



## ORDINANCE NO. 3.104

### AN ORDINANCE REZONING CERTAIN PROPERTY AND AMENDING THE ZONING DISTRICT MAP OF THE TOWN OF LARKSPUR, COLORADO (LOMBARDO REZONING)

WHEREAS, Randall Lombardo ("the Applicant") is the owner of certain real property described on Exhibit A attached hereto and incorporated herein by reference, ("the Property"); and

WHEREAS, the Applicant has filed an application seeking to rezone the Property from Residential to Commercial; and

WHEREAS, following proper notice and referral of the matter to the required agencies for comment, on December 6, 2010, the Larkspur Planning Commission conducted a public hearing on the application, and based on the application and the matters presented at the hearing, the Planning Commission recommended approval of the application without conditions, and

WHEREAS, following proper notice, on December 16, 2010, the Larkspur Town Council conducted a public hearing on the application.

### FINDINGS

Based on the materials submitted by the Applicants, the Planning Commission's recommendation and the matters presented at the public hearing, the Town Council finds as follows:

1. The requested rezoning is consistent with the current use of the Property.
2. The requested rezoning is consistent with the zoning and land uses adjacent to the Property.
3. The requested rezoning is consistent with the Larkspur Master Plan.
4. The requested rezoning will not alter the wastewater treatment requirements, water source, fire protection or other utilities or services as they relate to the Property.

### NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LARKSPUR, COLORADO AS FOLLOWS:

1. The real property described on Exhibit A attached hereto and incorporated herein by

reference is hereby rezoned from Residential to Commercial, upon the effective date of this Ordinance.

2. The Town Clerk is hereby directed to amend the Town zoning map to reflect this rezoning.
3. The Town Clerk is directed to record this Ordinance with the Clerk and Recorder of Douglas County within 30 days of the effective date of this Ordinance.
4. Severability. 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 Town Council hereby declares that it would have passed this ordinance and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.
5. Repeal. Existing ordinances or parts of ordinances covering the same matters as embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this ordinance.

**INTRODUCED, PASSED, AND ADOPTED AT A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF LARKSPUR AFTER PUBLIC HEARING AND SIGNED THIS 16TH DAY OF DECEMBER, 2010.**

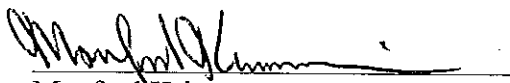
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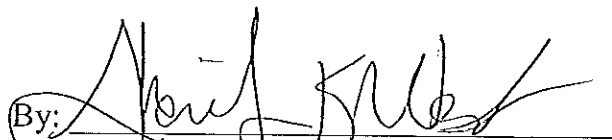
Votes Approving:	<u>6</u>
Votes Opposed:	<u>0</u>
Absent:	<u>1</u>
Abstained:	<u>0</u>

ATTEST:



**TOWN COUNCIL OF THE  
TOWN OF LARKSPUR, COLORADO**

  
Manfred Krimmer  
Town Clerk

By:   
Sherilyn West  
Mayor

**EXHIBIT "A"**  
**LOMBARDO REZONING**  
**LEGAL DESCRIPTION**

Parcel A:

Lot 2, S & B Subdivision, Town of Larkspur, County of Douglas, State of Colorado

Parcel B:

A tract of land situated in the Northwest  $\frac{1}{4}$  of Section 34, Township 9 South, Range 67 West of the 6<sup>th</sup> Principal Meridian, County of Douglas, State of Colorado, more particularly described as follows:

Commencing at the Northwest corner of said Section 34;

Thence South 88 degrees 25 minutes 00 seconds East along the North Line of said Northwest  $\frac{1}{4}$  a distance of 430.09 feet to the West right of way line of State Highway 85 (F.A.P No. 275 F);

Thence South 3 degrees 59 minutes 00 seconds West along said right of way line a distance of 902.80 feet to the South right of way line of County Road No. 60;

Thence North 55 degrees 21 minutes 00 seconds West along said South right of way line a distance of 296.06 feet to the East right of way line of the Atchison, Topeka, & Santa Fe Railroad;

Thence South 14 degrees 02 minutes 00 seconds West along said East right of way line a distance of 434.80 feet to the true point of beginning;

Thence South 14 degrees 02 minutes 00 seconds West along said East right of way line a distance of 228.50 feet;

Thence South 79 degrees 40 minutes 42 seconds East a distance of 309.28 feet to the West right of way line of aforesaid highway No. 85;

Thence North 17 degrees 57 minutes 00 seconds East along said right of way line a distance of 89.32 feet to a point of curve;

Thence Northerly along said right of way line along the arc of curve to the left a distance of 135.87 feet, said curve has a radius of 1402.50 feet and a central angle of 5 degrees 33 minutes 00 seconds;

Thence North 78 degrees 55 minutes 35 seconds West a distance of 317.86 feet to the point of beginning;

Except any portion thereof lying in any roads and right of way.