

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

WHEREAS, Plan West Inc., applicant, Property 292, LLC (John Wakeman) and Sharon Dowhan, owners, in accordance with the Arapahoe County Land Development Code, has applied for the rezoning of certain property hereinafter described from MU and A-1 to PUD and approval of a General Development Plan, Case No. GDP23-003; 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 of said Planning Commission as specified in the record of the proceedings before the Planning Commission; and

WHEREAS, following said Planning Commission hearing, public notice of a hearing before the Arapahoe County Board of County Commissioners (“the Board”) was properly given of such proposed rezoning and General Development Plan by publication on January 9, 2025 in the I-70 Scout, and Colorado Community Media: Littleton Independent, Englewood Herald, and Centennial Citizen, newspapers of general circulation within Arapahoe County, 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 11th day of February 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 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 General Development Plan generally conforms to the Arapahoe County Comprehensive Plan and complies 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, C.R.S., and by Article 28 of Title 30, C.R.S., as amended, 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 and approval of the general development plan, for the hereinafter described property, subject to the conditions precedent and/or other conditions of approval 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 parcels from MU and A-1 to PUD zone district and approval of a General Development Plan, GDP23-003, subject to the conditions precedent and/or other conditions as hereinafter delineated.

LEGAL DESCRIPTION –

THE NORTHEAST 1/4 OF SECTION 4, TOWNSHIP 4 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, EXCEPT THE WEST 1203.25 FEET OF THE NORTHEAST 1/4 AS CONVEYED IN WARRANTY DEED RECORDED SEPTEMBER 8, 1961 IN BOOK 1286 AT PAGE 471, AND EXCEPT ANY PORTION THEREOF LYING WITHIN EXISTING ROADS AS CONVEYED IN DEEDS RECORDED DECEMBER 31, 1930 IN BOOK 307 AT PAGE 598 AND IN DEED RECORDED APRIL 9, 1956 IN BOOK 961 AT PAGE 581 AND 583 AND IN DEED RECORDED MARCH 31, 1975 IN BOOK 2321 AT PAGE 582 AND IN RULE, ORDER RECORDED DECEMBER 15, 1966 IN BOOK 1691 AT PAGE 740, AND EXCEPT THAT PORTION CONVEYED TO THE DEPARTMENT OF HIGHWAY, STATE OF COLORADO IN QUIT CLAIM DEED RECORDED JULY 8, 2014 UNDER RECEPTION NO. D4059822, COUNTY OF ARAPAHOE, STATE OF COLORADO.

TOGETHER WITH

THE WEST 1203.25 FEET OF THE NE 1/4 OF SECTION 4, TOWNSHIP 4 SOUTH, RANGE 65 WEST OF THE 6TH P.M., EXCEPT THAT PORTION OF THEREOF DESCRIBED IN INSTRUMENT RECORDED IN BOOK 961 AT PAGE 581 OF THE ARAPAHOE COUNTY RECORDS.

2. Approval of this rezoning and General Development Plan 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 statements contained in materials submitted to the Board by the applicant and County staff.
3. Approval of this rezoning and General 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:
    - 1) Prior to signature of the final copy of these plans the applicant must address Public Works and Development Staff comments and concerns.
    - 2) Prior to issuance of building permits for vertical construction, the applicant shall have completed all pre-conditions for water and sanitation services specified in the Agreement for Extraterritorial Water and Sanitation Services with the City of Aurora.
    - 3) The applicant must submit a Transportation Demand Management Plan for review and approval with the Specific Development Plan.
    - 4) The applicant agrees to contribute a pro-rata share of the cost of necessary improvements to the I-70 and Monaghan/Airpark Rds. interchange as are determined through the 1601 Process.
    - 5) Approval of this GDP is contingent upon approval of the associated Special District application, SD24-002, and 1041 (Regulations Governing Areas and Activities of State Interest) application for extension of domestic water and sewage treatment systems, ASI24-001.
  - 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.