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ORDINANCE NO. 2023-034

**AN ORDINANCE APPROVING THE INITIAL ZONING FOR 73.76
ACRES OF LAND LOCATED IN THE NORTH HALF OF SECTION 26,
TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL
MERIDIAN, DOUGLAS COUNTY, COLORADO, PURSUANT TO A
ZONING APPLICATION SUBMITTED BY 455 ALEXANDER, LLC, AND
TIERRA INVESTORS, LLC; AND APPROVING THE REZONING OF A
4.20 ACRE PARCEL OF LAND ADJACENT THERETO
(Alexander Way Initial Zoning/Maher Ranch Parcel Rezoning)**

WHEREAS, Alexander Investors, LLC (the “Owner”), as successor in interest to 455 Alexander, LLC, and Tierra Investors, LLC (collectively, the “Petitioners”) is the owner of two parcels totaling 73.76 acres of land located east of the Silver Heights subdivision, north of Alexander Place, and west of the Diamond Ridge Estates subdivision, as more particularly described on the attached *Exhibit A* (the “Annexed Property”); and

WHEREAS, the Annexed Property is the subject of a petition for annexation submitted by the Petitioners to the Town of Castle Rock (the “Town”), which annexation was approved by the Town Council at tonight’s meeting; and

WHEREAS, the Petitioners have submitted an application to the Town for the initial zoning of the Annexed Property, to which the Owner has consented (the “Zoning Application”), requesting that it be classified as Planned Development; and

WHEREAS, in addition, the Owner, as successor in interest to the Petitioners, is the owner of a 4.20-acre parcel of land adjacent to the eastern boundary of the Annexed Property, as more particularly described on the attached *Exhibit A* (the “Previously Annexed Property”); and

WHEREAS, the Petitioners have submitted an application to the Town for the rezoning of the Previously Annexed Property, to which the Owner has consented (the “Rezoning Application”), requesting that it be excluded from the Maher Ranch Planned Development and included in a Planned Development with the Annexed Property; and

WHEREAS, according to Section 20.02.030 of the Castle Rock Municipal Code (the “Code”), the Town Council may evaluate any pending zoning requests for the Property concurrently with the annexation request, and the annexation hearing may be combined and held concurrently with the required public hearing on the zoning classification of the Property (the “Combined Hearings”); and

WHEREAS, in addition, prior to the date set for the Combined Hearings, the Owner’s Zoning Application shall be reviewed in a public hearing by the Planning Commission; and

WHEREAS, the Planning Commission and Town Council have conducted the required public hearings in accordance with the applicable provisions of the Code.

**NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE
TOWN OF CASTLE ROCK, COLORADO:**

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Section 1. Findings. Based upon the testimony and evidence presented at the Combined Hearings, pursuant to the requirements of Section 17.02.060.C. of the Code, the Town Council makes the following findings:

- A. The zoning of the Annexed Property and Previously Annexed Property is not subject to any existing land use intergovernmental agreements;
- B. The proposed zoning conforms to the most recently adopted versions of the Town's Vision and Comprehensive Master Plan. The Annexed Property and Previously Annexed Property are not located within the boundaries of any sub-area or corridor plan;
- C. The proposed zoning and use of the Annexed Property and Previously Annexed Property are compatible with existing and planned development on adjacent properties and in the surrounding area;
- D. The redevelopment and future operation of the Annexed Property and Previously Annexed Property will be undertaken in accordance with Town regulations and technical criteria and, as such, any impacts upon the natural environment, including air, water, noise, stormwater management, wildlife and vegetation, will be minimal;
- E. The Annexed Property and Previously Annexed Property will have access to Town services and infrastructure adequate to support their orderly development; and
- F. Development of the Annexed Property and Previously Annexed Property is anticipated to have a generally positive economic impact on the Town.

Section 2. Zoning Approval. The Annexed Property and Previously Annexed Property is hereby zoned to Planned Development zoning. The Town's Zoning District Map will be amended to reflect the zoning classification of Planned Development for the Annexed Property and Previously Annexed Property.

Section 3. Plan Approval. The Alexander Way Planned Development Plan and Zoning Regulations in the form attached as *Exhibit B* is hereby approved.

Section 4. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect the remaining provisions of this Ordinance.

Section 5. Safety Clause. The Town Council finds and declares that this Ordinance is promulgated and adopted for the public health, safety and welfare and this ordinance bears a rational relationship to the legislative object sought to be obtained.

APPROVED ON FIRST READING this 7th day of November, 2023, by the Town Council of the Town of Castle Rock, Colorado by a vote of 7 for and 0 against, after publication; and

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PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING this 21st day of November, 2023, by the Town Council of the Town of Castle Rock, Colorado by a vote of 7 for and 0 against.

ATTEST:

DocuSigned by:

Lisa Anderson

1E6159539D7D47B

Lisa Anderson, Town Clerk



DocuSigned by:

TOWN OF CASTLE ROCK

DocuSigned by:

Jason Gray

A7938A22F3AB4BA

Jason Gray, Mayor

Approved as to form:

DocuSigned by:

Mike Hyman

F7347F32A6794D1

Michael J. Hyman, Town Attorney

Approved as to content:

DocuSigned by:

Tara Vargish

DEBED997AA0342A

Tara Vargish, Development Services Director

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EXHIBIT A

Legal Description of the Annexed Property

A TRACT OF LAND LOCATED IN THE NORTH HALF OF SECTION 26, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, COLORADO, BEING DESCRIBED AS FOLLOWS:

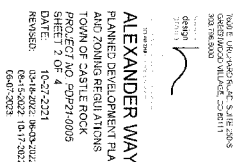
COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 26, AS MONUMENTED BY A 3 INCH DIAMETER ALUMINUM CAP, MARKED: "1993 LS 13485", AND CONSIDERING THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 26 TO BEAR SOUTH 89°23'27"EAST TO THE NORTH QUARTER CORNER OF SAID SECTION 26, AS REFERENCED BY A WITNESS CORNER, LOCATED 25.0 FEET SOUTH OF SAID NORTH QUARTER CORNER, AND MONUMENTED BY A 2.5 INCH DIAMETER ALUMINUM CAP, MARKED: "25' WC LS 13155", THENCE ALONG SAID NORTH LINE, SOUTH 89°23'27"EAST, 1292.65 FEET TO THE INTERSECTION WITH THE EAST LINE OF BLOCK 5 OF THE AMENDED MAP OF SILVER HEIGHTS SUBDIVISION, ACCORDING TO THE PLAT RECORDED AT RECEPTION NO. 103535 AND THE **POINT OF BEGINNING** OF THIS DESCRIPTION; THENCE CONTINUING ALONG SAID NORTH LINE, SOUTH 89°23'27"EAST, 913.25 FEET TO THE NORTHWEST CORNER OF TRACT A OF DIAMOND RIDGE ESTATES FILING TWO, ACCORDING TO THE RECORDED PLAT THEREOF; THENCE ALONG THE WESTERLY LIMITS OF SAID TRACT A THE FOLLOWING TWO COURSES: 1) SOUTH 00°31'06"WEST, 475.23 FEET; 2) SOUTH 53°29'05"EAST, 1424.51 FEET TO THE SOUTHWESTERLY CORNER OF SAID TRACT A, AND THE INTERSECTION WITH A LINE THAT RUNS BETWEEN THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER, OF THE NORTHEAST QUARTER OF SAID SECTION 26, AS MONUMENTED BY A 2.5 INCH DIAMETER ALUMINUM CAP, MARKED: "1993 LS 6935", AND THE SOUTHEAST CORNER OF SAID BLOCK 5 OF THE AMENDED MAP OF SILVER HEIGHTS SUBDIVISION, AS MONUMENTED BY A 2 INCH DIAMETER ALUMINUM CAP, MARKED: "LS 27011"; THENCE ALONG SAID INTERSECTED LINE, SOUTH 89°11'37"EAST, 359.30 FEET TO THE NORTHEAST CORNER OF THAT PARCEL DESCRIBED IN THE DEED RECORDED AT RECEPTION NO. 2020114077; THENCE ALONG THE EASTERLY LIMITS OF SAID PARCEL THE FOLLOWING TWO COURSES: 1) SOUTH 39°44'05"EAST, 253.32 FEET; 2) SOUTH 25°03'40"EAST, 528.12 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL; THENCE ALONG THE SOUTH LINE OF SAID PARCEL, SOUTH 89°41'25"WEST, 2392.48 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL; THENCE ALONG THE WEST LINE OF SAID PARCEL, NORTH 00°04'19"EAST, 714.39 FEET TO THE NORTHWEST CORNER OF SAID PARCEL AND THE INTERSECTION OF SAID LINE THAT RUNS BETWEEN SAID NORTHEAST CORNER OF THE SOUTHWEST QUARTER, OF THE NORTHEAST QUARTER OF SAID SECTION 26, AND SAID SOUTHEAST CORNER OF SAID BLOCK 5 OF THE AMENDED MAP OF SILVER HEIGHTS SUBDIVISION THENCE ALONG SAID INTERSECTED LINE, NORTH 89°11'37"WEST, 418.14 FEET TO SAID SOUTHEAST CORNER OF BLOCK 5; THENCE ALONG THE WEST LINE OF SAID BLOCK 5, NORTH 00°31'36"EAST, 1303.54 FEET TO THE **POINT OF BEGINNING** OF THIS DESCRIPTION, CONTAINING 73.76 ACRES, MORE OR LESS.

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Legal Description of the Previously Annexed Property

A TRACT OF LAND SITUATED IN THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 26, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 26 AND CONSIDERING THE NORTH LINE OF SAID SOUTHWEST 1/4 OF THE NORTHEAST 1/4 TO BEAR SOUTH 89 DEGREES 46 MINUTES 33 SECONDS WEST WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO; THENCE SOUTH 34 DEGREES 40 MINUTES 42 SECONDS EAST, A DISTANCE OF 802.20 FEET ALONG A LINE CONNECTING THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 TO A POINT ON THE SOUTH LINE OF THE NORTH 1/2, A DISTANCE OF 478.38 FEET WESTERLY FROM THE EAST 1/4 CORNER OF SAID SECTION 26; THENCE SOUTH 88 DEGREES 40 MINUTES 47 SECONDS WEST, A DISTANCE OF 328.33 FEET; THENCE NORTH 26 DEGREES 04 MINUTES 18 SECONDS WEST, A DISTANCE OF 528.12 FEET; THENCE NORTH 40 DEGREES 44 MINUTES 43 SECONDS WEST, A DISTANCE OF 253.20 FEET TO THE NORTH LINE OF SAID SOUTHWEST 1/4 OF THE NORTHEAST 1/4; THENCE NORTH 89 DEGREES 46 MINUTES 33 SECONDS EAST, A DISTANCE OF 269.19 FEET TO THE POINT OF BEGINNING, CONTAINING 4.20 ACRES, MORE OR LESS.



LOCATED IN THE NORTH HALF OF SECTION 28,
TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN,
COUNTY OF DOUGLAS, STATE OF COLORADO

LOCATED IN THE NORTH HALF OF SECTION 26,
TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN
COUNTY OF DOUGLAS, STATE OF COLORADO

ALEXANDER WAY
P.LANNED DEVELOPMENT PLAN[illegible]