

**ORDINANCE NO. 10-08**

**INTRODUCED BY:**

**Mayor Huff**

**Councilperson Hamilton-Bruer**

**AN ORDINANCE OF THE CITY COUNCIL OF  
THE CITY OF CASTLE PINES NORTH, COLORADO  
APPROVING AN APPLICATION FOR A USE BY SPECIAL REVIEW  
FOR A LARGE DAY CARE HOME, PROJECT NO. US10-002**

WHEREAS, in accordance with Section 21 of the City of Castle Pines North Zoning Ordinance (“Zoning Ordinance”), Elizabeth Mullison (“Applicant”) has submitted an application for a use by special review (“Use by Special Review”) and associated site improvement plan (“Plan”), referred to as Project No. US10-002, to operate a large day care home on property owned by Elizabeth Mullison (“Owner”), legally described as Lot 32, Block 4, Green Valley Filing #1B, City of Castle Pines North, County of Douglas, State of Colorado (“the “Property”); and

WHEREAS, the City Council considered the Use by Special Review at a duly noticed public hearing at which time evidence and testimony were presented to the City Council concerning said Use by Special Review; and

WHEREAS, public notice has been properly given of the Use by Special Review by publication in the *Douglas County News-Press*, a newspaper of general circulation within the City of Castle Pines North, by posting of said Property and by mail notification of adjacent property owners in accordance with the Zoning Ordinance; and

WHEREAS, a public hearing was held before the City of Castle Pines North City Council at the Castle Pines North Community Center, 7404 Yorkshire Drive in the City of Castle Pines North, at which time evidence and testimony were presented to the City Council concerning said Use by Special Review request; and

WHEREAS, the administrative record for this case includes, but is not limited to, the applicable provisions of the Zoning Ordinance, as amended and updated, and all other applicable ordinances, resolutions and regulations, together with the Community Development Department Staff Report and Recommendation, and any evidence or correspondence submitted by the Applicant and members of the public at the public hearing; and

WHEREAS, the City Council has determined that the proposed Use by Special Review furthers the public health, safety, convenience and general welfare of the community and meets the applicable criteria set forth in Section 2102 of the Zoning Ordinance; and

WHEREAS, the Applicant has agreed to all conditions of approval as stated in this Ordinance.

**THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CASTLE PINES NORTH, 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 a Use by Special Review and Plan as submitted by the Applicant, Project No. US10-002, to operate a large day care home on the Property in conformance with the standards and requirements set forth in the Zoning Ordinance with the exception of the requirement under Section 2107.9 that a solid fence or wall six (6) feet in height must completely enclose the yard used for playground purposes be waived. The City Council finds that the existing wood fence four (4) feet in height is adequate as it is consistent with state requirements for operation of a residential day care use.

**Section 3.** Approval of this Use by Special Review and Plan is subject to the following conditions of approval:

1. The Applicant shall pay all fees and costs incurred by the City and its consultants, in review and processing of the application prior to recordation; and
2. The Applicant shall resolve/correct any minor technical issues as directed by staff prior to recordation of the Plan; and
3. The special use shall be permitted until the special use ceases to perform its intended function for a period of 180 consecutive days as determined by the City, or until the property is sold or transferred, whichever occurs first; and
4. The special use shall be permitted to operate in and with an enclosed fence of no less than 42 inches in height; and
5. The large day care home shall be limited to attendance of pre-school and elementary school age children under 13 years of age; and
6. The special use is subject to yearly review to ensure compliance with the City's approval standards and conditions of approval; and
7. The hours of operation shall be restricted to between 8:45 a.m. and 1:00 p.m.; and
8. The number of children in attendance on any given day shall be limited to 9.

**Section 4.** The Community Development Department is authorized to make any changes to the form of the approved Plan as may be needed to conform the documents to the form

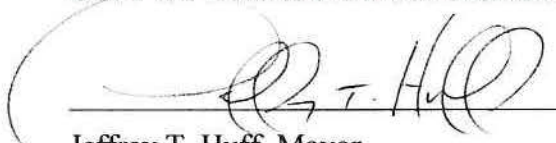
and content requirements of the Zoning Ordinance in existence at the time the documents are submitted for signature and to make such other changes that are expressly required pursuant to this Resolution.

**Section 5. Effective Date.** This Ordinance shall become effective thirty days after publication following final passage.

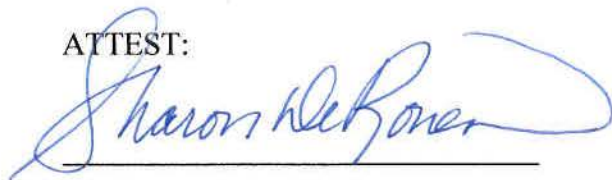
**INTRODUCED, READ, AND PASSED, ON FIRST READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES NORTH, COLORADO the 28th day of September, 2010.**

**READ, PASSED, AND ADOPTED ON SECOND READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES NORTH, COLORADO the 26th day of October, 2010.**


**CITY OF CASTLE PINES NORTH:**

  
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Jeffrey T. Huff, Mayor

ATTEST:

  
\_\_\_\_\_  
Sharon DeRouen, City Clerk

Approved as to form:

  
\_\_\_\_\_  
Linda C. Michow, City Attorney

**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 September 28, 2010; published in full in the *Douglas County News-Press*; and finally passed and adopted by the City Council on October 26, 2010 following a duly noticed public meeting and ordered published by title only, with amendments if any, one time in the *Douglas County News-Press* on November 11, 2010.

ATTEST:

  
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City Clerk or Deputy City Clerk