

**RESOLUTION NO. 09-47**

**INTRODUCED BY:**

**Councilperson Coppola**

**Councilperson Havercroft**

**A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF CASTLE PINES NORTH  
APPROVING AN APPLICATION FOR A USE BY SPECIAL REVIEW  
FOR A VERIZON WIRELESS STEALTH TELECOMMUNICATION FACILITY,  
PROJECT NO. US09-001**

WHEREAS, in accordance with Section 21 of the City of Castle Pines North Zoning Code (“Zoning Code”), Black & Veatch Corp. (“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. US09-001 to construct a 45 foot stealth telecommunication facility on property owned by the Castle Pines North Metropolitan District (“Owner”) legally described as Lot 1, Castle Pines North Phase 1, 2<sup>nd</sup> Replat of a Portion of Tract 2, 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 Code; 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 Code, 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 Code; and

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

THEREFORE, BE IT RESOLVED 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. US09-001, to allow a 45 foot stealth telecommunication facility on the Property in conformance with the standards and conditions set forth in the Plan and this Resolution.

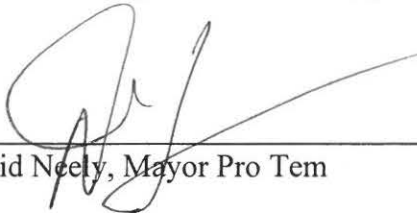
**Section 3.** Approval of this Use by Special Review and Plan is subject to the following conditions of approval:

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; and
4. The Property Owner shall be responsible for removing all elements of the telecommunication facility including, but not limited to, antennas, structures, accessory equipment, and fencing if the facility becomes technologically obsolete or ceases to perform its intended function for a period of 180 consecutive days; and shall further restore the Property to replicate existing surrounding vegetation; and
5. The special use is subject to yearly review to ensure compliance with the City's approval standards and conditions of approval.


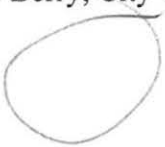
**Section 4.** The Community Development Department is authorized to make any changes to the form of the approved Plan as may be needed to conform the documents to the form and content requirements of the Zoning Code in existence at the time the documents are submitted for signature and to make such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

**Section 5.** This Resolution shall be effective upon adoption by City Council.

INTRODUCED, READ, AND ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES NORTH by a vote of five (5) in favor and none against this 14th day of May, 2009.

  
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David Neely, Mayor Pro Tem

ATTEST:

  
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Janie Berry, City Clerk  


Approved as to form:

  
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Linda C. Michow, City Attorney