

REZONING

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

WHEREAS, application has been made by SunShare LLC, applicant, on behalf of Lowry Environmental Protection Cleanup Trust Fund, property owner, for the rezoning of certain property hereinafter described from Mixed Use (MU) zone district to Agricultural-1 (A-1) zone district, in Planning Case No. CZ24-001; and

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

WHEREAS, following the Planning Commission hearing, public notice of a hearing before the Arapahoe County Board of County Commissioners (“the Board”) has been properly given of such proposed rezoning by publication on April 3, 2025 in the Littleton Independent, Englewood Herald, and 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 Zoning Resolution; and

WHEREAS, pursuant to statute, the Land Development Code, and in accordance with such public notice, 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 22nd day of April, 2025 at 9:30 o'clock a.m., at which time evidence and testimony were presented to the Board concerning said rezoning 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 Department of Development Services and Infrastructure Management 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 made at hearing and 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, pursuant to the authority vested unto the Board of County Commissioners by Article 20 of Title 29 and Article 28 of Title 30 C.R.S. as amended, and in accordance with the Arapahoe County Land Development Code, the Board has concluded that the public health, safety, convenience and general welfare, as well as good zoning practice, justifies 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 MU zone district to A-1 zone district, Planning Case No. CZ24-001, subject to the conditions precedent and/or other conditions as hereinafter delineated.

LEGAL DESCRIPTION

PART OF THE EAST ½ OF SECTION 1, TOWNSHIP 5 SOUTH, RANGE 66 WEST OF THE 6TH P.M., EXCEPT THAT PART CONVEYED TO COUNTY OF ARAPAHOE FOR ROAD PURPOSES IN DEED RECORDED IN BOOK 462 AT PAGE 45 AND ALSO EXCEPT ANY PORTION THEREOF LYING WITHIN HAMPDEN AVENUE AND QUINCY AVENUE, AND EXCEPT THAT PORTION CONVEYED TO THE CITY OF AURORA IN DEED RECORDED OCTOBER 10, 1988 IN BOOK 5548 AT PAGE 257 AND EXCEPT THAT PORTION CONVEYED TO E-470 PUBLIC HIGHWAY AUTHORITY RECORDED JANUARY 3, 1996 AT RECEPTION NO. A6001152 AND EXCEPT THAT PORTION CONVEYED TO ARAPAHOE PARK AND RECREATION DISTRICT IN DEED RECORDED MARCH 16, 2011 AT RECEPTION NO. D1025733 AND EXCEPT ANY PORTION THEREOF CONVEYED TO ARAPAHOE COUNTY, COLORADO, RECORDED IN DEED RECORDED DECEMBER 27, 2018 AT RECEPTION NO. D8125747, COUNTY OF ARAPAHOE, STATE OF COLORADO.

TOTAL AREA OF SUBJECT PROPERTY IS 2,471,713 SQUARE FEET OR 56.743 ACRES, AS SURVEYED.

2. Approval of this rezoning is based 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 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 conditions of the Arapahoe County Planning Commission as set forth in the record of its proceedings, except as may be modified by this Resolution.
 - 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.
 - c. The applicant's compliance with all additional conditions of approval stated by the Board, including:
 - 1) Prior to signature of the final copy of these plans the applicant must address Public Works and Development staff comments and concerns.
 - 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 Fields, ____;
Commissioner Summey, ____; Commissioner Warren-Gully, ____.

The Chair declared the motion carried and so ordered.