

**RESOLUTION NO. 23-14**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO APPROVING THE CANYONSIDE PRELIMINARY PLAN NO. 2, CASE NO. PP-2022-001**

**WHEREAS**, the City of Castle Pines is authorized pursuant to Title 31, Article 23, C.R.S., the City of Castle Pines zoning and subdivision regulations as adopted via Ordinance No. 08-04, as amended (“Zoning Ordinance”), and the Canyons Subdivision Regulations (“Subdivision Regulations”) as adopted through Ordinance No. 09-18, to regulate the subdivision of land within the Canyons Planned Development; and

**WHEREAS**, North Canyons Development Company LLC, on behalf of North Canyons LLLP (“Owner”), submitted an application for a Preliminary Plan to realign a portion of S. Havana Street and to subdivide the property for future development into three lots intended for commercial use, and two tracts intended for open space use (“Preliminary Plan”); and

**WHEREAS**, The Preliminary Plan covers 53.9 acres and is located east of I-25 at the northeast intersection of S. Havana Street and Castle Pines Parkway within The Canyons Planned Development (PD); and

**WHEREAS**, pursuant to Section 3 of The Canyons Subdivision Regulations, contained within the Annexation and Development Agreement for The Canyons, dated October 22, 2009, the Preliminary Plan is subject to evaluation by the Planning Commission at a scheduled public meeting, at which the Planning Commission shall evaluate the application and make a recommendation to the City Council; and

**WHEREAS**, the Planning Commission considered the Preliminary Plan at a public meeting on February 23, 2023, at which the Planning Commission carefully reviewed the application against the criteria outlined in Section 3 of the Canyons Subdivision Regulations as well as the Preliminary Plan request, staff report, and referral agency comments; and

**WHEREAS**, based on the evidence presented, compliance with the applicable standards, regulations, policies and other guidelines, the Planning Commission recommended approval of the Preliminary Plan application with conditions; and

**WHEREAS**, the Owner has agreed to all conditions of approval as stated in this Resolution; and

**WHEREAS**, the City Council has considered the Preliminary Plan, and finds that it meets all applicable requirements of the Zoning Ordinance and Subdivision Regulations.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO AS FOLLOWS:**

**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 Preliminary Plan designated as The Canyonside Preliminary Plan No. 2, Case No. PP-2022-001, is approved subject to the following conditions of approval:

- a. The execution of an intergovernmental agreement between the City and Douglas County in a form approved by the City and an agreement between the City, North Canyons LLLP, and the Canyons Metropolitan District No.3 in a form approved by the City for the realignment of S. Havana Street and associated intersection improvements at Castle Pines Parkway.
- b. The Owner shall pay all fees and costs incurred by the City and its consultants, in the review and processing of the Canyonside Preliminary Plan for the Property within forty-five (45) days of receiving an invoice from the City; if such fees and costs are not paid within forty-five (45) days of receiving an invoice, the City may withhold issuance of building permits or further approvals until the invoices have been paid in full.
- c. The Owner shall resolve any minor technical issues as directed by City staff before filing the Canyonside Preliminary Plan.

**Section 3.** The Mayor is hereby authorized to sign the Preliminary Plan exhibit upon final review and approval as to form by the Community Development Director and the City Attorney, following compliance with all conditions of approval set forth in Section 2 above.

**Section 4. Effective Date.** Approval of the Preliminary Plan shall be deemed effective upon its recordation in the office of the Douglas County Clerk and Recorder.

**INTRODUCED, READ AND ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO BY A VOTE OF 5 IN FAVOR AND 1 AGAINST THE 14th DAY OF MARCH 2023.**



ATTEST:

*Tobi Duffey*

Tobi Duffey, MMC, City Clerk

*Tracy Engerman*  
Tracy Engerman (Mar 22, 2023 10:56 MDT)

Tracy Engerman, Mayor

Approved as to form:

*Linda C. Michow*

Linda C. Michow, City Attorney