

## **ORDINANCE NO. 1234**

### **AN ORDINANCE CHANGING THE ZONING DESIGNATION OF LANDS WITHIN THE CITY OF FORT MORGAN, COLORADO, FROM GENERAL BUSINESS (B-2) TO HIGH DENSITY RESIDENTIAL (R-3), AND FOR SAID PURPOSE REVISING AND SUPPLEMENTING THE ZONING DISTRICT MAP OF SAID CITY**

**WHEREAS**, the City of Fort Morgan (the "Owners") have submitted an application in accordance with the City of Fort Morgan Land Use Code to change the zoning designation of a vacant lot surrounded by East Beaver Avenue to the north, Saunders Road to the east, East Railroad Avenue to the south and the Sol Naciente housing complex to the west, generally CentrePointe Plaza Subdivision Filing No. 2, Lot 1, Block 4; legally described in Exhibit A, attached hereto and incorporated herein, in the City of Fort Morgan, Morgan County, Colorado (the "Property"),

**WHEREAS**, the City of Fort Morgan Planning and Zoning Commission considered the zoning proposal at a duly noticed public meeting held on June 24, 2018, and subsequently forwarded a unanimous favorable recommendation to City Council for High Density Residential (R-3) 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 Property by publication, in The Fort Morgan Times, a newspaper of general circulation within the City of Fort Morgan, by posting of said Property 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 July 2, 2019 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 Property, 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; is needed to provide land for a demonstrated community need or service; 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 Property have requested the Property to be rezoned from **B-2: General Business** to **R-3: High Density Residential**; and,

**WHEREAS**, the zoning classification for High Density Residential is consistent with the City's plan for the area and proposed use of the Property.

**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 property located at the CentrePointe Plaza Subdivision Filing No. 2, Lot 1, Block 4, in the City of Fort Morgan, Morgan County, Colorado, as reflected in Exhibit A are hereby zoned into **R-3: High Density Residential** 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 2<sup>nd</sup> day of July, 2019.



THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO

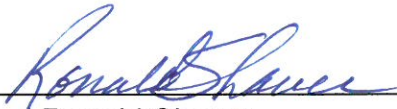
  
By: Ronald Shaver  
Mayor


Attest:  
  
John Brennan  
City Clerk

PASSED, APPROVED AND ADOPTED ON FINAL READING AND ORDERED  
PUBLISHED this 16<sup>th</sup> day of July, 2019.




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. 1234** was, as a proposed Ordinance, duly and legally presented to the City Council of the City of Fort Morgan, Colorado, on the 2<sup>nd</sup> day of July, 2019. Said ordinance, as proposed, was duly read at length at said meeting, and thereafter the same was, on the 5<sup>th</sup> day of July, 2019, 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 16<sup>th</sup> day of July, 2019. Within five (5) days after its final passage, said **Ordinance No. 1234** 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 to Ordinance No. 1234 – Rezoning CentrePointe Plaza Lot 1**

### **Description of property**

**Lot 1**, CentrePointe Plaza Subdivision Filing No. 2, a Replat of Lot 1, Block 4, CentrePointe Plaza Subdivision Filing No. 1