



**TOWN OF LARKSPUR
ORDINANCE NO. 3.113**

**AN ORDINANCE REZONING CERTAIN PROPERTY FROM COMMERCIAL
TO PLANNED DEVELOPMENT AND AMENDING THE ZONING DISTRICT
MAP OF THE TOWN OF LARKSPUR, COLORADO
(BUSS/CARDENAS LOT B3-A REZONING)**

WHEREAS, Shannon Buss, Marvin Cardenas, Gary Buss, and Dian Buss (collectively “the Applicants”) are the owners of certain real property known as Buss Subdivision Minor Amendment No. 3, Lot B3-A, Town of Larkspur, Douglas County, Colorado and described on Exhibit A attached hereto and incorporated herein by reference, (“the Property”); and

WHEREAS, the Applicants have filed an application seeking to rezone the Property from Commercial to a district that allows mixed use of the Property to include Commercial and Multi Family uses; and

WHEREAS, the Larkspur Town Council is authorized to act as planning commission, as well as Town Council; and

WHEREAS, following proper notice and referral of the matter to the required agencies for comment, on February 18, 2016, the Larkspur Town Council, acting as Planning Commission and Council, conducted a public hearing on the application

WHEREAS, at the public hearing, the Council considered the application, as well as all matters presented in support of and in opposition to the proposed rezoning;

FINDINGS

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

1. The requested rezoning seeks to mix Commercial and Multi-Family Residential uses.
2. The mix of such uses is contemplated and authorized in the Town’s Planned Development District.

3. The requested rezoning is consistent with the current use of the Property.
4. The requested rezoning is consistent with the zoning and land uses adjacent to the Property.
5. The requested rezoning is consistent with the Larkspur Master Plan.
6. The requested rezoning will not substantially 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 Commercial to Planned Development District including Commercial and Multi Family uses, upon the effective date of this Ordinance, subject to the following conditions:
 - a. Prior to submission of an application for a building permit, the Applicants or their successors shall submit and obtain the Town Council's approval of a development plan and guide, as required by Ordinance 3.43, Art. II, Sec. 10.1, et seq., as amended.
2. The Town Clerk is hereby authorized and 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 18TH DAY OF FEBRUARY, 2016.

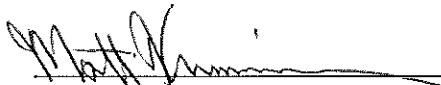
(SEAL)

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

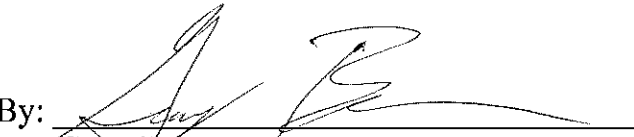
ATTEST:



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



Matt Krimmer
Town Clerk/Manager

By: 

Gerry Been
Mayor