

ORDINANCE 08-12

INTRODUCED BY:

Councilperson Hoffman  
Councilperson Dooley

**ORDINANCE OF THE CITY COUNCIL  
OF  
THE CITY OF CASTLE PINES NORTH  
REZONING PROPERTY FROM AGRICULTURAL ONE TO PLANNED  
DEVELOPMENT AND APPROVING THE LAGAE RANCH PLANNED  
DEVELOPMENT PLAN**

WHEREAS, H.F. Holdings, LLC, a Colorado Limited Liability Company, (the "Applicant"), has requested rezoning of certain property, legally described in Exhibit A to this Ordinance attached hereto and incorporated herein by reference, which is located approximately 600 feet south of Castle Pines Parkway and Lagae Road (the "Property"), from A1 Agricultural One District to PD – Planned Development ("Rezoning Request") in accordance with a proposed new planned development plan titled "Lagae Ranch Planned Development Plan" (the "PD Plan"); and

WHEREAS, the owner of the Property, R.I. Management of Tulsa, Inc., a North Dakota Corporation, has consented to the submission of the PD Plan; and

WHEREAS, the City Council held a public hearing on the Rezoning Request which was properly noticed pursuant to Section 1511 of the Douglas County Zoning Resolution (the "Zoning Resolution"), which has been adopted by reference by the City of Castle Pines North to the extent it applies to land located within the municipal boundaries of the City; and

WHEREAS, the City Council has fully reviewed the PD Plan and considered the criteria set forth in section 1503 of the Zoning Resolution; and

WHEREAS, the City Council has evaluated the Rezoning Request, referral agency comments, staff report, and public testimony and wishes to hereby approve the Rezoning Request and the PD plan based on the evidence presented and compliance with the adopted standards, regulations, policies and other guidelines.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CASTLE PINES NORTH, COLORADO, THAT:

Section 1. The City Council hereby approves rezoning of the Property to PD – Planned Development, subject to the conditions set forth in Section 3 of this Ordinance, for uses in accordance with an approved planned development plan.

Section 2. The City Council hereby finds that the PD Plan is in general conformity with the comprehensive plan for the City.

Section 3. The City Council hereby approves the PD Plan, also referred to herein as the PD Exhibit, subject to the following conditions:

**General Requirements:**

1. 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 PD application prior to recordation of the PD Plan; AND
2. The owner of the Property shall enter into a Public Use Agreement/Easement, in form acceptable to the City, to permit public use of the onsite private street to allow for the access and use of Park 1; AND
3. The owner of the Property shall construct, at no cost to the City or the public, all roads adjacent to publicly dedicated sites, traffic signalization to serve the sites, extension of all utilities to the sites and other public infrastructure as required by the City Council. A Subdivision Improvement Agreement shall be required to ensure the construction of such improvements; AND
4. The owner of the Property shall convey dedicated parkland to the City of Castle Pines North or its designee by warranty deed and the title shall be free and clear of all liens and encumbrances, including real property taxes prorated to the time of conveyance. Dedicated parkland in the amount of 39.90 acres (47.9 acres total including HOA1 Community Open Space) as indicated on the PD Exhibit as Park 1 shall be dedicated per City requirements prior to the recordation of the first final plat for the Property. Park 1 *may* be held by the City, with long-term lease arrangements to be negotiated with Castle Pines North Metro District for the design, construction and maintenance of Park 1; AND
5. The owner of the Property shall dedicate land for schools to American Academy by warranty deed and the title shall be free and clear of all liens and encumbrances, including real property taxes prorated to the time of conveyance. School land in the amount of 6.00 acres as indicated on the PD exhibit as PA2 shall be dedicated per City requirements concurrent with the recordation of the first final plat for the Property; AND
6. The Applicant shall resolve/correct any minor technical issues as directed by staff prior to recordation of the PD Plan; AND

**PD Exhibit Related:**

**The following provisions SHALL be revised on the Development Plan:**

7. General Provisions; Letter G Maximum Level of Development—**STRIKE:** “BUT SHALL NOT BE UNREASONABLY REDUCED”; AND
8. Statement of Commitments; Point 1, Dedications; Letter C, Community Uses—**STRIKE:** “PA1 & 7 HAVE BEEN DESIGNATED FOR COMMUNITY USES WHICH

WILL BE NEGOTIATED AT A LATER DATE WITH THE CITY OF CASTLE PINES NORTH”; AND

9. Statement of Commitments; Point 1, Dedications; Letter C, Community Uses; Point 1, Water and Sewer Availability—Revise current note to state: “THE CASTLE PINES NORTH METRO DISTRICT INTENDS TO PROVIDE WATER AND WASTE WATER SERVICES TO THE SITE”; AND
10. Statement of Commitments; Point 1, Dedications; Letter C, Community Uses; Point 1, Water and Sewer Availability—Move REVISED NOTE to Statement of Commitments; Point 2, On and/or Offsite Improvements; AND
11. Remove “HOA CERTIFICATION” Signatory Title Block from Sheet 1; AND
12. Remove “Planning Area Notes” from Sheet 2 of 5; AND
13. Move “Overall Notes” Point 4: DEVELOPER IS DEFINED AS “OWNER, SUCCESSORS, AND/OR ASSIGNS” AS TO THEIR RESPECTIVE OWNERSHIP PARCELS from Sheet 3 of 5 to General Provisions on Sheet 1; AND
14. Remove “Overall Notes” from Sheet 3 of 5; AND
15. Remove Note “DU ARE APPROXIMATE AND SUBJECT TO CHANGE” from Sheet 3 of 5; AND

**The following provisions shall be added to the Development Plan:**

16. The Developer shall construct the required utilities, drainage facilities and necessary infrastructure as required by the Castle Pines North Metropolitan District and/or City of Castle Pines North in accordance with its plans and specifications. Said improvements shall be clearly specified and dedicated to Castle Pines North Metro District for the ongoing ownership and maintenance responsibilities of such facilities. Off site utility improvements shall also be the responsibility of the Developer and must be coordinated with the City of Castle Pines North and Castle Pines North Metropolitan District. Said improvements shall be clearly specified and dedicated to Castle Pines North Metropolitan District for the ongoing ownership and maintenance responsibilities of such facilities. The City of Castle Pines North and the Castle Pines North Metropolitan District reserve the right to accept or reject any such facilities; AND
17. The Applicant shall be required to seek Urban Drainage and Flood Control District (UDFCD) maintenance eligibility, thereby relieving Castle Pines North Metropolitan District of stormwater/drainage maintenance responsibilities; AND
18. Open Space Land (OSA1-9) shall remain the maintenance responsibility of the Developer until 50% of the planned dwelling units have been constructed and been issued

certificates of occupancy, then shall be the responsibility of the City or the City's designee as directed by the City at the time of final plat; AND

19. At the time of Open Space Land (OSA1-9) dedication all parcels shall have adequate, established native grasses planted at the Developer's expense, AND
20. The property within this Planned Development shall be governed by the Parking Regulations found in Section 28 of the City of Castle Pines North Zoning Resolution or other applicable Parking Regulations adopted by the City; AND
21. The property within this Planned Development shall be governed by the Sign Regulations found in Section 29 of the City of Castle Pines North Zoning Resolution. Section 29 shall be applied to specific land uses established within Planning Areas 1- 7, or other applicable Sign Regulations adopted by the City. OSA 1-9 and Park 1 shall be governed by Section 2907—On-Site Signage - A-1/LRR/RR/ER/SR/MF/and MH Districts; AND
22. The property within this Planned Development shall be governed by the Lighting Regulations found in Section 30 of the City of Castle Pines North Zoning Resolution, or other applicable Lighting Regulations adopted by the City; AND
23. The property within this Planned Development shall be governed by any applicable Landscaping Regulations adopted by the City; AND
24. Land Dedication;
  - a. Park—39.90 acres of active local park land is reserved for dedication within this Planned Development, in addition to the adjacent 8.00 acres of Community Open Space in Castle Pines North Filing 1.
  - b. School—6.00 acres of school land is reserved for dedication within this Planned Development.
  - c. School – The Applicant shall pay to the City cash-in-lieu of dedication of 1.08 acres of land based on a value as determined pursuant to Section 1004 of the City of Castle Pines North Subdivision Resolution.

**The following commitments shall be amended, deleted or added to the PD exhibit:**

25. The Applicant shall revise the PD exhibit to include "typical" landscaped street cross sections for Lagae Road and Monarch Boulevard, said sections shall include street width, sidewalk and landscaping;
  - a. Landscaping along Lagae Road and Monarch Boulevard shall be installed during Phase II; AND
  - b. Applicant shall make provisions to ensure the viability off all landscaping for a period of two years; AND
  - c. All landscaping associated with Phase II shall be included in the Subdivision Improvement Agreement for the Property; AND

26. The Applicant shall revise the PD exhibit to include “typical” pedestrian trail cross sections for Open Space Areas 1-9, said sections shall include trail material and width;
- a. Trails associated with Park 1 shall commence with Phase I; AND
  - b. Other trail construction should commence with Phase III; AND
  - c. All required trails shall be included in the Subdivision Improvement Agreement for the Property; AND

27. The following Principle land uses shall be changed to Accessory land uses on the PD Exhibit:

- a. Planning Area 1 (PA1):
  - i. Open Space
  - ii. Play Ground
  - iii. Parking Lot
  - iv. Construction Trailer
  - v. Coffee shop
  - vi. Sandwich shop
- b. Planning Area 2 (PA2):
  - i. Park
  - ii. Play Ground
  - iii. Open Space
  - iv. Construction Office
- c. Planning Area 6 (PA6):
  - i. Parking Lot
  - ii. Play Ground
- d. Planning Area 7 (PA7):
  - i. Active/passive recreational uses
- e. Park 1:
  - i. Construction office
  - ii. Sales Trailer; AND

28. The following land uses shall be prohibited in the planning area and removed from the Development Plan:

- a. Planning Area 1 (PA1):
  - i. Restaurant
- b. Planning Areas 3, 4, & 5 (PA3,4,5):
  - i. Retention
- c. Planning Area 6 (PA6):
  - i. Single Family Residences
  - ii. Temporary Residences
- d. Open Space 1-9 (OSA1-9):
  - i. Sports fields
  - ii. Parking
  - iii. Water Retention; AND

29. The following land use shall be shown as a Use by Special Review:

- a. Planning Area 6 (PA6):
    - i. Multifamily Residences; AND
30. Add the following Principle land uses:
- a. Planning Area 6 (PA6):
    - i. **Add Principle Land Use**—Professional Office
  - b. Planning Area 7 (PA7):
    - i. **Add Principle Land Use**—Professional Office; AND
31. Principle Uses, Passive Uses, Natural Uses, All Uses and Quality in Open Space 1-9 shall be categorized as Principle Land Uses; AND
32. Open Space 1-9; Principle Use: A. ACTIVE AND PASSIVE USES shall be revised to read: ACTIVE AND PASSIVE RECREATIONAL USES; AND
33. A note shall be added to state that the following land uses shall not be allowed to locate within the boundaries of the Lagae Ranch Planned Development:
- a. Automotive Sales or Leasing
  - b. Automotive Servicing (sale of fuel, automotive products, carwash)
  - c. Fast food establishments
  - d. Self storage facilities
34. The Development Standards matrix on Sheet 5 of 5 shall be amended to identify specific Planning Areas and not land uses. The matrix shall be further amended in the following areas:
- a. Planning Area 1 (PA1):
    - i. Maximum Building Height: 50 Feet
    - ii. Maximum Density for PA1: Total of 150,000 SF with a maximum FAR of .5 per lot
  - b. Planning Area 2 (PA2):
    - i. Maximum Building Height: 50 Feet
    - ii. Maximum Density for PA2: Total of 130,000 SF with a maximum FAR of .5 per lot
  - c. Planning Areas 3, 4, & 5 (PA3,4,5):
    - i. Maximum Building Height: 35 Feet
    - ii. Maximum Density: 231 Single Family Residential Units = 4.87 DU/AC
  - d. Planning Area 6 (PA6):
    - i. Maximum Building Height: 50 Feet
    - ii. Maximum Density: Multifamily Residential Units = 14.84 DU/AC
    - iii. Maximum Density: Principle Uses with MFR: 117,394 SF = FAR of .1
    - iv. Maximum Density: Principle Uses with no MFR: 293,486 SF = FAR of .25
  - e. Planning Area 7 (PA7):

- i. Maximum Building Height: 75 Feet
      - ii. Maximum Density: 280,000 SF = FAR of .34
    - f. Park 1:
      - i. Maximum Building Height: 20 Feet
      - ii. Structures shall be setback 20 Feet from all property lines
    - g. Open Space 1-9 (OSA1-9):
      - i. Maximum Building Height: 20 Feet; AND
35. All outdoor public events and farmer's markets shall be subject to a requirement to obtain a Special Event Permit issued by the City of Castle Pines North Community Development Department, if applicable, and shall be classified as Accessory Use subject to a Special Event Permit instead of Use by Special Review; AND
  36. A note shall be added to state that all schools shall be required to complete a Location and Extent process; AND
  37. A note shall be added to state that the developer of Park 1 shall be required to complete a Location and Extent process; AND
  38. A note shall be added to state that land uses in Open Space Areas 1-9 including non-commercial recreation, stormwater drainage facilities, underground gas, electric, telecommunications, water and sewer lines and other public or private utilities shall be contained in easements.
  39. A note shall be added to state that all public utility distribution lines shall be placed underground, except for existing power lines.
  40. A note shall be added to state that all uses proposed in the Planned Development shall be served by a central water and sanitation facility.
  41. Prior to issuance of any building permits, the Developer shall submit to the City proof of measures taken regarding water conservation, xeriscaping, green building and night skies lighting associated with the project.
  42. In-home health care shall be deleted from the list of Accessory Uses for Planning Area 7.

Section 4. Enactment of this Ordinance shall not repeal or in any way impair any existing provisions of other laws or ordinances, and in the event an existing provision of any law or ordinance imposes a less restrictive provision, this Ordinance shall control.

Section 5. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

INTRODUCED, READ AND PASSED, ON FIRST READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINE NORTH, COLORADO the 6th day of August, 2008.

READ, PASSED AND ADOPTED ON SECOND READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES NORTH, COLORADO, the 27th day of August, 2008.

**CITY OF CASTLE PINES NORTH**

  
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Maureen A. Shul, Mayor

**ATTEST:**

  
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Carl E. Kollmar, City Clerk

Approved as to form:

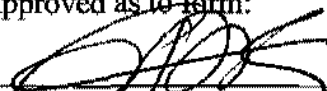
  
\_\_\_\_\_  
Erin M. Smith, City Attorney



EXHIBIT A  
LEGAL DESCRIPTION  
LAGAE RANCH

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE SOUTH ONE-HALF (S 1/2 ) OF SECTION 3, THE EAST ONE-HALF (E 1/2) OF SECTION 9 AND THE NORTH ONE-HALF (N 1/2) OF SECTION 10, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF DOUGLAS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 3; THENCE N00°36'25"W ALONG THE WEST LINE OF THE SOUTH HALF OF SAID SECTION 3, BEING THE BASIS OF BEARINGS AND ALL BEARINGS CONTAINED BEING RELATIVE, A DISTANCE OF 1291.32 FEET; THENCE S89°31'01"E, A DISTANCE OF 778.70 FEET; THENCE S89°29'13"E, A DISTANCE OF 2707.69 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 25; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES:

1. S07°06'13"W, A DISTANCE OF 2174.99 FEET;
  2. S00°06'03"W, A DISTANCE OF 86.48 FEET;
- THENCE S70°35'23"W, A DISTANCE OF 1527.83 FEET; THENCE S86°20'43"W, A DISTANCE OF 2928.26 FEET; THENCE N01°53'42"W, A DISTANCE OF 1656.35 FEET; THENCE N88°54'13"E, A DISTANCE OF 1214.66 FEET TO THE TRUE POINT OF BEGINNING .

CONTAINING 248.861 ACRES OF LAND, MORE OR LESS.  
THE AREA INCLUDES LAGAE ROAD AS RECORDED IN BOOK 2326 AT PAGE 1152.

## CERTIFICATION OF PUBLICATION

I hereby attest and certify that the within and foregoing ordinance was introduced and read on first reading at a regular meeting of the Castle Pines North City Council on August 6, 2008; published in full in the Douglas County News-Press; and finally passed and adopted by the City Council on August 27, 2008.



Carl E. Kollmar, City Clerk