned Overlay District to Multi-Family Residential; and

WHEREAS, on December 19, 2023, the City Council of the City of Littleton held a public hearing to consider the proposed rezoning; and

WHEREAS, the council finds in fact that changed conditions have occurred such that the character of the surrounding area is transitioning or being affected by other factors not contemplated by the comprehensive plan; and

WHEREAS, the council finds in fact that the range of uses allowed by the proposed Multi-Family Residential zoning district will be compatible with the properties in the immediate vicinity of the subject property; and

WHEREAS, the council finds in fact that the traffic generated by the land uses permissible in the proposed Multi-Family Residential zoning district will not lead to undue congestion, noise, or traffic hazards; and

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47 **WHEREAS**, the council finds in fact that facilities and services are or will be
48 available to serve the subject property without compromising provisions for adequate levels of
49 service to other properties; and

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51 **WHEREAS**, the council finds in fact that the proposed Multi-Family Residential
52 zoning district will not cause harm to natural features on or adjacent to the subject property.

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55 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF**
56 **THE CITY OF LITTLETON, COLORADO, THAT:**

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58 **Section 1:** The rezoning from Industrial Park/Planned Overlay District (IP/P-
59 LO) to Multi-Family Residential (MFR) of the Property complies with the Comprehensive Plan of
60 Envision Littleton and satisfies the decision criteria within Section 10-9-4.1 of the Unified Land
61 Use Code.

62
63 **Section 2:** The rezoning explicitly terminates and supersedes all prior zoning
64 pertaining to the subject Property and, including but not limited to, that certain Declaration of
65 Planned Industrial Park Uses, Limitations, Restrictions and Covenants recorded December 31,
66 1969 in Book 1847 at Page 79, and that certain Resolution No. 19, Series of 1981, recorded June
67 22, 1994 at Reception No. 92824 in Book 7604, Page 272.

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69 **Section 3:** The rezoning of the Property from Industrial Park/Planned Overlay
70 District (IP/PL-O) to Multi-Family Residential (MFR) is hereby approved.

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72 **Section 4:** The Official Zoning Map for the City of Littleton, Colorado is
73 hereby updated, as shown in Exhibit “B”, attached hereto and fully incorporated herein by this
74 reference, to reflect City Council’s approval of the rezoning.

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76 **Section 5:** The effective date of this rezoning shall be the date that this
77 ordinance is recorded with the County Clerk and Recorder of Arapahoe County, Colorado.

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79 **Section 6:** Severability. If any part, section, subsection, sentence, clause or
80 phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the
81 validity of the remaining sections of this ordinance. The City Council hereby declares that it would
82 have passed this ordinance, including each part, section, subsection, sentence, clause or phrase
83 hereof, irrespective of the fact that one or more parts, sections, subsections, sentences, clauses or
84 phrases may be declared invalid.

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86 **Section 7:** Repealer. All ordinances or resolutions, or parts thereof, in conflict
87 with this ordinance are hereby repealed, provided that this repealer shall not repeal the repealer
88 clauses of such ordinance nor revive any ordinance thereby.

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91 **INTRODUCED AS A BILL** at a regularly scheduled meeting of the City Council

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92 of the City of Littleton on the 5th day of December, 2023, passed on first reading by a vote of 7
93 FOR and 0 AGAINST; and ordered published by posting at Littleton Center, Bemis Library, the
94 Municipal Courthouse and on the City of Littleton Website.

95 PUBLIC HEARING on the Ordinance to take place on the 19th day of December,
96 2023, in the Council Chamber, Littleton Center, 2255 West Berry Avenue, Littleton, Colorado, at
97 the hour of 6:30 p.m., or as soon thereafter as it may be heard.

98 PASSED on second and final reading, following public hearing, by a vote of 7
99 FOR and 0 AGAINST on the 19th day of December, 2023 and ordered published by posting at
100 Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

101 ATTEST:

DocuSigned by:

Calleen L. Norton

CF35EE7F11B64D4...
CALLEEN L. NORTON

CITY CLERK

DocuSigned by:

Nyle Schaefer

523C318589A149B...
NYLE SCHAEFER

MAYOR

106 APPROVED AS TO FORM:

DocuSigned by:

Reid Betzing

B98911B336724F5...
REID BETZING

CITY ATTORNEY



EXHIBIT A PARCEL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF TRACTS "A" AND "B", GATES SUBDIVISION, A SUBDIVISION RECORDED AT RECEPTION NO. R1146182 IN THE RECORDS OF THE ARAPAHOE COUNTY CLERK AND RECORDER'S OFFICE SITUATED IN THE SOUTHWEST QUARTER OF SECTION 34, AND THE SOUTHEAST QUARTER OF SECTION 33, ALL IN TOWNSHIP 5 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ARAPAHOE, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID TRACT "B", GATES SUBDIVISION, SAID CORNER BEING ON THE WEST RIGHT-OF-WAY LINE OF SOUTHPARK TERRACE;

THENCE SOUTH 89°52'20" WEST, A DISTANCE OF 1,595.67 FEET;
THENCE NORTH 00°06'54" WEST, A DISTANCE OF 332.42 FEET;
THENCE NORTH 90°00'00" EAST, A DISTANCE OF 558.77 FEET;
THENCE NORTH 00°00'00" EAST, A DISTANCE OF 221.70 FEET;
THENCE NORTH 90°00'00" EAST, A DISTANCE OF 516.83 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT AN ARC LENGTH OF 56.89 FEET, SAID CURVE HAVING A RADIUS OF 315.00 FEET, A CENTRAL ANGLE OF 10°20'55", AND A CHORD WHICH BEARS NORTH 84°49'32" EAST A CHORD DISTANCE OF 56.82 FEET;

THENCE NORTH 79°39'05" EAST, A DISTANCE OF 134.01 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT AN ARC LENGTH OF 51.48 FEET, SAID CURVE HAVING A RADIUS OF 285.00 FEET, A CENTRAL ANGLE OF 10°20'55", AND A CHORD WHICH BEARS NORTH 84°49'32" EAST A CHORD DISTANCE OF 51.41 FEET;

THENCE NORTH 90°00'00" EAST, A DISTANCE OF 310.24 FEET TO A POINT BEING THE CENTERLINE OF SAID SOUTHPARK TERRACE;

THENCE SOUTH 00°05'10" EAST, A DISTANCE OF 584.33 FEET;

THENCE SOUTH 89°52'20" WEST, A DISTANCE OF 30.00 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 788,532 SQUARE FEET OR 18.10 ACRES, MORE OR LESS.

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE SOUTH LINE OF THAT PARCEL OF LAND DESCRIBED IN WARRANTY DEED RECORDED JUNE 22, 1994, AT RECEPTION NO. 94092823 IN THE ARAPAHOE COUNTY CLERK AND RECORDER'S OFFICE HAVING AN ASSUMED BEARING OF S89°52'20"W.

PREPARED BY: AARON MURPHY

PLS 38162

ON BEHALF OF: HARRIS KOCHER SMITH

1120 LINCOLN STREET, SUITE 1000

DENVER, CO 80203

303.623.6300



SE 1/4 SEC. 33
T5S, R68W 6TH P.M.

ZONING: IP\PL-0
A PORTION OF TRACTS A & B
GATES SUBDIVISION

