

## **ORDINANCE NO. 2116**

### **AN ORDINANCE OF THE GOLDEN CITY COUNCIL APPROVING AN APPLICATION TO AMEND THE COORS TECHNOLOGY CENTER OFFICIAL DEVELOPMENT PLAN TO ALLOW FOR THE MANUFACTURING, PROCESSING, OR FABRICATING OF COMMODITIES**

WHEREAS, The Bounce, LLC is the fee owner of certain real property legally described as Lot 1, Coors Technology Center Filing No. 17 Replat B (the “Property”), which property is located within the existing Use Area 3(A) of the Coors Technology Center Official Development Plan (“Coors Tech Center ODP”), and which is subject to the provisions of said Official Development Plan; and

WHEREAS, Baseline Corporation, on behalf of Bounce, LLC (the “Applicant”), has submitted an application to amend the existing Coors Tech Center ODP (the “ODP Amendment”) to accommodate the manufacturing, processing or fabricating of pet toys and other pet products on the Property (the “Application”); and

WHEREAS, the ODP Amendment would only modify the existing written restrictions for Use Area 3(A) in the Coors Tech Center ODP to permit an additional use as it relates to the Property—namely, the manufacturing, processing, or fabricating of commodities—but would exclude other specific manufacturing uses, and would not change the zoning or other land use standards of the Coors Tech Center ODP for other use areas throughout the business park, nor change the height, bulk, landscaping, architectural or any other standards as it relates to the Property; and

WHEREAS, the Planning Commission, after conducting a public hearing on the Application held on August 21, 2019, rendered a decision recommending approval of the Application; and

WHEREAS, on September 26, 2019, City Council conducted a public hearing on the Application; and

WHEREAS, after reviewing the record of the Planning Commission public hearing, and after considering the testimony, evidence and argument presented at the City Council public hearing, City Council finds and determines that the Application is complete, that the Applicant has met the requirements and standards set forth in Sections 18.48.060 and 18.28.350 of the Golden Municipal Code, including:

- a. The proposed development will be in harmony and compatible with the character of the surrounding areas and neighborhood in terms of use, scale, site design, and operating characteristics (e.g. hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts) or which are made compatible through appropriate transitions at the boundaries of the PUD district plan (e.g., through decreases in building height; through significant distance or separation by rights-of-way, landscaping or similar features; or through innovative building design);
- b. Will be in accordance with the Golden Comprehensive Plan and also result in positive benefits for the surrounding area or an improvement in the quality of the project not possible under existing zoning;
- c. Will not result in an over-intensive use of land;
- d. Will not have a material adverse effect on community capital improvements programs;
- e. Will not require a level of community facilities and services greater than that which is

available.

- f. Will not result in undue traffic congestion or traffic hazards;
- g. Will not cause significant air, water, or noise pollution;
- h. Will be adequately landscaped, buffered, and screened;
- i. Will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of Golden.

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

Section 1. City Council acknowledges the Planning Commission's findings of fact in this case, as detailed in the Resolution PC 19-11.

Section 2. The above Recitals and Findings of the City Council are hereby incorporated into this ordinance.

Section 3. The Coors Technology Center Official Development Plan Amendment No. 2, attached hereto as Exhibit A, is hereby approved, subject to and contingent upon the following condition:

a. Within 30 days of the effective date of this approval, the owner of record of Lot 1, Coors Technology Center Filing No. 17 Replat B shall execute a written consent or affirmation agreeing to the ODP Amendment.

b. As it relates to Lot 1, Coors Technology Center Filing No. 17 Replat B, the Coors Technology Center Official Development Plan Amendment No. 2 hereby establishes an additional permitted use and, to that extent, modifies and amends Section A.3.A. of the Coors Technology Center Official Development Plan. However, the existing height, bulk, landscaping, architectural, or any other standards as it relates to Lot 1, Coors Technology Center Filing 17 Replat B, along with the zoning or other land use standards for other use areas throughout the business park, as originally approved and contained in the Coors Technology Center Official Development Plan, remain in place and shall remain in full force and effect.

Section 4. In the event that such written consent or affirmation is not executed within the timeframe specified in Section 3 of this ordinance, or the date for compliance with the condition set forth in Section 3 of this ordinance is not extended by resolution adopted by City Council, the approval of the Coors Technology Center Official Development Plan Amendment No. 2 provided for by Section 3 of this ordinance shall be void and ineffectual.

Section 5. If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision will not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 6. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 7. This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

Section 8. The repeal or modification of any provision of the Municipal Code of the City of Golden by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision. Each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions for enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.

Introduced, read, passed and ordered published the 12<sup>th</sup> day of September, 2019.

Passed and adopted upon second reading and ordered published this 26<sup>th</sup> day of September, 2019.

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Marjorie N. Sloan  
Mayor

ATTEST:

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Monica Mendoza  
City Clerk

APPROVED AS TO FORM:

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David S. Williamson  
City Attorney

I, Monica S. Mendoza, City Clerk of the City of Golden, Colorado, do hereby certify that the foregoing ordinance was introduced on first reading and read at a regular business meeting of the City Council of said city, held on the 12<sup>th</sup> day of September, 2019 and was published as a proposed ordinance in the Golden Transcript, legal newspaper, as the law directs seven days or more prior to its passage. A public hearing was held on the 26<sup>th</sup> day of September, 2019, and the said proposed ordinance was read on second reading. The ordinance was passed by the City

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Council and ordered published in the aforesaid newspaper, as the law directs on the 26<sup>th</sup> day of September, 2019.

Witness my hand and official seal of the City of Golden, Colorado, on the 26<sup>th</sup> day of September, 2019.

(SEAL)

ATTEST:

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Monica S. Mendoza, CMC, City Clerk  
of the City of Golden, Colorado