

ORDINANCE NO. 2016-042

**AN ORDINANCE AMENDING THE TOWN'S ZONE DISTRICT MAP BY
APPROVING THE MILLER'S LANDING INTERCHANGE OVERLAY PLANNED
DEVELOPMENT PLAN; MILLER'S LANDING INTERCHANGE OVERLAY
PLANNED DEVELOPMENT ZONING REGULATIONS; THE MILLER'S LANDING
DEVELOPMENT AGREEMENT; AND VESTING A SITE SPECIFIC DEVELOPMENT
PLAN THROUGH DECEMBER 31, 2036**

WHEREAS, proper application has been made by the Fenway Partners, LLC (collectively, "Applicant") for an amendment to the zoning of the property described in the attached *Exhibit 1* ("Property"); and

WHEREAS, Applicant has requested approval of the Miller's Landing Interchange Overlay Planned Development Zoning Regulations ("Zoning Regulations"), as the same affect the Property; and

WHEREAS, Applicant has requested approval of the Miller's Landing Interchange Overlay Planned Development Plan ("IO PD Plan"); and

WHEREAS, the IO PD Plan and Zoning Regulations comply with Chapters 17.36 and 17.44 of the Castle Rock Municipal Code, the Town's Vision 2020 and the Comprehensive Master Plan; and

WHEREAS, public hearings on the IO PD Plan and Zoning Regulations have been held before the Planning Commission and Town Council in accordance with the applicable provisions of the Castle Rock Municipal Code; and

WHEREAS, Applicant and Town have agreed to certain terms and conditions to the development of the Property contained in the Miller's Landing Development Agreement ("Development Agreement"); and

WHEREAS, the Town Council finds that the IO PD Plan shall be vested as a site specific development for a certain period of time as specified in the Development Agreement, but in any event, not extending beyond December 31, 2036, under authority of the Town by Chapter 17.08 of the Castle Rock Municipal Code and C.R.S., §24-68-101, *et seq.*

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

Section 1. Zoning District Map Amendment. The Town's Zoning District Map pertaining to the Property is amended to conform to the Miller's Landing Interchange Overlay Planned Development Plan.

Section 2. Planned Development Plan Approval. The Miller's Landing Interchange Overlay Planned Development Plan, in the form attached as *Exhibit 2* is hereby approved.

Section 3. Zoning Regulations Approval. The Miller's Landing Interchange Overlay Planned Development Zoning Regulations in the form attached as *Exhibit 3* are hereby approved.

Section 4. Development Agreement Approval. The Miller's Landing Development Agreement in the form attached as *Exhibit 4* is hereby approved. The Mayor and other proper Town officials are hereby authorized to execute the agreement by and on behalf of the Town of Castle Rock, Colorado.

Section 5. Vesting. The vesting of the IO PD Plan authorized under Article VIII of the Development Agreement is approved, which vests the IO PD Plan as a site specific development plan for a term ending on December 31, 2036. The notice of vesting of the IO PD Plan required under 17.08.090 of the Castle Rock Municipal Code shall be given within 14 days of approval of this Ordinance.

Section 6. Effective Date. With the effective date of this Ordinance, the Property is subject to the Castle Rock Municipal Code and all ordinances, resolutions, rules and regulations of the Town of Castle Rock.

Section 7. 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 8. 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 to the legislative object sought to be obtained.

APPROVED ON FIRST READING this 15th day of November, 2016, by a vote of 5 for and 0 against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

PASSED, APPROVED AND ADOPTED this 6th day of December, 2016, by the Town Council of the Town of Castle Rock, Colorado, on second and final reading by a vote of _____ for and _____ against.

ATTEST:

TOWN OF CASTLE ROCK

Sally A. Misare, Town Clerk

Paul Donahue, Mayor

Approved as to form:

Approved as to content:

Robert J. Slentz, Town Attorney

Bill Detweiler, Director of Development Services