

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

WHEREAS, Alpert Multifamily Development, LLC, applicant and property owner, has applied for the rezoning of certain property hereinafter described from Residential PUD – High Density (R-PH) to Planned Unit Development on 1.974 acres and approval of a Specific Development Plan (SDP), Case No. SDPZ23-001, and

WHEREAS, after a duly noticed public hearing on this matter, 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 October 9, 2025, 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 of County Commissioners at the Arapahoe County Administration Building, 5334 South Prince Street, Littleton, Colorado, on the 28th day of October, 2025, at 9:30 a.m., 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 R-PH to Planned Unit Development on 1.974 acres and approval of a Specific Development Plan (SDP), Case No. SDPZ23-001, subject to the conditions precedent and/or other conditions as hereinafter delineated.

LEGAL DESCRIPTION

Lot 1, Block 1 and Tracts A and B, Friedberg Subdivision Filing No. 1, County of Arapahoe, State of Colorado.

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 representations made at the hearing and 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 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.) Before the signature of the final copy of these plans, the applicant will address all Public Works and Development Staff comments.
 - 2.) Before the signature of the Specific Development Plan with Zoning, the applicant shall pay the total cash-in-lieu fee of \$70,800.99. This cash-in-lieu fee shall be distributed as follows: Cherry Creek School District: \$54,520.99; Public Parks: \$15,628.80; and Other Public Purposes: \$651.20.
 - 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 the 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 Campbell, ___; Commissioner Fields, ___; Commissioner Summey, ___; Commissioner Warren-Gully, ___.

The Chair declared the motion carried and so ordered.