

RESOLUTION NO. _____ It was moved by Commissioner _____, duly seconded by Commissioner _____, to adopt the following Resolution:

WHEREAS, Alpert Multifamily Development LLC, applicant and owner, has applied for the rezoning of certain property hereinafter described from RR-A to Specific Development Plan (SDP) for PUD on 0.91 acres and approval of a SDP, Case No. SDPZ21-006, and

WHEREAS, after a duly noticed public hearing on this matter, the Arapahoe County Planning Commission made a favorable recommendation for said change in zoning subject to certain stipulations of said Planning Commission as specified in the record of the proceedings before the Planning Commission; and

WHEREAS, following said Planning Commission hearing, notice of a public hearing before the Arapahoe County Board of County Commissioners (“the Board”) was properly given of such proposed rezoning and specific development plan by publication on July 18, 2024, in Colorado Community Media newspapers, the Littleton Independent, the Englewood Herald and the Centennial Citizen, newspapers of general circulation within the County of Arapahoe, by posting of said property, and by mail notification of adjacent property owners in accordance with the Arapahoe County Land Development Code; and

WHEREAS, a public hearing was held before the Board of County Commissioners at the Arapahoe County Administration Building, 5334 South Prince Street, Littleton, Colorado, on the 6th day of August, 2024, at 9:30 a.m., at which hearing evidence and testimony were presented to the Board concerning said rezoning and SDP request; and

WHEREAS, the administrative record for this Case includes, but is not limited to, all duly adopted ordinances, resolutions and regulations, together with all Public Works and Development Department processing policies which relate to the subject matter of the public hearing, the staff files and reports of the Planning and Engineering case managers, and all submittals of the applicant; and

WHEREAS, representations, statements and positions were made by or attributed to the applicant or its representatives on the record, including representations contained in the materials submitted to the Board by the applicant and County staff; and

WHEREAS, the applicant has agreed to all conditions of approval recommended by County staff, and has agreed to execute all agreements and to convey all rights of way and easements recommended by staff, except as stated in this resolution; and

WHEREAS, the Board finds that the proposed rezoning and SDP generally conform to the Arapahoe County Comprehensive Plan and comply with the approval criteria found in the Land Development Code; and

WHEREAS, pursuant to the authority vested unto the Board of County Commissioners by Article 20 of Title 29, Article 28 of Title 30, and Article 67 of Title 24, C.R.S. as amended, the Board has concluded that the public health, safety, convenience and general welfare, as well as good zoning practice, justify granting a change in the zoning of the hereinafter described property subject to the conditions precedent and/or other conditions as hereinafter delineated.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County as follows:

1. The Board of County Commissioners for Arapahoe County hereby grants and approves rezoning of the following parcel from RR-A to SDP for PUD on 0.91 acres and approval of a SDP, Case No. SDPZ21-006, subject to the conditions precedent and/or other conditions as hereinafter delineated.

LEGAL DESCRIPTION

PARCEL A:

PART OF LOTS 2, 3 AND 4; AND LOTS 5 THRU 10, BLOCK 7, OAKESDALE, COUNTY OF ARAPAHOE, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST ONE QUARTER OF THE SOUTHWEST ONE QUARTER OF SECTION 28, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6TH P.M.; THENCE SOUTH 89°55'06" EAST ALONG THE NORTH LINE OF THE SOUTH ONE HALF OF SAID SOUTHWEST ONE QUARTER 1606.21 FEET TO THE WESTERLY LINE OF SAID BLOCK 7; THENCE SOUTH 38°43'04" EAST 48.22 ALONG SAID WESTERLY LINE TO THE POINT OF BEGINNING; THENCE SOUTH 89°55'06" EAST PARALLEL WITH AND 30 FEET FROM THE NORTH LINE OF THE SOUTH ONE HALF OF SAID SOUTHWEST ONE QUARTER A DISTANCE OF 105.57 FEET TO THE EASTERLY LINE OF SAID BLOCK 7; THENCE ALONG THE SAID EASTERLY LINE SOUTH 39°18'48" EAST 185.64 FEET TO THE SOUTHEASTERLY CORNER OF LOT 10 OF SAID BLOCK 7; THENCE ALONG SOUTHERLY LINE OF SAID LOT 10, SOUTH 51°16'56" WEST 84.20 FEET TO THE SOUTHWESTERLY CORNER OF SAID LOT 10; THENCE ALONG THE WESTERLY LINE OF SAID BLOCK 7, NORTH 38°43'04" WEST 251.78 FEET TO THE POINT OF BEGINNING.

PARCEL B:

LOTS 11 AND 12, BLOCK 7, OAKESDALE, COUNTY OF ARAPAHOE, STATE OF COLORADO.

PARCEL C:

LOTS 13, 14, 15 AND 16, EXCEPT THE SE 22.4 FEET OF LOT 16, BLOCK 7, OAKESDALE, COUNTY OF ARAPAHOE, STATE OF COLORADO.

PARCEL D:

LOTS 17 AND 18 AND THE SE 22.4 FEET OF LOT 16, BLOCK 7, OAKESDALE, COUNTY OF ARAPAHOE, STATE OF COLORADO.

TOTAL AREA OF 40,654 SF OR 0.933 ACRES, MORE OR LESS.

RIGHT-OF-WAY DEDICATION:

A PORTION OF LOTS 2 AND 3, BLOCK 7 OF PARCEL A, TOTALING 0.020 ACRES, WILL BE DEDICATED AS ROADWAY RIGHT-OF-WAY AT THE TIME OF PLATTING THE PROPERTY.

2. Approval of this rezoning and specific development plan is based and conditioned upon the following understandings, agreements and/or representations:
 - a) The applicant's assent and/or agreement to make all modifications to the final version of the documents that are necessary to conform the documents to the form and content requirements of the County in existence at the time the documents are submitted for signature.
 - b) The representations, statements and positions contained in the record that were made by or attributed to the applicant and its representatives, including all such representations made at hearing and statements contained in materials submitted to the Board by the applicant and County staff.

3. Approval of this rezoning and specific development plan shall be and is subject to the following conditions precedent and/or other conditions, which the applicant has accepted and which the applicant is also deemed to accept by preparing a mylar for signature by the Chairman of the Board of County Commissioners within sixty (60) days of this date and by continuing with the development of the property:
 - a) The applicant's compliance with the recommended conditions of the Arapahoe County Planning Commission as set forth in the record of the hearing before the Planning Commission, except as may be modified by this Board.
 - b) The applicant's compliance with all conditions of approval recommended by the staff case managers in the written staff reports presented to the Board, and any conditions stated by staff on the record, except as may be modified by this Board.
 - c) The applicant's compliance with all additional conditions of approval stated by the Board, including the following:
 - 1) Prior to the signature of the final copy of these plans, the applicant will address all Public Works and Development Staff comments.
 - 2) Prior to the signing of the Administrative Site Plan, the existing well on-site shall be either covered by a court-approved augmentation plan or plugged and abandoned.
 - 3) Prior to the signing of the Administrative Site Plan, all existing septic systems shall be abandoned and removed from the subject property.
 - 4) If, in order to construct the east retaining wall spread footer, it is necessary to impact and encroach onto the High Line Canal property, the developer shall pay the County \$250.00 per linear foot for such access rights and encroachment impacts to County property. The developer shall repair any damage caused to

the High Line Canal property. Payment shall be made before any Building Permits are issued.

- d) The applicant's performance of all commitments and promises made by the applicant or its representatives and stated to the Board on the record or contained within the materials submitted to the Board.
- 4. Upon the applicant's completion of any and all changes to the rezoning Mylar as may be required by this Resolution, the Chairman of the Board of County Commissioners is hereby authorized to sign same.
- 5. That the Zoning Map of Arapahoe County shall be and the same is hereby amended to conform to and reflect said change in zoning.
- 6. County planning, engineering and legal staff are authorized to make any changes to the mylar form of the approved document as may be needed to conform the documents to the form and content requirements of the County in existence at the time the documents are submitted for signature, and to make such other changes that are expressly stated by staff before the Board, or are recommended by staff in the written staff reports, or are referred to by the movant Commissioner. No other deviation or variance from the form and content of the documents submitted for the Board's consideration are approved except to the extent stated in this resolution.
- 7. The County Attorney, with the concurrence of the planning and/or engineering case managers, is authorized to make appropriate modifications to the resolution and plan documents as needed to accurately reflect the matters presented to the Board and to record and clarify, as necessary, other aspects and ramifications of the Board's action.

The vote was:

Commissioner Baker, ___; Commissioner Campbell, ___; Commissioner Holen, ___; Commissioner Summey, ___; Commissioner Warren-Gully, ___.

The Chair declared the motion carried and so ordered.