

RESOLUTION NO. 1641

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GOLDEN MAKING FINDINGS AND DECISION TO DENY THE REQUEST FOR REZONING FROM C-1 TO R-3 OF THE PROPERTY LOCATED AT 920 EIGHTH STREET, GOLDEN, COLORADO

WHEREAS, an application for rezoning from C-1 to R-3 was submitted by Creative Property Management for property described as Lots 10, 11, and 12 Barbers First Addition to the City of Golden, located at 920 Eighth Street in the City of Golden, County of Jefferson, Colorado; and

WHEREAS, this matter came before the Golden City Council on December 8, 2005 for consideration of rezoning from C-1 classification of zoning to R-3 classification; and

WHEREAS, the City Council was presented data, information and documents related to the rezoning request and conducted a public hearing on December 8, 2005; and

WHEREAS, all of the Planning Commission and City staff documentation was presented to Council with the Planning Commission's record of its consideration of the rezoning; and

WHEREAS, upon conclusion of the public hearing and review of the entire record, the Council considered the record and engaged in discussions related to the rezoning; and

WHEREAS, City Council also considered proposed Ordinance No. 1726, which granted the rezoning; and

WHEREAS, Ordinance No. 1726 was not approved by City Council.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GOLDEN, COLORADO:

Based upon the record before City Council on December 8, 2005, the Council hereby makes the following findings:

Section 1. Section 18.48.060 of the Golden Municipal Code describes the standards for zoning and rezoning as follows:

18.48.060 Standards for zoning and rezoning. (1) To promote stability in zoning and appropriate development of property within the City, no application for rezoning of property shall be approved unless it is demonstrated:

(a) That the proposed zoning promotes the health, safety or welfare of the inhabitants of the City of Golden and the purposes of this Ordinance; and

(b) At least one of the following additional factors exists:

(1) The proposed zoning is consistent with the goals of the Comprehensive Plan;

(2) There has been a material change in the character of the neighborhood or in the City generally, such that the proposed zoning would be in the public interest and consistent with the change; or

(3) The property to be rezoned was previously zoned in error.

Section 2. The record is not sufficient to substantiate that the application has met one of the three factors required in Section (b) of the above cited ordinance, to wit:

A. In the matter of compliance with the Golden Comprehensive Plan, the application fails to conform with the following plan recommendations:

1. Encourage infill that is compatible to the surrounding neighborhood. In this regard, the proposed rezoning does not ensure that the proposed infill project blends with the existing neighborhood, promotes stability, and retains the diversity of (this) residential area. The subject area already has substantial diversity of uses and dwelling types, and the introduction of higher density housing could create an unstable trend toward removal of the one and two household uses, thereby degrading and negatively affecting the character of the neighborhood.

2. Ensure that change takes place in a compatible and positive manner. The application fails to demonstrate the level or type of community benefit necessary to warrant the change in zone district.

3. Development must take advantage of Golden's natural, historic, scenic, and cultural resources without detracting from them. In this regard, the application fails to demonstrate that the proposed project will not detract from the historic resources, characteristics and amenities of the 8th and 9th Street Historic District wherein the property lies. Further, there is not sufficient evidence that the rezoning will take advantage of such resources.


B. There was not enough information in the record to sufficiently meet the requirement that the material change in the character of the neighborhood or in the City generally, was great enough to justify that the proposed zoning would be in the public interest and consistent with the change in zoning. The nearby land uses in the C1 zone district include a mix of residential and non-residential uses, such that even though the original reason for the C1 zoning has changed, it may still be logical to retain the existing zoning, or if the C1 zoning is not appropriate, it was not demonstrated that the requested R-3 zoning is appropriate.

C. There was no evidence or information in the record that the subject property was previously zoned in error.

Section 3. Based upon the record and the findings related to the record, it is the decision of the City Council that the applicant has not demonstrated that the proposed rezoning promotes the health, safety or welfare of the inhabitants of the City of Golden and the purpose of Section 18.48.060 and/or the zoning ordinance of the Golden Municipal Code.

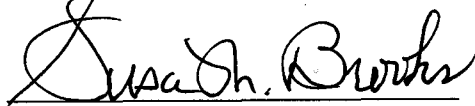
Section 4. The request for rezoning the property described as Lots 10, 11, and 12 Barbers First Addition to the City of Golden, from the C-1 classification to the R-3 classification is DENIED.

Adopted the 12th day of January, 2006.



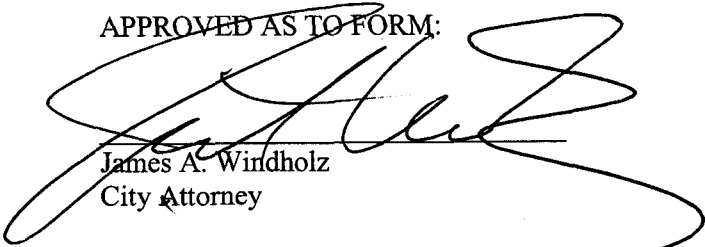
Charles J. Baroch
Mayor

ATTEST:



Susan M. Brooks, MMC
City Clerk

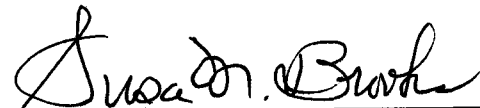
APPROVED AS TO FORM:



James A. Windholz
City Attorney

I, Susan M. Brooks, City Clerk of the City of Golden, Colorado, do hereby certify that the foregoing is a true copy of a certain Resolution adopted by the City Council of the City of Golden, Colorado at a regular meeting thereof held on the 12th day of January, A.D., 2006.

(SEAL)

ATTEST: 

Susan M. Brooks, City Clerk of the City of
Golden, Colorado