

## **ORDINANCE NO. 1221**

### **AN ORDINANCE CHANGING THE ZONING DESIGNATION OF LANDS WITHIN THE CITY OF FORT MORGAN, COLORADO, FROM GENERAL BUSINESS (B-2) TO MIXED USE BUSINESS (B-1), AND FOR SAID PURPOSE REVISING AND SUPPLEMENTING THE ZONING DISTRICT MAP OF SAID CITY**

**WHEREAS**, Douglas K. Barnett, Franklin L. Buchanan Jr., David G. and Robin M. Enfante, Deborah R. Heistermann, Raymond E. and Tesla Mann, Charles L. and Margaret E. Palu, and James L. and Charlotte S. Stieb (the "Owners") have submitted an application via their registered agent in accordance with the City of Fort Morgan Land Use Code to change the zoning designation of several properties located between Main Street, West Railroad Ave, Ensign Street and BNSF Railroad right-of-way, generally lots 1-21 Block 28 of the Fort Morgan Original Town Plat; legally described in Exhibit A, attached hereto and incorporated herein, in the City of Fort Morgan, Morgan County, Colorado (the "Properties"),

**WHEREAS**, the City of Fort Morgan Planning and Zoning Commission considered the zoning proposal at a duly noticed public meeting held on September 10, 2018, and subsequently forwarded a favorable recommendation to City Council for Mixed Use Business (B-1) zoning; and,

**WHEREAS**, the City Council provided notice of the public hearing on said zoning by publication as provided by law; and,

**WHEREAS**, public notice has been properly given of such proposed zoning of the Properties by publication, in The Fort Morgan Times, a newspaper of general circulation within the City of Fort Morgan, by posting of said Properties and by mail notification of adjacent property owners in accordance with the applicable provisions of the City of Fort Morgan Land Use Code, Sec. 20-3-40; and,

**WHEREAS**, in accordance with the City of Fort Morgan Land Use Code, Sec. 20-3-40, a public hearing was held before the City Council on September 18, 2018 at 110 Main Street, Fort Morgan, Colorado at which time evidence and testimony were presented to the City Council concerning said zoning proposal; and,

**WHEREAS**, the administrative record for this case includes, but is not limited to, the City of Fort Morgan Land Use Code, City of Fort Morgan Comprehensive Plan, and all other applicable ordinances, resolutions and regulations, together with all City of Fort Morgan land use application processing policies that relate to the subject matter of the public hearing, reports, studies and all other submittals of the Owner, any evidence or correspondence submitted by members of the public at the public hearing, and the staff files and reports of the City pertaining to this application; and,

**WHEREAS**, City Council has determined that the proposed zoning of the Properties, subject to the conditions set forth herein, furthers the public health, safety, convenience and general welfare of the community; generally conforms with the City's Comprehensive Plan, as amended and updated; is compatible with surrounding uses; and otherwise meets the applicable criteria set forth in the City of Fort Morgan Land Use Code.; and,

**WHEREAS**, no protests were received by the City pursuant to C.R.S. §31-23-305; and,

**WHEREAS**, the Owners of the Properties have requested the Properties to be rezoned from **B-2: General Business** to **B-1: Mixed Use Business**; and,

**WHEREAS**, the zoning classification for Mixed Use Business is consistent with the City's plan for the area as well as the current use of the Properties.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF FORT MORGAN,**

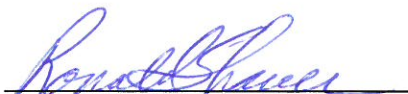
**Section 1.** Recitals Incorporated. The recitals contained above are incorporated herein by reference and are adopted as findings and determinations of the City Council.


**Section 2.** That certain properties located at Block 28 Lots 1-21 of the Fort Morgan Original Town plat, in the City of Fort Morgan, Morgan County, Colorado, as reflected in Exhibit A are hereby zoned into **B-1: Mixed Use Business** as permitted and that the Zoning District Map of the City of Fort Morgan, Colorado, be amended accordingly.

**INTRODUCED, READ, ADOPTED ON FIRST READING AND ORDERED PUBLISHED** on the 18th day of September, 2018.



THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO

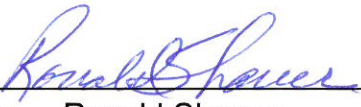
By:   
Ronald Shaver  
Mayor


Attest:  
  
John Brennan  
City Clerk

PASSED, APPROVED AND ADOPTED ON FINAL READING AND ORDERED  
PUBLISHED this 2nd day of October, 2018.




THE CITY COUNCIL OF THE CITY OF  
FORT MORGAN, COLORADO

  
By: Ronald Shaver  
Mayor

Attest:  
  
John Brennan  
City Clerk

STATE OF COLORADO                    )  
COUNTY OF MORGAN                ) ss.       **CERTIFICATE**  
CITY OF FORT MORGAN                )

I, John Brennan, the duly appointed, qualified Clerk of the City of Fort Morgan, Colorado, do hereby certify that the foregoing **Ordinance No. 1222** was, as a proposed Ordinance, duly and legally presented to the City Council of the City of Fort Morgan, Colorado, on the 18th day of September, 2018. Said ordinance, as proposed, was duly read at length at said meeting, and thereafter the same was, on the 22nd day of September, 2018, published in *The Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado. Said proposed ordinance was again taken up and read a second time, duly and legally, passed, approved and adopted at a regular meeting of the City Council held on the 2<sup>nd</sup> day of October, 2018. Within five (5) days after its final passage, said **Ordinance No. 1222** was published in *The Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado.

  
John Brennan  
City Clerk

## EXHIBIT A

### Property 1

Situs Address: 120 W RAILROAD AVE  
Parcel Number: 1229-063-31-007  
Legal Summary Subd: FORT MORGAN  
ORIGINAL TOWN, FM Block: 28 Lot: 20  
AND:- Lot: 21 W50FT LTS 20 & 21

### Property 2

Situs Address: 118 W RAILROAD AVE  
Parcel Number: 1229-063-31-006  
Legal Summary Subd: FORT MORGAN  
ORIGINAL TOWN, FM Block: 28 Lot: 20  
AND:- Lot: 21 W50FT OF E90FT LTS  
20 & 21

### Property 3

Situs Address: 116 W RAILROAD AVE  
Parcel Number: 1229-063-31-005  
Legal Summary Subd: FORT MORGAN  
ORIGINAL TOWN, FM Block: 28 Lot: 20  
AND:- Lot: 21 E40FT LTS 20 & 21

### Property 4

Situs Address: 0129 MAIN ST  
Parcel Number: 1229-063-31-001  
Legal Summary Subd: FORT MORGAN  
ORIGINAL TOWN, FM Block: 28 Lot: 01  
THRU:- Lot: 04

### Property 5

Situs Address: 0117 MAIN ST  
Parcel Number: 1229-063-31-010  
Legal Summary Subd: FORT MORGAN  
ORIGINAL TOWN, FM Block: 28 Lot: 05  
AND:- Lot: 06

### Property 6

Situs Address: 109 / 113 MAIN ST  
Parcel Number: 1229-063-31-011  
Legal Summary Subd: FORT MORGAN  
ORIGINAL TOWN, FM Block: 28 Lot: 07  
THRU:- Lot: 10

### Property 7

Situs Address: 0103 MAIN ST  
Parcel Number: 1229-063-31-009  
Legal Summary Subd: FORT MORGAN  
ORIGINAL TOWN, FM Block: 28 Lot: 11  
THRU:- Lot: 14

### Property 8

Situs Address: None  
Parcel Number: 1229-063-31-003  
Legal Summary Subd: FORT MORGAN  
ORIGINAL TOWN, FM Block: 28 Lot: 15  
THRU:- Lot: 18

### Property 9

Situs Address: 0120 ENSIGN ST  
Parcel Number: 1229-063-31-004  
Legal Summary Subd: FORT MORGAN  
ORIGINAL TOWN, FM Block: 28 Lot: 19  
S30FT LT 19