

ORDINANCE NO. 21-07

**AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF CASTLE PINES, COLORADO,
APPROVING THE CANYONS PLANNED DEVELOPMENT PLAN, THIRD
AMENDMENT, CASE NO. RPDA21-001, AND AMENDING THE OFFICIAL
ZONING MAP**

WHEREAS, the Canyons property consists of approximately 3,342 acres and is generally located in the southeast quadrant of Interstate I-25 and Hess Road (“Canyons Property”) in the City of Castle Pines (“City”); and

WHEREAS, in 2009, the then owners of the Canyons Property, North Canyons LLLP, a Colorado limited liability limited partnership (“North Canyons”), and Judge Inc., a Colorado corporation (“Judge”), petitioned the City to annex and zone the Canyons Property; and

WHEREAS, the City annexed and approved initial zoning of the Canyons Property through the Canyons Planned Development (“Canyons PD”); the Canyons PD was approved via Ordinance No. 09-17 and subsequently amended by the Canyons Planned Development, First Amendment, approved via Ordinance No. 19-01 and the Canyons Planned Development, Second Amendment, approved via Ordinance No. 19-15; and

WHEREAS, in connection with annexation of the Canyons Property, North Canyons, Judge, Canyons Metropolitan District No. 1, a quasi-municipal corporation and political subdivision of the State of Colorado, and the City entered into that certain Annexation and Development Agreement dated October 22, 2009, as amended (“Development Agreement”); and

WHEREAS, since 2009, portions of the Canyons Property have been sold, further subdivided and are in process of development for detached and attached single family residences; and

WHEREAS, in 2011, Judge conveyed all of its interest in the Canyons Property to North Canyons, which subsequently conveyed some of the Canyons Property to Shea Canyons, LLC, a Colorado limited liability company (together with North Canyons, the “Owner”); and

WHEREAS, the Owner has requested rezoning to allow schools as an allowable use by right within Planning Areas 7, 13, and 14 for that portion of the Canyons Property legally described in **Exhibit A** (“Subject Property”), attached hereto and incorporated herein; and

WHEREAS, such rezoning request is accompanied by a PD plan exhibit (the “Third Amended PD Plan”) on file in the Castle Pines Community Development Department; and

WHEREAS, the Planning Commission has considered the Third Amended PD Plan during a duly noticed public hearing and recommended approval of the Third Amended PD Plan to the City Council; and

WHEREAS, public notice has been properly given of such proposed rezoning of the Subject 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 City Council at which time evidence and testimony were presented to the City Council 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 2016 Comprehensive Plan, as amended, and all other applicable ordinances, resolutions and regulations, together with the Third Amended PD Plan and accompanying maps, reports, studies and all other submittals of the Owner/Applicant, any written evidence or correspondence submitted at the public hearing, and the staff report 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 Third Amended PD Plan, 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 2016 Comprehensive Plan, as amended; 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 to confirm that the City Council desires to continue the public hearing in order to provide staff, the Applicant, interested parties, 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.

THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO, ORDAINS:

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 the Third Amended PD Plan, Case No. RPDA21-001 to allow for schools as a Principal Use allowed by right in Planning Areas 7, 13, and 14, subject to and in accordance with the terms and conditions of the Canyons PD Plan, the Development Agreement (as amended), the First and Second Amended PD Plans, and the following conditions, which shall be satisfied prior to recordation of the Third Amended PD Plan:

- (1) The Owner 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 Third Amended PD Plan;

(2) The Owner shall resolve any minor technical issues as directed by staff prior to recordation of the Third Amended PD Plan; and

(3) The conditions stated in this Ordinance No. 21-07 shall be revised to conform to any conditions of approval made by motion of City Council.

Section 3. The Zoning Map of the City of Castle Pines shall be amended to conform to and incorporate the Third Amended PD Plan.

Section 4. **Severability.** If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect, in accordance with Section 6.8 of the Charter.

Section 5. **No Existing Violation Affected.** Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any ordinance hereby repealed or amended by this Ordinance, or any just or legal right or remedy of any character be lost, impaired, or affected by this Ordinance.


Section 6. **Repeal of Previous Ordinances.** Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

Section 7. **Safety Clause.** The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Castle Pines, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.


Section 8. **Publication and Effective Date.** The City Clerk is hereby directed to cause publication of this Ordinance in accordance with Section 6.5 of the Charter. This Ordinance shall be effective thirty (30) days after final publication on the City's official website and posting at the City Clerk's office pursuant to Section 1-3-40 of the Municipal Code.

INTRODUCED, READ, AND PASSED ON FIRST READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO THE 14th DAY OF SEPTEMBER, 2021.


READ, PASSED, AND ADOPTED ON SECOND READING, FOLLOWING A PUBLIC HEARING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO the 12th day of October, 2021.

DocuSigned by:

 6E0C8EB279D6479...
 Tera Stave Radloff, Mayor

ATTEST:

DocuSigned by:

 AD03A3B02032499...
 Tobi Duffey, CMC, City Clerk

Approved as to form:

DocuSigned by:

 5241DE99B0FF444...
 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 on September 14, 2021; published by title only in the *Douglas County News-Press*, together with the statement that “[t]he complete text of the ordinance is available through the City Clerk’s office and on the City’s official website with second reading and public hearing to be held on October 12, 2021”; and finally passed and adopted by the City Council on October 12, 2021, following a duly noticed public hearing and published on the City’s official website and posted at the City Clerk’s office on September 15, 2021.

ATTEST:


DocuSigned by:

 AD03A3B02032499...
 Tobi Duffey, CMC, City Clerk

Exhibit A
Legal Description of Subject Property

A PARCEL OF LAND BEING A PORTION OF THE CANYONS SUPERBLOCK PLAT NO. 1, A SUBDIVISION PLAT RECORDED AT RECEPTION NO. 2015090038 IN THE RECORDS OF THE DOUGLAS COUNTY CLERK AND RECORDER'S OFFICE, LOCATED WITHIN SECTION 11, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF CASTLE PINES, COUNTY OF DOUGLAS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 3, THE CANYONS SUPERBLOCK PLAT NO. 1, A SUBDIVISION PLAT RECORDED AT RECEPTION NO. 2015090038 IN THE RECORDS OF THE DOUGLAS COUNTY CLERK AND RECORDER'S OFFICE.

A PARCEL OF LAND BEING A PORTION OF THE CANYONS SUPERBLOCK PLAT NO. 2, A SUBDIVISION PLAT RECORDED AT RECEPTION NO. 2018040799 IN THE RECORDS OF THE DOUGLAS COUNTY CLERK AND RECORDER'S OFFICE, LOCATED WITHIN SECTION 11, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF CASTLE PINES, COUNTY OF DOUGLAS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 6, THE CANYONS SUPERBLOCK PLAT NO. 2, A SUBDIVISION PLAT RECORDED AT RECEPTION NO. 2018040799 IN THE RECORDS OF THE DOUGLAS COUNTY CLERK AND RECORDER'S OFFICE.