

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

WHEREAS, LAI Design Group, LLC, on behalf of the property owner, The Francis Company, LLC has applied for the rezoning of certain property located at 5977 South Platte Canyon Road from Residential (R-2) to Planned Unit Development for the development known as Millstone at Columbine on 3.89 acres and approval of a SDP, Case No. SDPZ20-002 and

WHEREAS, on December 1, 2020, the Planning Commission held a duly notice public hearing, heard such public comment as was presented, and reviewed and considered by the Planning Division, and following such public hearing, 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 January 7, 2021, in The Villager, a newspaper of general circulation within the County of Arapahoe, and 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 26th day of January, 2021, at 9:30 am, 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 **Residential (R-2)** to Planned Unit Development on **3.89** acres and approval of a SDP, Case No. **SDPZ20-002**, subject to the conditions precedent and/or other conditions as hereinafter delineated.
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 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 and submitting to the County 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 must address Public Works Staff comments and concerns.
 2. The applicant will meet all of South Metro Fire District requirements.
 3. The applicant will provide a pedestrian connection at the northeast corner of the site to the Platte Canyon/Bowles intersection.

4. The applicant will enter into a maintenance agreement with South Suburban Parks and Recreation and Denver Water Board.
 5. Prior to scheduling the public hearing on the Final Plat, the applicant must provide a will-serve letter for water and sanitation and approval of annexation into the Platte Canyon Water and Sanitation District.
- 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 Holen, ____; Commissioner Jackson, ____;
Commissioner Sharpe, ____; Commissioner Warren-Gully, ____.

The Chair declared the motion carried and so ordered.