

**CITY OF CASTLE PINES,
COLORADO**

RESOLUTION NO. 19-07

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CASTLE
PINES, COLORADO, APPROVING THE BERKELEY HOMES FILING
NO. 1 PRELIMINARY PLAN; CASE NO. PP18-001**

WHEREAS, the City of Castle Pines is authorized pursuant to Title 31, Article 23, C.R.S., the City of Castle Pines zoning and subdivision regulations as adopted via Ordinance No. 08-04, as amended (“Zoning Ordinance”), and the Canyons Subdivision Regulations as adopted through Ordinance No. 09-18 to regulate the subdivision of land within the Canyons Planned Development (“Planned Development”); and

WHEREAS, Berkeley Homes, a Colorado corporation (the “Applicant”) has submitted an application for the Berkeley Homes Preliminary Plan Filing No. 1, Case No. PP18-001 (“Preliminary Plan”) and associated final plat to create 86 single family residential lots, 25 tracts and 1.727 acres of dedicated public right-of-way; and

WHEREAS, the Preliminary Plan covers property containing approximately 18.18 acres as legally described on the attached **Exhibit A** (the “Property”); and

WHEREAS, pursuant to a duly noticed public hearing on December 6, 2018, continued to January 24, 2019, the Planning Commission recommended the Preliminary Plan for approval to the City Council; and

WHEREAS, the City Council considered the Preliminary Plan during a duly noticed public hearing held on December 11, 2018, and continued to February 12, 2019; and

WHEREAS, the Applicant has agreed to all conditions of approval as stated in this Resolution; and

WHEREAS, the City Council has determined that the Preliminary Plan meets all applicable requirements of the Zoning Ordinance and additional requirements for the Planned Development including the Canyons Subdivision Regulations, subject to the conditions of approval as stated in this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO AS FOLLOWS:

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 Preliminary Plan designated as Berkeley Homes Preliminary Plan Filing No. 1, Case No. PP18-001, is approved subject to the following conditions of approval:

- a. The Applicant shall pay ALL fees and costs incurred by the City and its consultants, including without limitation legal fees and costs, for review and processing of the Preliminary Plan application within forty-five (45) days of receiving an invoice from the City. If the fees and costs are not paid within forty-five (45) days of receiving an invoice, the City may withhold issuance of building permits or further approvals until the invoices have been paid; AND
- b. The Applicant shall resolve/correct any minor technical issues as directed by Staff prior to finalization of the Preliminary Plan.
- c. The Applicant shall comply with Staff findings in the Staff report associated with this Resolution.

Section 3. The Mayor is hereby authorized to sign the Preliminary Plan exhibit upon final review and approval as to form by the Community Development Director and the City Attorney.

Section 4. Effective Date. Approval of the Preliminary Plan shall be deemed effective upon its recordation in the office of the Douglas County Clerk and Recorder.

INTRODUCED, READ AND ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO the 12th day of February, 2019.

DocuSigned by:
Tera Stave Radloff
 0E609EB27900478...
 Tera Stave Radloff, Mayor

ATTEST:

DocuSigned by:
Tobi Basile
 AD03A3B02032498...
 Tobi Basile, CMC, City Clerk

Approved as to form:
 DocuSigned by:
Linda C. Michow
 6241DE99B9FF444...
 Linda C. Michow, City Attorney



EXHIBIT A

Legal Description of Subject Property:

Parcel 12, The Canyons Superblock Plat No. 2, City of Castle Pines, Douglas County, Colorado recorded at Rec. No. 2018040799 in the Douglas County Clerk and Recorder's office, Douglas County, Colorado.