

**ORDINANCE NO. 12-06**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO APPROVING INITIAL ZONING OF PROPERTY KNOWN AS THE CASTLE PINES TOWN CENTER PROPERTY (FORMERLY KNOWN AS LAGAE SOUTH) FROM DOUGLAS COUNTY AGRICULTURAL ONE (A-1) TO CITY OF CASTLE PINES PLANNED DEVELOPMENT, ADOPTING THE CASTLE PINES TOWN CENTER PLANNED DEVELOPMENT PLAN, AND AMENDING THE OFFICIAL ZONING MAP**

**WHEREAS**, A and A Investments, LLC (the “Owner”) has petitioned the City of Castle Pines City Council for annexation of certain property totaling 354.14 acres, more or less, and referred to herein as the “Property”. The Property is generally located west of Interstate I-25 and north of Happy Canyon Road, and legally described on Exhibit A attached hereto and incorporated herein; and

**WHEREAS**, in conjunction with annexation, the Owner has submitted to the City for approval an application for zoning of the Property from Douglas County Agricultural One (A-1) to City of Castle Pines Planned Development (“PD”), which request is accompanied by a PD plan exhibit on file in the Castle Pines Community Development Department; and

**WHEREAS**, in conjunction with the annexation and PD, the Owners and the City have negotiated the terms of an Annexation and Development Agreement (“Development Agreement”), a draft copy of which is on file in the Castle Pines Community Development Department on or after March 14, 2012 and is incorporated herein by reference; and

**WHEREAS**, the City Council of the City of Castle Pines has determined that annexation of the Property is in the best interests of the City and thus approved Ordinance No. 12-05 to annex the Property into the City of Castle Pines; and

**WHEREAS**, concurrent with its consideration of annexation of the Property, the City Council considered initial zoning of the Property from Douglas County Agricultural One (A-1) to City of Castle Pines Planned Development; and

**WHEREAS**, the initial zoning is accompanied by a request to adopt the Castle Pines Town Center Planned Development exhibit (“PD Plan”) as the governing zoning document and development plan for the Property; and

**WHEREAS**, copies of the PD Plan are on file with the Castle Pines Community Development Department and are incorporated herein by reference; and

**WHEREAS**, under Section 31-12-115(2) of the Municipal Annexation Act, C.R.S., property annexed to the City must be zoned pursuant to the City’s zoning regulations within ninety (90) days after the effective date of the Annexation Ordinance; 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, a public hearing was 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, City of Castle Pines Comprehensive Plan, and all other applicable ordinances, resolutions and regulations, together with the PD Plan and accompanying maps, reports, studies and all other submittals of the Owner, any written evidence or correspondence submitted at the public hearing 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 zoning 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.

**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 zoning of the Property from Douglas County Agricultural One (A-1) to City of Castle Pines Planned Development, subject to and in accordance with the terms and conditions of the Zoning Ordinance, PD Plan and the Development Agreement.

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

**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 13th day of March, 2012.**

**READ, PASSED, AND ADOPTED ON SECOND READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO the 27th day of March, 2012.**

**CITY OF CASTLE PINES:**

  
Jeffrey T. Huff, Mayor

ATTEST:

  
Dan Schatz, City Clerk

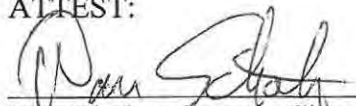
Approved as to form:

  
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 March 13, 2012; 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 March 27, 2012 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 April 5, 2012.

ATTEST:

  
City Clerk or Deputy 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.