

**TOWN OF LARKSPUR, COLORADO
ORDINANCE NO. 3.79**

**AN ORDINANCE AMENDING THE BARNKEOW AMENDED PLANNED
DEVELOPMENT ZONING DISTRICT (KNOWN AS FISCHER PD)**

WHEREAS, the Town Council of the Town of Larkspur finds that a petition has been filed with the Town Clerk requesting an amendment to the Amended Barnkeow Planned Development ("PD");

WHEREAS, said petition includes a development plan and guide to be identified as Fischer PD; and

WHEREAS, said petition has been forwarded to the said Town Council; and

WHEREAS, public hearings, following notice duly made and published pursuant to applicable Colorado State Statute and Town of Larkspur Ordinances, have been held before the Planning and Zoning Commission of the Town of Larkspur, and the Town Council of the Town of Larkspur;

WHEREAS, said petition complies with the stated purposes of Larkspur Zoning Ordinance and Master Plan, subject to the conditions imposed herein;

WHEREAS, to the extent the petition substantially changes the designated planning areas within the PD zoned property to increase the industrial-type permitted uses, the Town Council finds that reasonable conditions of approval are necessary to mitigate such impacts with respect to the adjacent and surrounding residential uses;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LARKSPUR, as follows:

Section 1. The property described in Exhibit A (the "Property"), previously zoned within the boundaries of the District designated as Planned Development, shall be subject to the provisions and conditions set forth herein.

Section 2. The Development Guide, a copy of which is attached hereto as Exhibit B and the Development Plan, a copy of which is attached hereto as Exhibit C, are hereby approved and incorporated by reference into this Ordinance, subject to the following conditions of approval:

1. Planning Area 2 designated on the Development Plan shall be limited to a maximum of four dwelling units.

2. All permitted outdoor storage shall be screened, as approved by the Town Planner, so as to be concealed from all adjoining properties and rights of way, including Perry Park Avenue.

3. Planning Area 1 shall include a twenty five foot (25') wide open space buffer along the west and north boundaries of Planning Area 1 and a thirty five foot (35') wide open space buffer along the east boundary of Planning Area 1. The boundary adjacent to Perry Park Avenue within Planning Area 1 shall include a twenty-five foot (25') open space buffer. No buildings, parking areas, gravel, outdoor storage or other accessory uses shall be permitted within the open space buffer. Landscape improvements, signage, and other site plan features shall be permitted subject to site plan review and approval by the Town.

4. There shall be a minimum building setback of fifty feet (50') along the west, north and east boundaries of Planning Area 1, exclusive of the setback adjacent to Perry Park Avenue. A minimum building setback of twenty-five feet shall apply within Planning Area 1 adjacent to Perry Park Avenue.

5. A maximum building height of thirty-five feet (35') shall apply within Planning Areas 1 and 2.

6. Planning Area 1 shall be limited to a maximum building footprint of 12,000 square feet.

7. The existing water demand and water availability for the Property shall be reviewed by the Town Engineer and any future development of or improvements to the Property shall be contingent upon sufficient water availability.

8. A second water tap shall be purchased in accordance with the Town of Larkspur regulations. The existing duplex located on the Property shall be connected to and served by the Town's sanitary sewer system within 180 days of the effective date of this Ordinance.

9. The terms "office warehouse" and "commerical storage area" shall be clearly defined in the Development Plan and Guide to identify permitted uses, as approved by the Town Planner.

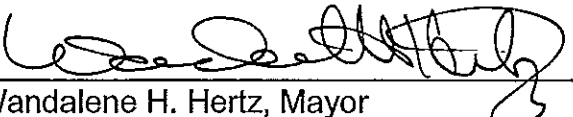
10. The Development Plan and Guide shall be amended to incorporate these conditions of approval prior to recordation. Failure to amend the Development Plan and Guide pursuant to these conditions of approval within sixty days of approval of this Ordinance shall render this approval null and void and Council shall be authorized to repeal this Ordinance in such event.

Section 3. Recordation. This Ordinance, along with the Development Plan and Guide as revised pursuant hereto, shall be recorded in the Clerk and Records Office of Douglas County.

Section 4. Severability Clause. The provisions of this Ordinance shall be severable, and invalidity of one provision shall not affect the validity or enforceability of other provisions of this Ordinance.

Section 5. Effective Date. This Ordinance shall take effect five (5) days after it is posted in accordance with Section 3.14 of the Town Charter.

Introduced as an Ordinance at a Regular Meeting of the Town Council of the Town of Larkspur, Colorado, on the 21st day of February, 2002, and passed by a vote of Six (6) for, ~~5~~ (~~5~~) against and ~~0~~ (~~0~~) abstention(s).


Wandalene H. Hertz, Mayor

[ATTEST]


Claudia Whitney, Town Clerk

Publication Date: March 6, 2002

I hereby certify that the within Ordinance No. 3.79 was published on the 6th day of March, 2002, in the Douglas County News-Press, the newspaper of general circulation published in the County of Douglas, State of Colorado; and I further certify that the within Ordinance No. 3.79 was posted on the bulletin board at the Town Hall of the Town of Larkspur from February 22, 2002 to March 29, 2002 in accordance with Section 3.20 of the Town Charter.



Claudia Whitney, Town Clerk

EXHIBIT A
TO ORDINANCE 3.79
LEGAL DESCRIPTION OF PROPERTY

A tract of land situated in the Northeast 1/4 of Section 33, Township 9 South, Range 67 West of the 6th Principal Meridian, County of Douglas, State of Colorado, more particularly described as follows: Commencing at the Northeast corner of said Section 33, thence S 65°35'15" W a distance of 1039.32 feet to a point on the centerline of the Larkspur Road, (County Road No. 60), and to the true point of beginning; thence N 89°24'00" W along said centerline a distance of 287.85 feet; thence N 0°36'00" E a distance of 443.89 feet; thence S 89°24'00" E a distance of 282.67 feet; thence S 0°04'08" E a distance of 443.92 feet to the point of beginning, except any portion lying within the right of way for County Road No. 60, and Except that portion conveyed to the Town of Larkspur for road purposes in Deed recorded July 14, 1989 in Book 863 at Page 762,
County of Douglas,
State of Colorado.

(informational purposes only) 201 West Perry Park Avenue

**EXHIBIT B
TO ORDINANCE 3.79
FISCHER PD DEVELOPMENT GUIDE**

**EXHIBIT C
TO ORDINANCE 3.79
FISCHER PD DEVELOPMENT PLAN**

OFFICIAL RECORDS
DOUGLAS COUNTY CO
CAROLE R. MURRAY
CLERK & RECORDER
RECORDING FEE: \$16.00
3 PGS

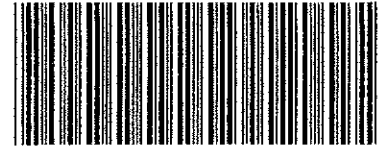
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TOWN OF LARKSPUR

ORDINANCE NO. 3.79



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

WHEREAS, Edward Blanchard and Amy Blanchard ("the Applicants") are the owners of certain real property 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 Residential to Commercial; and

WHEREAS, following proper notice and referral of the matter to the required agencies for comment, on March 16, 2004 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, subject to the condition that the ordinance rezoning the subject property be recorded with the Douglas County Clerk and Recorder by the Town Clerk or deputy clerk, and

WHEREAS, following proper notice, on March 18, 2004 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 or her deputy is hereby directed to amend the Town zoning map to reflect this rezoning.
3. The Town Clerk or her deputy 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 MARCH, 2004.

(SEAL)

Votes Approving:	<u>5</u>
Votes Opposed:	<u>0</u>
Absent:	<u>2</u>
Abstained:	<u>0</u>



ATTEST

TOWN COUNCIL OF THE
TOWN OF LARKSPUR, COLORADO

Penny J. Hanson
Deputy Town Clerk

By: *Myrna A. Been*
Myrna A. Been, Mayor