

ORDINANCE NO. 14-04

**AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF CASTLE PINES, COLORADO
APPROVING AN APPLICATION FOR A USE BY SPECIAL REVIEW
FOR IREA HAPPY CANYON 115kV – 12.47kV SUBSTATION,
PROJECT NO. US13-001**

WHEREAS, in accordance with Section 21 of the City of Castle Pines Zoning Ordinance (“Zoning Ordinance”), Intermountain Rural Electric Association (“IREA”) (“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. US13-001, in addition to a superblock plat (“Plat”), to construct and operate a new 115kV to 12.47kV electrical facility on property currently owned by North Canyons, LLLP (“Owner”), located at 745 West Happy Canyon Road, City of Castle Pines, County of Douglas, State of Colorado, legally described in the attached **Exhibit A**, within the (“the “Property”); and

WHEREAS, having considered the Use by Special Review at a duly noticed public hearing, the Planning and Zoning Commission recommended approval of the application to the City Council of the City of Castle Pines; 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 the 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, by posting of the Property and by mail notification of adjacent property owners in accordance with the Zoning Ordinance; and

WHEREAS, the administrative record for this application 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 hearings before Planning and Zoning Commission and City Council; 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 and Owner have agreed to all conditions of approval as stated in this 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, the Owner, 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 Use by Special Review.

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 a Use by Special Review and Plan as submitted by the Applicant, Project No. US13-001, to construct and operate a new 115kV to 12.47kV electrical facility on the Property in conformance with the standards and requirements set forth in the Zoning Ordinance and this Ordinance.

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 of the Use by Special Review Plan exhibit; and
2. The Applicant shall resolve or correct any minor technical changes to the Use by Special Review Plan exhibit as directed by staff prior to its recordation; and
3. The Use by Special Review is subject to yearly review in the discretion of City Council to ensure compliance with the City's approval standards and conditions of approval; and
4. The Use by Special Review Plan exhibit shall be modified to change the first sentence of Note 23 to read: "Construction of the Substation Facility shall commence within 5 years from the effective date of the Ordinance approving the Use by Special Review, or the approval shall terminate."

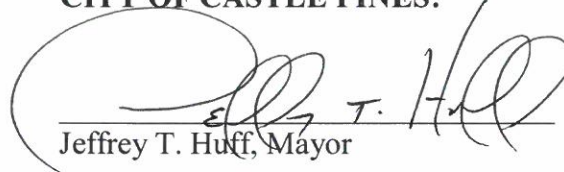
Section 4. The Community Development Director is authorized to make any changes to the form of the approved Plan exhibit as may be needed to conform the documents to the form and content requirements of the Zoning Ordinance in existence at the time the documents are submitted for signature and to make such other changes that are expressly required pursuant to this Ordinance.

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, COLORADO the 11th day of February, 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 February, 2014.


CITY OF CASTLE PINES:


Jeffrey T. Huff, Mayor

ATTEST:


Diane Spomer, CMC, 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 City Council on February 11, 2014; published 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, with amendments if any, one time in the *Douglas County News-Press* on March 6, 2014.

ATTEST:



Diane Spomer, CMC, City Clerk

EXHIBIT A
LEGAL DESCRIPTION OF PROPERTY

A PARCEL OF LAND IN THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE 6th PRINCIPAL MERIDIAN AND IN THE NORTH HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE 6th PRINCIPAL MERIDIAN, COUNTY OF DOUGLAS, STATE OF COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 10, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN; THENCE N89°31'53"W, 45.58 FEET ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 10 TO THE WESTERLY LINE OF A 75 FOOT WIDE PUBLIC SERVICE COMPANY EASEMENT RECORDED IN BOOK 122 AT PAGE 109 OF THE DOUGLAS COUNTY RECORDS; THENCE N33°43'35"W, 94.45 FEET ALONG SAID WESTERLY LINE TO THE POINT OF BEGINNING; THENCE S56°16'25"W, 534.55 FEET; THENCE N33°43'35"W, 416.27 FEET; THENCE N56°16'25"E 105.02 FEET; THENCE N31°38'21"E, 369.76 FEET; THENCE N56°16'25"E, 93.42 FEET TO SAID WESTERLY LINE; THENCE S33°43'35"E, 570.40 FEET TO THE POINT OF BEGINNING. CONTAINING 262,816 SQUARE FEET OR 6.033 ACRES MORE OR LESS.