

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

WHEREAS, The Garrett Companies, applicant, has applied for a Final Development Plan designated as Copperleaf No. 30, Case No. FDP21-005; and

WHEREAS, after a hearing on this matter, the Arapahoe County Planning Commission made a favorable recommendation of the Final Development Plan subject to certain recommended conditions of approval as shown in the record of said Planning Commission hearing; and

WHEREAS, following the Planning Commission hearing, public notice of a hearing before the Arapahoe County Board of County Commissioners (“the Board”) was properly given of the proposed Final Development Plan by publication on July 21, 2022 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 Land Development Code; and

WHEREAS, a public hearing was held before the Board at the Arapahoe County Administration Building, 5334 South Prince Street, Littleton, Colorado, on the 9th day of August 2022, at 9:30 o'clock AM at which time evidence and testimony were presented to the Board concerning the Final Development Plan; 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 Public Works and Development 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 Final Development Plan generally conforms to the Arapahoe County Comprehensive Plan and complies with the approval criteria found in the Land Development Code; and

WHEREAS, this Board has considered the recommendation of the Arapahoe County Planning Commission, the testimony and evidence presented at the public hearing and has concluded that the public health, safety, convenience and general welfare, as well as good zoning practice, justifies the approval of the Final Development Plan of Copperleaf No 30, (Case No. FDP21-005) subject to the conditions precedent and/or stipulations as hereinafter delineated.

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

1. That the Final Development Plan of Copperleaf No 30, (Case No. FDP21-005) be approved on the grounds that the Final Development Plan is compatible with development standards

for the area and complies with the requirements of the approved Preliminary Development Plan; and that said development is the result of a desirable plan for land use presented by the applicant in the form of the above-mentioned Final Development Plan.

2. Approval of this Final 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 Final Development Plan shall be and is subject to the following stipulations and/or conditions precedent, which the applicant has accepted and which the applicant is also deemed to accept by continuing with the development of the property:
  - a. The applicant's compliance with the recommended stipulations of the Arapahoe County Planning Commission as set forth in the record of its proceedings, 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.
    1. Prior to signature of the final copy of these plans the applicant must address Public Works and Development Staff comments and concerns.
    2. This approval is contingent upon Board of County Commissioners approval of the associated Final Plat application, case number PF21-007.
    3. The applicant shall submit a letter from East Cherry Creek Valley Water and Sanitation indicating the District can, will and has the resources to serve the site prior to the signature of the associated Final Plat.
  - c. The applicant's compliance with all additional conditions of approval stated by the Board imposed **[Including & Stipulations]**
  - 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. Except to the extent expressly disclosed in the underlying staff reports and set forth in a finding of fact in this Resolution, this approval action does not accept or approve any plan language that varies, in any respect, from the standard notes and language required by the Arapahoe County Land Development Code and applicable department policies. Any nonstandard language appearing on the Final Development Plan shall be of no effect unless

so disclosed and unless expressly approved in a Finding of Fact. This Board reserves the power to take further action without further notice, by Resolution, to either remove or ratify any such language at any time.

5. 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.
6. 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.
7. The foregoing approval is conditioned upon, and subject to, submission by the applicant of a mylar form of the Final Development Plan, containing the above changes, within sixty (60) days of the date of this decision. In the event the applicant fails to submit a conforming mylar by the above deadline, this decision shall be voidable by resolution of the Board of County Commissioners and of no effect whatsoever.
8. Upon the applicant's completion of all changes to the Final Development Plan mylar as required by this Resolution, the Chair of the Board of County Commissioners is hereby authorized to sign same. In the event of a discrepancy between the terms of this Resolution and the content of the executed mylar, the terms of this Resolution will control.

The vote was:

Commissioner Baker, \_\_\_\_; Commissioner Holen, \_\_\_\_; Commissioner Jackson, \_\_\_\_;  
Commissioner Sharpe, \_\_\_\_; Commissioner Warren-Gully, \_\_\_\_.

The Chair declared the motion carried and so ordered.