

ORDINANCE 19-03

**AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF CASTLE PINES, COLORADO
EXTENDING VESTED PROPERTY RIGHTS ASSOCIATED WITH A
FIRST AMENDMENT TO THE CANYONS PLANNED DEVELOPMENT
AND A FIRST AMENDMENT TO THE CANYONS ANNEXATION AND
DEVELOPMENT AGREEMENT PURSUANT TO C.R.S. SECTION 24-68-
101, *ET SEQ.***

WHEREAS, the Canyons property consists of approximately 3,342 acres and is generally located in the southeast quadrant of Interstate I-25 and Hess Road (“Canyons Property”); and

WHEREAS, in 2009, the City of Castle Pines (“City”) annexed the Canyons Property, and approved initial zoning through the Canyons Planned Development (“Canyons PD”) via Ordinance No. 09-17; and

WHEREAS, in connection with annexation of the Canyons Property, North Canyons LLLP, a Colorado limited liability limited partnership (“Owner”), Judge Inc., a Colorado corporation (“Judge”), Canyons Metropolitan District No. 1, a quasi-municipal corporation and political subdivision of the State of Colorado, and the City entered into that certain Annexation and Development Agreement dated October 22, 2009 (“Agreement”); and

WHEREAS, since 2009, portions of the Canyons Property have been sold, further subdivided and are in process of development for detached and attached single family residences; and

WHEREAS, in 2011, Judge conveyed all of its interest in the Canyons Property to the Owner; and

WHEREAS, the Owner has requested rezoning to allow for an additional 1,000 multi-family residential units within Planning Areas 1, 2, and 3 and increase and/or modify land dedication requirements, for that portion of the Canyons Property legally described in **Exhibit A** (“North Canyons Property”), attached hereto and incorporated herein; and

WHEREAS, such rezoning request is accompanied by a PD plan exhibit (the “First Amended PD Plan”) on file in the Castle Pines Community Development Department; and

WHEREAS, in conjunction with its rezoning application, the Owner and the City have negotiated a first amendment to the Development Agreement to establish the scope of permissions and entitlements associated with approval of the rezoning and the First Amended PD Plan, the requirements for additional and relocated public land dedications, vesting of property rights, and public improvement revenue sharing (“First Amended Development Agreement”); and

WHEREAS, in accordance with Section 6.3 of the Agreement, the First Amended

Development Agreement and First Amended PD Plan may be processed as a site specific development plan in accordance with Section 34 of the City of Castle Pines Zoning Ordinance (“Zoning Ordinance”) and Section 24-68-101, C.R.S., *et seq.*; and

WHEREAS, the Owner wishes to pursue and obtain vested property rights for the duration of vested rights term set forth in the Agreement through designation of the First Amended PD Plan and First Amended Development Agreement collectively as a “Site Specific Development Plan”; and

WHEREAS, public notice has been properly given of such proposed Site Specific Development Plan by publication in a newspaper of general circulation within the City of Castle Pines; and

WHEREAS, in accordance with the Zoning Ordinance, a public hearing was held before the City Council at which time evidence and testimony were presented to the City Council concerning said Site Specific Development Plan and the request to obtain vested property rights with respect thereto; and

WHEREAS, City Council has determined that the First Amended PD Plan and First Amended Development Agreement contain sufficient restrictions and are each sufficiently well-defined to justify vesting of each for a period in excess of three (3) years; and

WHEREAS, City Council further finds that the size of the development contemplated under the First Amended Development Agreement and the First Amended PD Plan, the substantial investment and time required to complete the development of the Property, the potential for phased development and the possible impact of economic cycles and varying market conditions during the course of development justify vesting of the First Amended PD Plan and First Amended Development Agreement in excess of three (3) years.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Castle Pines, Colorado:

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

Section 2. The City Council hereby approves the First Amended PD Plan and First Amended Development Agreement collectively as a Site Specific Development Plan within the meaning of Section 24-68-102, C.R.S., and Section 34 of the Zoning Ordinance.

Section 3. Approval of the Site Specific Development Plan creates vested property rights pursuant to Section 24-68-103, C.R.S., and Section 34 of the Zoning Ordinance and in accordance with and subject to the terms of the Agreement.

Section 4. As provided in the Zoning Ordinance, notice of the approval and creation of vested property rights achieved through this Ordinance shall be made by publication by the Owner no later than fourteen days following approval of this Ordinance.

Section 5. The vested property rights created by this Ordinance shall be vested and will continue until December 29, 2049.

Section 6. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 7. Repeal of Previous Ordinances. Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded and 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 effective date of this Ordinance.

Section 8. Effective Date. Except as otherwise expressly provided herein, this Ordinance shall become effective thirty (30) days after final publication.

INTRODUCED, READ, AND PASSED ON FIRST READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO the 26th day of MARCH, 2019.

READ, PASSED, AND ADOPTED ON SECOND READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO the 9th day of APRIL, 2019.



ATTEST:

DocuSigned by:
Tobi Basile
AD03A380203249E...
Tobi Basile, City Clerk

DocuSigned by:
Tera Stave Radloff
0E6C8EB278DC478...
Tera Stave Radloff, Mayor

Approved as to form:

DocuSigned by:
Linda C. Michow
3241DE9988FF444...
Linda C. Michow, City Attorney


City of Castle Pines

Ordinance No. 19-03

CERTIFICATION OF PUBLICATION

I hereby attest and certify that the within and foregoing Ordinance was introduced and read on first reading on March 26, 2019; published by reference by title only in the *Douglas County News-Press*, together with the statement that “[t]he complete text of all ordinances is available through the City Offices and on the City’s official website”; and finally passed and adopted by the City Council on April 9, 2019 following a duly noticed public hearing and ordered published by title only, with amendments if any, one time in the *Douglas County News-Press* on April 18, 2019.

ATTEST:

DocuSigned by:

AD03A3B02032490

Tobi Basile, City Clerk

**EXHIBIT A
NORTH CANYONS PROPERTY LEGAL DESCRIPTION**

PARCELS OF LAND BEING A PORTION OF THE CANYONS SUPERBLOCK PLAT NO. 2, A SUBDIVISION PLAT RECORDED AT RECEPTION NO. 2018040799 IN THE RECORDS OF THE DOUGLAS COUNTY CLERK AND RECORDER'S OFFICE, LOCATED WITHIN SECTIONS 2, 3, 10, 11, 14, AND 15, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF CASTLE PINES, COUNTY OF DOUGLAS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCELS 1, 2, 3, 4 AND 5, INCLUSIVE, THE CANYONS SUPERBLOCK PLAT NO. 2, A SUBDIVISION PLAT RECORDED AT RECEPTION NO. 2018040799 IN THE RECORDS OF THE DOUGLAS COUNTY CLERK AND RECORDER'S OFFICE.