

ORDINANCE NO. 2021-023

**AN ORDINANCE APPROVING THE INITIAL ZONING FOR 5.332
ACRES OF LAND LOCATED IN SECTIONS 34 AND 35, TOWNSHIP 7
SOUTH, RANGE 67 WEST, OF THE 6TH PRINCIPAL MERIDIAN,
DOUGLAS COUNTY, COLORADO, PURSUANT TO A ZONING
APPLICATION SUBMITTED BY KGCB INDUSTRIES LLC
(StorQuest-Liggett Road Annexation)**

WHEREAS, KGCB Industries LLC (the "Owner") is the owner of 5.332 acres of land located southwest of the intersection of Liggett Road and State Highway 85 as more particularly described on the attached Exhibit A (the "Property"); and

WHEREAS, the Property is the subject of a petition for annexation to the Town of Castle Rock (the "Town"), which annexation was approved by the Town Council at tonight's meeting; and

WHEREAS, the Owner has submitted an application to the Town for the initial zoning of the Property (the "Zoning Application"), requesting that it be classified as I-2 General Industrial; and

WHEREAS, according to Section 20.02.030 of the Castle Rock Municipal Code ("CRMC"), 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 CRMC.

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

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 CRMC, the Town Council makes the following findings:

- A. The zoning of the 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 Property is not located within the boundaries of any sub-area or corridor plan;

- C. The proposed zoning and use of the Property are compatible with existing and planned development on adjacent properties and in the surrounding area;
- D. The redevelopment and future operation of the 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 Property will have access to Town services and infrastructure adequate to support its orderly development; and
- F. Development of the Property is anticipated to have a positive economic impact on the Town.

Section 2. Zoning Approval. The Property is hereby zoned to I-2 General Industrial zoning. The Town's Zoning District Map will be amended to reflect the zoning classification of I-2 General Industrial for the Property.

Section 3. 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 4. 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 September, 2021, by the Town Council of the Town of Castle Rock, Colorado by a vote of 7 for and 0 against, in compliance with the Castle Rock Municipal Code; and

PASSED, APPROVED AND ADOPTED this 21st day of September, 2021, by the Town Council of the Town of Castle Rock by a vote of 7 for and 0 against.

ATTEST:



TOWN OF CASTLE ROCK

[Handwritten signature of Lisa Anderson]
 Lisa Anderson, Town Clerk

[Handwritten signature of Jason Gray]
 Jason Gray, Mayor

Approved as to form:

Approved as to content:

[Handwritten signature of Michael J. Hyman]
 Michael J. Hyman, Town Attorney

[Handwritten signature of Tara Vargish]
 Tara Vargish, Director of Development Services

EXHIBIT A
Legal Descriptions

Parcel 1 (2351-340-00-009)

A TRACT OF LAND SITUATED PARTLY IN THE NORTHEAST 1/4 OF SECTION 34, AND PARTLY IN THE NORTHWEST 1/4 OF SECTION 35, ALL IN TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF DOUGLAS, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 34;
THENCE NORTHERLY ALONG THE EAST LINE OF SAID NORTHEAST 1/4 A DISTANCE OF 379.68 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF THE STATE HIGHWAY, THE TRUE POINT OF BEGINNING;
THENCE ON AN ANGLE TO THE LEFT OF 28 DEGREES 42 MINUTES 30 SECONDS A DISTANCE OF 232.92 FEET ALONG THE SAID WESTERLY RIGHT OF WAY LINE;
THENCE ON AN ANGLE TO THE LEFT OF 90 DEGREES 00 MINUTES 00 SECONDS A DISTANCE OF 320.29 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF THE DENVER AND RIO GRANDE RAILROAD;
THENCE ON AN ANGLE TO THE LEFT OF 87 DEGREES 27 MINUTES 15 SECONDS A DISTANCE OF 305.79 FEET ALONG SAID EASTERLY RIGHT OF WAY LINE;
THENCE ON AN ANGLE TO THE LEFT 90 DEGREES 13 MINUTES 45 SECONDS A DISTANCE OF 334.15 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF THE STATE HIGHWAY;
THENCE ON AN ANGLE TO THE LEFT OF 92 DEGREES 19 MINUTES 00 SECONDS A DISTANCE OF 86.08 FEET ALONG SAID WESTERLY RIGHT OF WAY LINE TO THE POINT OF BEGINNING, COUNTY OF DOUGLAS, STATE OF COLORADO.

Parcel 2 (2351-341-00-008)

A TRACT OF LAND SITUATED IN THE NORTHEAST 1/4 OF SECTION 34, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST ONE QUARTER CORNER OF SECTION 34; THENCE NORTH ALONG THE EAST LINE OF SAID NORTHEAST 1/4 A DISTANCE OF 379.68 FEET TO THE WEST RIGHT OF WAY LINE OF STATE HIGHWAY; THENCE NORTHWESTERLY ALONG SAID WEST RIGHT OF WAY LINE ON A DEFLECTION ANGLE TO THE LEFT OF 28 DEGREES 42 MINUTES 30 SECONDS A DISTANCE OF 232.92 FEET TO THE NORTHEASTERLY CORNER OF THE SWEENEY PROPERTY (BOOK 938, PAGE 1074 OF THE DOUGLAS COUNTY RECORDS); THENCE SOUTHWESTERLY ON A DEFLECTION ANGLE TO THE LEFT OF 90 DEGREES 00 MINUTES 00 SECONDS A DISTANCE OF 320.29 FEET TO THE NORTHWESTERLY CORNER OF THE SWEENEY PROPERTY AND TO THE TRUE POINT OF BEGINNING; THENCE SOUTHEASTERLY ON A DEFLECTION ANGLE TO THE LEFT OF 92 DEGREES 32 MINUTES 45 SECONDS ALONG A LINE 150 FEET EASTERLY OF AND PARALLEL WITH THE CENTERLINE OF THE RAILROAD A DISTANCE OF 477.83 TO THE SOUTH LINE OF THE NORTHEAST 1/4; THENCE WEST ALONG SAID SOUTH LINE A DISTANCE OF 109.49 FEET TO A LINE 50 FEET EAST OF AND PARALLEL WITH THE CENTERLINE OF THE RAILROAD; THENCE NORTHWESTERLY ALONG SAID PARALLEL LINE A DISTANCE OF 428.79 FEET TO THE WESTERLY EXTENSION OF THE NORTH LINE OF THE SWEENEY PROPERTY; THENCE EASTERLY ALONG SAID WESTERLY EXTENSION A DISTANCE OF 100.10 FEET TO THE POINT OF BEGINNING.

Parcels 3 (2351-352-00-006) and 4 (2351-340-00-035)

A TRACT OF LAND SITUATED IN THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 35 AND IN THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 34, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 34;
THENCE NORTH 89 DEGREES 32 MINUTES 53 SECONDS WEST ALONG THE SOUTH LINE OF SAID SOUTHEAST 1/4 OF THE NORTHEAST 1/4 A DISTANCE OF 178.79 FEET TO THE EAST RIGHT OF WAY LINE OF THE DENVER & RIO GRANDE WESTERN RAILROAD;
THENCE NORTH 23 DEGREES 34 MINUTES 37 SECONDS WEST ALONG SAID EAST RIGHT OF WAY LINE A DISTANCE OF 172.04 FEET;
THENCE NORTH 64 DEGREES 22 MINUTES 08 SECONDS EAST A DISTANCE OF 334.15 FEET TO THE WEST RIGHT OF WAY LINE OF LIGGETT ROAD;
THENCE SOUTH 27 DEGREES 56 MINUTES 52 SECONDS EAST ALONG SAID WEST RIGHT OF WAY LINE A DISTANCE OF 347.75 FEET TO THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 35;
THENCE NORTH 89 DEGREES 03 MINUTES 33 SECONDS WEST ALONG SAID SOUTH LINE A DISTANCE OF 216.68 FEET TO THE POINT OF BEGINNING.

EXCEPTING FROM THE ABOVE ANY PORTION CONVEYED TO DOUGLAS COUNTY IN DEED RECORDED AUGUST 30, 1927 IN BOOK 73 AT PAGE 239.