

ORDINANCE NO. 14-01

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
CASTLE PINES, COLORADO APPROVING THE CASTLE PINES
TOWN CENTER PLANNED DEVELOPMENT, FIRST AMENDMENT,
CASE NO. ZR13-001, AND AMENDING THE OFFICIAL ZONING MAP**

WHEREAS, the applicant, LS Partners, LLC (“Applicant”) on behalf of the owners, LS Partners, LLC (“LS”), Taylor Morrison of Colorado, Inc. (“TM”), and A&A Investments, LLC (collectively, the “Owners”), have submitted an application to the City of Castle Pines (“City”) to amend the Castle Pines Town Center Planned Development concerning certain property totaling 354.14 acres, more or less, generally located west of Interstate I-25 and north of Happy Canyon Road, and legally described on **Exhibit A** attached hereto and incorporated herein (the “Property”); and

WHEREAS, the application, Case No. ZR13-001, is accompanied by an amended Planned Development, titled Castle Pines Town Center Planned Development – 1st Amendment (“Amended PD Plan”), copies of which are on file with the Castle Pines Community Development Department and are incorporated herein by reference; and

WHEREAS, through the Amended PD Plan, the Applicant seeks to rezone approximately 39 acres of mixed use/commercial/office land uses to single family residential, thereby resulting in the elimination of approximately 199,135 square feet of mixed use/commercial/office land uses and the addition of 155 single family residential units to the previously approved Castle Pines Town Center Planned Development (the “PD Plan”); and

WHEREAS, public notice has been properly given of such proposed zoning of the Property in accordance with the City of Castle Pines Zoning Ordinance (“Zoning Ordinance”); and

WHEREAS, in accordance with the Zoning Ordinance, public hearings were held before the Planning Commission and City Council at which time evidence and testimony were presented concerning said zoning proposal; and

WHEREAS, the legislative record for this case includes, but is not limited to, the Zoning Ordinance, the City of Castle Pines Comprehensive Plan, and all other applicable ordinances, resolutions and regulations, together with the PD Plan, the Amended PD Plan, accompanying maps, reports, studies and all other submittals of the Owner, any written evidence or correspondence submitted at the public hearings before the Planning Commission and City Council, and the staff reports pertaining to this application; and

WHEREAS, pursuant to Article 23 of Title 31, C.R.S., as amended, City Council has determined that the proposed rezoning of the Property, subject to the conditions set forth herein, furthers the public health, safety, convenience and general welfare of the community; meets the criteria of approval set forth in Section 15 of the Zoning Ordinance; is generally in conformance with the City’s Comprehensive Master Plan; is compatible with surrounding uses; and otherwise meets the applicable criteria set forth in the Zoning Ordinance; and

WHEREAS, approval of this Ordinance on first reading is intended only to confirm that the City Council desires to comply with state law and the Zoning Ordinance by setting a public hearing in order to provide staff, the Applicant, property owners, and the public an opportunity to present testimony and evidence regarding the application; and

WHEREAS, approval of this Ordinance on first reading does not constitute a representation that the City Council, or any member of the City Council, supports, approves, rejects, or denies the proposed rezoning.

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 grants and approves the Castle Pines Town Center Planned Development, First Amendment, Case No. ZR13-001, subject to the following conditions of approval, and subject to and in accordance with all applicable terms and conditions of the City Zoning Ordinance and the Annexation and Development Agreement for Lagae South, as amended:

1. The Applicant shall pay ALL fees and costs incurred by the City and its consultants, in the review and processing of the Amended PD Plan application prior to recordation; and
2. The Applicant shall resolve any minor technical changes to the Amended PD Plan as directed by staff prior to recordation; and
3. The Applicant shall be required to submit a superbloc plat legally subdividing the LS and TM owned portions of the Property prior to, or in conjunction with the submittal any future land use applications of such portions of the Property; and
4. Lagae Road shall be extended north of Castle Pines Town Center and constructed in its entirety in accordance with the Lagae Ranch Filing No. 1 Subdivision Improvement Agreement, prior to the issuance of any building permits; and
5. No Certificates of Occupancy shall be issued in Planning Areas PA-1, PA-2, PA-3, PA-4 and PA-5 until access is provided from Lagae Road to Happy Canyon Road in conformance with applicable City ordinances and subject to conditions and terms set forth in a Subdivision Improvement Agreement as approved by the City; and
6. At the time of the first Final Plat submittal for the creation of lots, the Applicant shall submit a Subdivision Improvement Agreement as approved by the City that identifies the costs for the design and construction of the Property's share of specific off-site traffic and road improvements at the intersection of Castle Pines Parkway and Lagae Road as identified in the Castle Pines Town Center Traffic Impact Analysis, dated December 2011, that will be required to mitigate the impacts of the Castle Pines Town Center development. The nature, timing and scope of the offsite intersection improvements shall be determined at the time of Final Plat submittal and prior to City Council approval of the

Final Plat and shall be set forth in a Subdivision Improvement Agreement as approved by the City; and

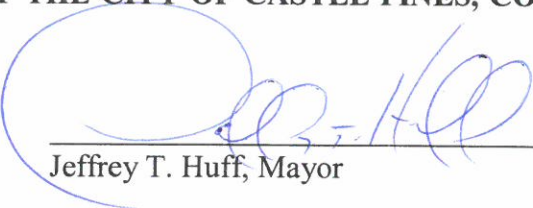
7. The Applicant shall revise all exhibits, tables, matrices and references to be consistent with the revised Planned Development Exhibit, Sheet 2 of 8, as presented at the February 25, 2014 Public Hearing.
8. The conditions stated in this Ordinance No. 14-01 shall be revised to conform to the conditions of approval made by motion of City Council.
9. The PD Plan Amendment shall be revised to conform to all conditions of approval associated with the PD Plan Amendment and the First Amended Annexation and Development Agreement, including but not limited to the revised phasing plan and term of vested property rights.

Section 3. The Zoning Map of the City of Castle Pines shall be amended to conform to and reflect the Property's amended PD zoning.

Section 4. 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 28th day of January, 2014.

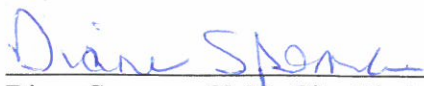
READ, PASSED, AND ADOPTED ON SECOND READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO the 25th day of February, 2014.




Jeffrey T. Huff, Mayor

ATTEST:

Approved as to form:



Diane Spomer, CMC, City Clerk



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 noticed public meeting of the Castle Pines City Council on January 28, 2014; 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 February 25, 2014 following a duly noticed public hearing and ordered published by title only, one time in the *Douglas County News-Press* on March 6, 2014.

ATTEST:


Diane Spomer, CMC, City Clerk

**EXHIBIT A
LEGAL DESCRIPTION**

A PARCEL OF LAND LYING IN THE EAST 1/2 OF SECTION 9 AND SECTION 10 OF TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, COLORADO, BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 10, AND CONSIDERING THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 10 TO BEAR SOUTH 89°09'17" EAST WITH ALL BEARINGS CONTAINED HEREIN, RELATIVE THERETO; THENCE WESTERLY ALONG THE EXISTING FENCELINE AS DESCRIBED IN THAT QUIT CLAIM DEED RECORDED IN BOOK 539, PAGE 598 THE FOLLOWING TWO (2) COURSES:

- 1) NORTH 89°08'57" WEST, 1080.47 FEET;
- 2) THENCE NORTH 01°28'54" WEST, 3606.79 FEET

TO A POINT ON THE SOUTH SUBDIVISION BOUNDARY OF LAGAE RANCH FILING 1, ACCORDING TO THE RECORDED PLAT THEREOF, THENCE DEPARTING SAID FENCELINE, AND ALONG SAID SUBDIVISION BOUNDARY THE FOLLOWING TWO (2) COURSES:

- 1) NORTH 86°45'40" EAST, 2928.23 FEET;
- 2) THENCE NORTH 71°00'10" EAST, 1527.60 FEET

TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF U.S. INTERSTATE NO. 25, THENCE DEPARTING SAID LAGAE RANCH FILING 1 SUBDIVISION BOUNDARY AND ALONG SAID WEST RIGHT-OF-WAY LINE OF U.S. INTERSTATE NO. 25 THE FOLLOWING EIGHT (8) COURSES:

- 1) SOUTH 01°01'24" WEST, 14.01 FEET;
- 2) THENCE SOUTH 07°31'24" WEST, 1546.10 FEET;
- 3) THENCE ALONG A CURVE TO THE LEFT, HAVING A DELTA OF 05°02'01", A RADIUS OF 11,620.00 FEET, AN ARC OF 1020.85 FEET AND A CHORD WHICH BEARS SOUTH 04°59'54" WEST, 1020.52 FEET;
- 4) THENCE SOUTH 02°28'54" WEST, 832.00 FEET;
- 5) THENCE SOUTH 16°41'54" WEST, 773.70 FEET;
- 6) THENCE NORTH 87°31'06" WEST, 60.00 FEET;
- 7) THENCE SOUTH 43°44'54" WEST, 199.50 FEET;
- 8) THENCE SOUTH 01°33'24" WEST, 43.20 FEET

TO THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 10; THENCE DEPARTING SAID U.S. INTERSTATE NO. 25 RIGHT-OF-WAY LINE AND ALONG SAID SOUTH LINE OF SECTION 10, NORTH 89°09'17" WEST, 2445.46 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; CONTAINING 354.14 ACRES, MORE OR LESS.