

DISTRICT COURT, DOUGLAS COUNTY, STATE OF COLORADO 4000 Justice Way, Suite 2009 Castle Rock, CO 80109 (720) 437-6200	DATE FILED August 21, 2024 3:01 PM
<b>Plaintiff:</b> CP COMMERCIAL, LLC, a Colorado limited liability company,  vs.  <b>Defendant:</b> CITY COUNCIL FOR THE CITY OF CASTLE PINES, COLORADO	▲ COURT USE ONLY ▲ Case No.: 2024CV30582  Div.:
<b>ORDER GRANTING THE CASTLE PINES NORTH HOMEOWNERS ASSOCIATION, NO.1'S MOTION TO INTERVENE</b>	

THIS MATTER comes before the Court on The Castle Pines North Homeowners Association, No. 1's motion to intervene, and the Court being duly advised in this matter and upon consideration and finding good cause,

HEREBY ORDERS that the Motion is GRANTED and the Court further orders, adjudges and decrees as follows:

- 1) The Castle Pines North Homeowners Association, No. 1 is hereby added as a party to this action, and
- 2) The Castle Pines North Homeowners Association, No. 1's Answer to Plaintiff's Complaint, filed contemporaneously with Plaintiff's Motion to Intervene, is hereby accepted for filing on the Court's Docket.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2024.

BY THE COURT:

\_\_\_\_\_  
 Judge/Magistrate

DISTRICT COURT, DOUGLAS COUNTY, STATE OF COLORADO 4000 Justice Way, Suite 2009 Castle Rock, CO 80109 (720) 437-6200	DATE FILED August 21, 2024 3:01 PM
<b>Plaintiff:</b> CP COMMERCIAL, LLC, a Colorado limited liability company,  vs.  <b>Defendant:</b> CITY COUNCIL FOR THE CITY OF CASTLE PINES, COLORADO	▲ COURT USE ONLY ▲ Case No.: 2024CV30582
<i>Attorneys for The Castle Pines North Homeowners Association, No. 1:</i> ORTEN CAVANAGH HOLMES & HUNT, LLC Jonah G. Hunt, No. 34379 Marcus T. Wile, No. 49471 Address: 1445 Market Street, Suite 350 Denver, CO 80202 Phone Number: (720) 221-9780 Fax Number: (720) 221-9781 Email: <a href="mailto:jhunt@ochhoalaw.com">jhunt@ochhoalaw.com</a>	Div.:
<b>THE CASTLE PINES NORTH HOMEOWNERS ASSOCIATION, NO.1'S          MOTION TO INTERVENE</b>	

The Castle Pines North Homeowners Association, No. 1 (“Association”), by and through counsel, hereby submits its Motion to Intervene pursuant to C.R.C.P. 24 and 19(a) and, in support thereof, states as follows:

***Certificate of Conferral Pursuant to C.R.C.P. 121 § 1-15(8):*** Undersigned counsel conferred with counsel of record regarding the relief sought herein. Respective counsel have not indicated substantive positions on the Association’s motion as of the date of this filing.

matter impair or impede his ability to protect that interest, unless the applicant's interest is adequately represented by existing parties.”

“C.R.C.P. 24(b) provides for permissive intervention when an applicant's claim and the original cause of action present common questions of law or fact, so long as the intervention will not unduly delay or prejudice the rights of the original parties.” *In re Marriage of Paul*, 978 P.2d 136, 139 (Colo. App. 1999).

Adjoining property owners in a suit to vacate a zoning order have such a vital interest in the result of that suit that they should be granted permission to intervene as a matter of course unless compelling reasons against such intervention are shown. *Roosevelt v. Beau Monde Co.*, 152 Colo. 567, 384 P.2d 96 (1963).

Finally, C.R.C.P. 19(a)(2) provides that a person shall be joined as a party in the action if party claims an interest relating to the subject of the action and is so situated that the disposition of the action in the party's absence may, as a practical matter, impair or impede his ability to protect that interest. *Atrium Condo Ass'n v. NHK Invs. LLC*, 2016 Colo. Dist. LEXIS 1879, \*3.

## ARGUMENT

### **A. The Association's Motion Is Timely**

Whether a motion to intervene pursuant to C.R.C.P. 24 is timely or not is a threshold question to be made by the Court considering all the circumstances in the case. *Diamond Lumber, Inc. v. H.C.M.C., Ltd.*, 746 P.2d 76, 78 (Colo. App. 1987). In *Diamond Lumber*, a lawsuit was filed by the parties and litigation proceeded for 16 months before a motion was made. *Diamond Lumber, Inc.*, 746 P.2d at 78.

and its owners' property constitutes injury-in-fact. *Board of County Com'rs of Adams County v. City of Thornton*, 629 P.2d 605 (Colo. 1981).

The following nuisances and negative impacts of the rezoning, by way of illustration, rather than limitation, are shown on Exhibit A:

- The proposed double drive-through is designed, per the applicant's admission, to drive substantial traffic from I-25 resulting in 75% of the business being drive through. *See Comprehensive Plan Section ED-2.2.*
- The proposed double drive-through will create barriers to safe pedestrian connectivity from the Association's neighborhood, to and from American Academy, and to and from the Montessori School. *See Comprehensive Plan Section ED-2.3.*
- The proposed use will degrade bicycle and pedestrian traffic in the area of two schools and a park especially around peak times. *See Comprehensive Plan Section T-2.3.*
- Because of the challenging ingress and egress pattern to the proposed facility, connectivity, accessibility, safety and comfort of pedestrian and bicycling uses will be degraded and not improved. *See Comprehensive Plan Section T-3.*
- The proposed use degrades multi-modal, especially bicycles and pedestrians, because of the impacts on Castle Pines Parkway and Lagae Road with the challenging ingress and egress and plans to drive additional traffic volumes to and through Castle Pines Parkway and Lagae Road. *See Comprehensive Plan Section T-5.*
- The proposed use does not maintain the single-family housing character with the location of an intense drive-thru use within 500 feet of existing single-family housing. Instead, it substantially impairs the single-family character due to increased traffic, noise, air and light pollution, litter, and public safety issues. *See Comprehensive Plan Section H-1.2.*
- The applicant has failed to show that it will minimize negative impacts of light and noise pollution from vehicles in the drive through and minimize impacts of light and noise pollution. *See Comprehensive Plan Section LU-5.1.*
- Given the restricted ingress and egress to the location, the proposed use will result in a substantially negative impact on existing traffic patterns and emergency services from South Metro Fire & Rescue. *See Comprehensive Plan Section LU-8.1.*

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<b>Plaintiff:</b> CP COMMERCIAL, LLC, a Colorado limited liability company,  vs.  <b>Defendant:</b> CITY COUNCIL FOR THE CITY OF CASTLE PINES, COLORADO	▲ COURT USE ONLY ▲ Case No.: 2024CV30582
<i>Attorneys for The Castle Pines North Homeowners Association, No. 1:</i> ORTEN CAVANAGH HOLMES & HUNT, LLC Jonah G. Hunt, No. 34379 Marcus T. Wile, No. 49471 Address: 1445 Market Street, Suite 350 Denver, CO 80202 Phone Number: (720) 221-9780 Fax Number: (720) 221-9781 Email: <a href="mailto:jhunt@ochhoalaw.com">jhunt@ochhoalaw.com</a> <a href="mailto:mwile@ochhoalaw.com">mwile@ochhoalaw.com</a>	Div.:
<b>THE CASTLE PINES NORTH HOMEOWNERS ASSOCIATION, NO.1'S          ANSWER TO COMPLAINT</b>	

Intervening Defendant The Castle Pines North Homeowners Association, No. 1 (“Association” or “CPN”), by and through its attorneys Orten Cavanagh Holmes & Hunt, LLC, hereby answers the Complaint of Plaintiff CP Commercial, LLC’s (“Plaintiff”), as follows:

**NATURE OF ACTION**

1. As to the allegations set forth in Paragraphs 1 of the Complaint, the Association denies same.

**PARTIES**

2. As to the allegations set forth in Paragraphs 2 and 3, the Association admits same.

5. Plaintiff's claims may be barred by the doctrine of unclean hands.
6. Plaintiff's claims may be barred by their failure to act in good faith.

7. The Association reserves the right to amend its Answer to add, modify or withdraw affirmative defenses, counterclaims or cross claims, or a third-party complaint, which may become apparent upon the completion of investigation, disclosure and discovery in this matter.

**Prayer for Relief**

WHEREFORE, The Castle Pines North Homeowners Association, No. 1 respectfully requests this Honorable Court find in its favor, dismiss each of the Plaintiff's claims with prejudice, award it its reasonable attorney fees and costs, and for such other and further relief as this Court deems proper.

Respectfully submitted this 21st day of August, 2024.

ORTEN CAVANAGH HOLMES & HUNT, LLC

By: /s/ Jonah Hunt

Jonah G. Hunt, No. 34379

Marcus T. Wile, No. 49471

*Attorneys for The Castle Pines North Homeowners  
Association, No. 1*

DISTRICT COURT, DOUGLAS COUNTY, COLORADO 4000 Justice Way, Suite 2009 Castle Rock, CO 80109 (720) 437-6200	DATE FILED August 19, 2024 5:36 PM
<b>Plaintiff(s):</b> CP COMMERCIAL, LLC, a Colorado limited liability company,  <b>v.</b>  <b>Defendant(s):</b> CITY COUNCIL FOR THE CITY OF CASTLE PINES, COLORADO	<p style="text-align: center;"><b>▲ COURT USE ONLY ▲</b></p>
Josh A. Marks, Atty. Reg. # 16953 BERG HILL GREENLEAF RUSCITTI LLP 1712 PEARL STREET BOULDER, CO 80302 Tel: (303) 402-1600 Fax: (303) 402-1601 jam@bhgrlaw.com	Case Number: 2024CV30582  Div.: 6      Ctrm.:
<b>NOTICE OF FILING CERTIFIED RECORD</b>	

Defendant, City Council for the City of Castle Pines, Colorado, through its undersigned counsel, hereby gives written notice to all parties that the record is being filed on this date. The Certificate of Authenticity, with attached document index and electronic record, is filed herewith as **Exhibit A**.

Respectfully submitted this 19th day of August, 2024.

BERG HILL GREENLEAF RUSCITTI LLP

*[Pursuant to Rule 121, the signed original is on file  
at Berg Hill Greenleaf Ruscitti LLP]*

*s/ Josh A. Marks*

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Josh A. Marks

*Attorney for City Council  
for the City of Castle Pines, Colorado*

DISTRICT COURT, DOUGLAS COUNTY, COLORADO 4000 Justice Way, Suite 2009 Castle Rock, CO 80109 (720) 437-6200	DATE FILED August 19, 2024 5:38 PM
<b>Plaintiff(s):</b> CP COMMERCIAL, LLC, a Colorado limited liability company,  <b>v.</b>  <b>Defendant(s):</b> CITY COUNCIL FOR THE CITY OF CASTLE PINES, COLORADO	<p style="text-align: center;"><b>▲ COURT USE ONLY ▲</b></p>
Josh A. Marks, Atty. Reg. # 16953 BERG HILL GREENLEAF RUSCITTI LLP 1712 PEARL STREET BOULDER, CO 80302 Tel: (303) 402-1600 Fax: (303) 402-1601 jam@bhgrlaw.com	Case Number: 2024CV30582  Div.: 6      Ctrm.:
<b>NOTICE OF FILING CERTIFIED RECORD</b>	

Defendant, City Council for the City of Castle Pines, Colorado, through its undersigned counsel, hereby gives written notice to all parties that the record is being filed on this date. The Certificate of Authenticity, with attached document index and electronic record, is filed herewith as **Exhibit A**.

Respectfully submitted this 19th day of August, 2024.

BERG HILL GREENLEAF RUSCITTI LLP

*[Pursuant to Rule 121, the signed original is on file  
at Berg Hill Greenleaf Ruscitti LLP]*

*s/ Josh A. Marks*

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Josh A. Marks

*Attorney for City Council  
for the City of Castle Pines, Colorado*



DISTRICT COURT, DOUGLAS COUNTY, COLORADO 4000 Justice Way, Suite 2009 Castle Rock, CO 80109 (720) 437-6200	DATE FILED August 19, 2024 5:40 PM
<b>Plaintiff(s):</b> CP COMMERCIAL, LLC, a Colorado limited liability company,  <b>v.</b>  <b>Defendant(s):</b> CITY COUNCIL FOR THE CITY OF CASTLE PINES, COLORADO	<p style="text-align: center;"><b>▲ COURT USE ONLY ▲</b></p>
Josh A. Marks, Atty. Reg. # 16953 BERG HILL GREENLEAF RUSCITTI LLP 1712 PEARL STREET BOULDER, CO 80302 Tel: (303) 402-1600 Fax: (303) 402-1601 jam@bhgrlaw.com	Case Number: 2024CV30582  Div.: 6      Ctrm.:
<b>NOTICE OF FILING CERTIFIED RECORD</b>	

Defendant, City Council for the City of Castle Pines, Colorado, through its undersigned counsel, hereby gives written notice to all parties that the record is being filed on this date. The Certificate of Authenticity, with attached document index and electronic record, is filed herewith as **Exhibit A**.

Respectfully submitted this 19th day of August, 2024.

BERG HILL GREENLEAF RUSCITTI LLP

*[Pursuant to Rule 121, the signed original is on file  
 at Berg Hill Greenleaf Ruscitti LLP]*

*s/ Josh A. Marks*

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Josh A. Marks

*Attorney for City Council  
 for the City of Castle Pines, Colorado*



**CERTIFICATE OF SERVICE**

I hereby certify that on the 18th day of July, 2024, a true and correct copy of the foregoing **ANSWER TO COMPLAINT** was served electronically via CES and/or by depositing same in the U.S. Mail, postage prepaid, addressed to the following:

Carolynne C. White  
David B. Meschke  
J. Maxwell Porteus  
Brownstein Hyatt Farber Schreck, LLP  
675 15th Street, Suite 2900  
Denver, CO 80202

*[Pursuant to Rule 121, the signed original is on file at  
Berg Hill Greenleaf Ruscitti LLP]*

*s/ Shoshannah Ebersole-Raptor*

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Shoshannah Ebersole-Raptor



(c) Transcript of May 28, 2024 City Council hearing on Case No. SIP 2023-003 (forthcoming).

(d) Sections 1, 2, 11, 15, and 27 of the City of Castle Pines Zoning Ordinances. CP Commercial and the City Council further agree that the City Zoning Ordinance, which is publicly available at <https://online.encodeplus.com/regs/castlepines-co/doc-viewer.aspx#secid-1056>, may be cited during upcoming briefing as if incorporated in the record.

(e) Parkway Plaza Planned Development Plan.

(f) Ordinance No. 23-09 approving the Parkway Plaza Planned Development Plan, Case No. RPD-2022-002.

(g) City of Castle Pines Comprehensive Plan, adopted June 24, 2021 and ratified July 13, 2021.

(h) Executed Resolution No. 24-39 regarding McDonald's Drive-Thru Site Improvement Plan, Case No. SIP 2023-003.

3. CP Commercial and the City Council further agree that the Municipal Code of the City of Castle Pines, Colorado, which is publicly available at [https://library.municode.com/co/castle\\_pines](https://library.municode.com/co/castle_pines), may be cited during upcoming briefing as if incorporated in the record.

4. The City Council agrees that it has 30 days from the Court's issuance of the Order to Certify the Record to file the record with the Clerk of this Court.

DISTRICT COURT, DOUGLAS COUNTY, COLORADO 4000 Justice Way, Suite 2009 Castle Rock, CO 80109 Telephone: (720) 437-6200	DATE FILED July 10, 2024 4:33 PM
<b>Plaintiff:</b> CP COMMERCIAL, LLC, a Colorado limited liability company,  v.  <b>Defendant:</b> CITY COUNCIL FOR THE CITY OF CASTLE PINES, COLORADO.	▲ COURT USE ONLY ▲
	Case Number: 2024CV030582  Div.: 6
<p style="text-align: center;"><b>ORDER GRANTING PLAINTIFF’S UNOPPOSED MOTION FOR          CERTIFICATION OF THE RECORD PURSUANT TO C.R.C.P.          106(a)(4)(III)</b></p>	

THIS MATTER comes before the Court on Plaintiff CP Commercial, LLC’s Unopposed Motion for Certification of the Record pursuant to C.R.C.P. 106(a)(4)(III) (the “Motion”).

The Court, having reviewed the Motion and being otherwise fully advised in the matter, hereby GRANTS the Motion and ORDERS that the following writings and recordings be certified as the record for this matter:

- City Council Agenda Packet for May 28, 2024 and Hearing Packet for Item 8.a on said agenda (the “Hearing Packet”).
- Written public comments received by City Council after the deadline for including comments in the Hearing Packet and prior to or during the May 28, 2024 City Council Hearing from: Brad Behan, Moya Hall, Roger Rostvold, and Bob KaserLagae Family Trust Parcel Traffic Impact Analysis, dated May 14, 2020.



DISTRICT COURT, DOUGLAS COUNTY, COLORADO 4000 Justice Way, Suite 2009 Castle Rock, CO 80109 Telephone: (720) 437-6200	DATE FILED June 25, 2024 6:16 PM
<b>Plaintiff:</b> CP COMMERCIAL, LLC, a Colorado limited liability company,  v.  <b>Defendant:</b> CITY COUNCIL FOR THE CITY OF CASTLE PINES, COLORADO.	▲ COURT USE ONLY ▲
<i>Attorneys for Plaintiff:</i>  Carolynne C. White, #23437 David B. Meschke, #47728 J. Maxwell Porteus, #56405 BROWNSTEIN HYATT FARBER SCHRECK, LLP 675 15 <sup>th</sup> Street, Suite 2900 Denver, CO 80202 Phone: 303.223.1100 Fax: 303.223.1111 Email: cwhite@bhfs.com; dmeschke@bhfs.com; mporteus@bhfs.com	Case Number:  Div.:
<b>COMPLAINT</b>	

Plaintiff CP Commercial, LLC (“CP Commercial”), through undersigned counsel, brings this Complaint pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure against Defendant City Council for the City of Castle Pines, Colorado (the “City Council”), and states and alleges as follows:

**NATURE OF THE ACTION**

This dispute addresses the erroneous decision by the City Council to deny a site improvement plan for a fast-food restaurant building with a McDonald’s. CP Commercial is the property owner that consented to the plan’s submission. Although the site falls within a planned development that allows for fast-food use, the City Council arbitrarily and capriciously denied the site improvement plan on the nebulous bases that (a) the plan does not support the applicable



6. Venue is proper in this Court under Colorado Rule of Civil Procedure 98(a) because this action concerns real property located in Douglas County, Colorado.

7. CP Commercial's claims are ripe because the City Council considered an appeal of the Planning Commission's denial of the SIP at a public meeting held on May 28, 2024. Sufficient notice was provided before the public meeting. The City Council's decision is a final determination of a governmental body pursuant to Paragraph 2704.06.03 of Section 27.

8. CP Commercial is under contract to sell the Property to be leased for a McDonald's, and thus will suffer injury-in-fact to its legally protected interests if CP Commercial cannot close on the contract to sell and the Property cannot be used for a fast-food restaurant, and specifically a McDonald's.

### **GENERAL ALLEGATIONS**

#### **I. THE PROPERTY AND ITS ZONING**

9. The Property comprises approximately 1.3 acres and is located at the southwest quadrant of Castle Pines Parkway and Lagae Road within the Parkway Plaza Planned Development. The Property is located on Lot 3 of the Lagae Family Trust Development. The surrounding land uses to the north, south, east, and west are designated to be commercial.

10. The Property has a rectangular shape and is bounded by Castle Pines Parkway to the north, a drainage tract to the east, and a private drive to the south and west. A private drive connects the Property to Castle Pines Parkway to the north and Lagae Road to the east.

11. Douglas County originally zoned the Property as a "Business District" in the 1950s.

12. When the City was incorporated in 2008, the Property was included in the City's boundaries and maintained the Business District zoning.

13. Under Paragraph 1102.11 of Section 11 of the City of Castle Pines Zoning Ordinances, "Restaurant/fast-food establishment" is a principal use for Business Districts.<sup>3</sup>

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<sup>3</sup> Section 11 is publicly available and can be found at: <https://www.castlepinesco.gov/wp-content/uploads/2019/09/SECTION-11-B-BUSINESS-DISTRICT.pdf>.

DISTRICT COURT, DOUGLAS COUNTY, COLORADO 4000 Justice Way, Suite 2009 Castle Rock, CO 80109 Telephone: (720) 437-6200	DATE FILED June 25, 2024 6:16 PM
<b>Plaintiff:</b> CP COMMERCIAL, LLC, a Colorado limited liability company,  v.  <b>Defendant:</b> CITY COUNCIL FOR THE CITY OF CASTLE PINES, COLORADO.	▲ COURT USE ONLY ▲
<i>Attorneys for Plaintiff:</i> Carolynne C. White, #23437 David B. Meschke, #47728 J. Maxwell Porteus, #56405 BROWNSTEIN HYATT FARBER SCHRECK, LLP 675 15 <sup>th</sup> Street, Suite 2900 Denver, CO 80202 Phone: 303.223.1100 Fax: 303.223.1111 Email: cwhite@bhfs.com; dmeschke@bhfs.com; mporteur@bhfs.com	Case Number:  Div.:
<b>DISTRICT COURT CIVIL SUMMONS</b>	

**TO THE ABOVE NAMED DEFENDANT: CITY COUNCIL FOR THE CITY OF CASTLE PINES, COLORADO**

**YOU ARE HEREBY SUMMONED** and required to file with the Clerk of this Court an answer or other response to the attached Complaint. If service of the Summons and Complaint was made upon you within the State of Colorado, you are required to file your answer or other response within 21 days after such service upon you. If service of the Summons and Complaint was made upon you outside of the State of Colorado, you are required to file your answer or other response within 35 days after such service upon you. Your answer or counterclaim must be accompanied with the applicable filing fee.

**FORM 1.2. DISTRICT COURT CIVIL (CV) CASE COVER SHEET FOR INITIAL PLEADING OF COMPLAINT, COUNTERCLAIM, CROSS-CLAIM OR THIRD PARTY COMPLAINT AND JURY DEMAND**

DATE FILED  
June 25, 2024 6:16 PM

<p>DISTRICT COURT, DOUGLAS COUNTY, COLORADO 4000 Justice Way, Suite 2009 Castle Rock, CO 80109 Telephone: (720) 437-6200</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<p><b>Plaintiff:</b> CP COMMERCIAL, LLC, a Colorado limited liability company,</p> <p>v.</p> <p><b>Defendant:</b> CITY COUNCIL FOR THE CITY OF CASTLE PINES, COLORADO.</p>	
<p><i>Attorneys for Plaintiff:</i> Carolynne C. White, #23437 David B. Meschke, #47728 J. Maxwell Porteus, #56405 BROWNSTEIN HYATT FARBER SCHRECK, LLP 675 15<sup>th</sup> Street, Suite 2900 Denver, CO 80202 Phone: 303.223.1100 Fax: 303.223.1111 Email: cwhite@bhfs.com; dmeschke@bhfs.com; mporteur@bhfs.com</p>	<p>Case Number:</p> <p>Div.:</p>
<p><b>DISTRICT COURT CIVIL (CV) CASE COVER SHEET FOR INITIAL PLEADING OF COMPLAINT, COUNTERCLAIM, CROSS-CLAIM OR THIRD PARTY COMPLAINT AND JURY DEMAND</b></p>	

1. This cover sheet shall be filed with the initial pleading of a complaint, counterclaim, crossclaim or third party complaint in every district court civil (CV) case. It shall not be filed in Domestic Relations (DR), Probate (PR), Juvenile (JA, JR, JD, JV), or Mental Health (MH) cases or in Water (CW) proceedings subject to sections 37-92-302 to 37-92-305, C.R.S. Failure to file this cover sheet is not a jurisdictional defect in the pleading but may result in a clerk's show cause order requiring its filing.

## II. SITE PLAN APPLICATION PROCESS

23. Before a McDonald's can be constructed and operated on the Property, the City requires an application for a site improvement plan to be submitted pursuant to the procedures in Section 27.

24. Paragraph 2702 of Section 27 requires an approved site improvement plan before a building permit is issued.

25. The Planning Commission evaluates all site improvement plan applications under the following criteria in Paragraph 2703.01 of Section 27 (the "Approval Standards"):

- a. The SIP supports the goals and objectives of the City of Castle Pines Comprehensive Plan; and
- b. The SIP is consistent with the City of Castle Pines Subdivision Ordinance and the development and use standards of the City of Castle Pines Zoning Ordinance and Planned Development, as applicable; and
- c. The SIP complies with and is responsive to the overall intent and vision embodied in the City-adopted Mixed-Use Design Guidelines, as determined by the City; and
- d. The SIP complies with the City's technical standards and requirements including the City of Castle Pines Roadway Design & Construction Standards Manual; City of Castle Pines Storm Drainage Design & Technical Criteria Manual; and City of Castle Pines Grading, Erosion and Sediment Control (GESD) Manual; and
- e. The SIP furthers the public health, safety and welfare of the community.

26. The Comprehensive Plan was updated and adopted by the City Council in 2021.<sup>7</sup>

27. Generally, the Comprehensive Plan sets forth the community's vision for the next 20 years based on a framework of five community interests: (1) parks, recreation, and amenities; (2) economic development; (3) housing; (4) transportation; and (5) land use and growth management.

28. The Comprehensive Plan notes that "[m]any community members mentioned the need for more retail, service, and restaurant options."

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<sup>7</sup> The Comprehensive Plan can be found at: [https://www.castlepinesco.gov/wp-content/uploads/2021/07/Castle-Pines-Comprehensive-Plan-Update\\_web-quality.pdf](https://www.castlepinesco.gov/wp-content/uploads/2021/07/Castle-Pines-Comprehensive-Plan-Update_web-quality.pdf).



#### **IV. PROCEEDINGS BEFORE THE PLANNING COMMISSION**

39. On behalf CP Commercial and McDonald's USA, LLC, Kimley Horn submitted the SIP application to the Planning Commission on August 21, 2023. The SIP was given the case number SIP-2023-003.

40. The external referral comment period for the SIP application was from September 22, 2023, to October 13, 2023. Requests for comments were sent to various agencies, including Castle Pines North Metropolitan District, North Pine Vistas Metropolitan District, Cherry Creek Basin Water Quality Authority, Plum Creek Water Reclamation Authority, South Metro Fire Rescue, Douglas County Sherriff's Office, Douglas County Government, CORE, Xcel Energy, Black Hills Energy, Comcast, Lumen, Century Link, Castle Valley HOA, and Castle Pines North HOA 1.

41. Of the 11 agencies that returned comments, 10 were either "no comment" or included comments that were technical in nature and reconciled through an iterative review process.

42. The exception was a comment by Castle Pines North HOA 1, which opposed the application based on concerns about hours of operation, incompatible building design, increased traffic, increased crime risk, increased litter and trash, and light, noise, and smoke pollution, among other things.

43. A courtesy notice advising of the SIP application was mailed to surrounding landowners within 300 feet of the Property. The City received 147 comments from residents regarding the application. Most of the comments opposed the SIP, voicing concerns over the brand of fast-food restaurant and those concerns shared by Castle Pines North HOA 1. A few

53. The presenters also described the site’s location, building renderings, site access, and setbacks, planned landscaping, lighting, sounds, and building elevations, and how the features all meet the applicable standards.

54. As part of the presentation, the presenters described how a proposed large storage facility acts as a transitional buffer between the McDonald’s and the neighboring residential area.

55. The City previously approved the site improvement plan for the storage facility, which meant that it concluded that the storage facility complied with the Comprehensive Plan and its land use goal of ensuring that the building was compatible with the surrounding natural and built environment.

56. The presenters further detailed how a traffic study prepared for the SIP application (the “Parkway Plaza Trip Generation Assessment”) compared with a prior traffic study prepared for the Lagae Family Trust Parcel, dated May 14, 2020 (the “Lagae Family Trust Parcel Traffic Impact Analysis”), which was submitted as part of the Parkway Plaza Planned Development.

57. Rick Engineering prepared both traffic studies. The two traffic studies covered trip generation for the same larger development, which includes the Property.

58. The City had previously accepted the Lagae Family Trust Parcel Traffic Impact Analysis, which analyzed the total overall traffic for the entire planned urban development (“PUD”) area, when it approved the Parkway Plaza Planned Development. The analysis was based on then-current assumptions that the parcel would be developed to include a recreation center, a city hall, and commercial retail.

59. The Parkway Plaza Trip Generation Assessment prepared specific to the SIP concluded that there would be less traffic (approximately 869 daily trips) based on trip generation under the current master development proposed uses than the previously approved uses for the PUD.

60. The assessment further found that while the proposed McDonald’s would generate traffic around the parcel, it would generate *less* traffic around the parcel than had previously been contemplated—and approved—by the City.

61. The presenters then described how the SIP satisfies the Approval Standards.

62. As to supporting the goals and objectives of the Comprehensive Plan, the presenters explained, among other things, that a site improvement plan that meets all of the technical requirements of the City’s zoning requirements is compatible with the Comprehensive Plan because the zoning code requirements, by definition, implement the Comprehensive Plan.

hours per day at this location, and there is no code or other applicable restriction on hours, he would be adjusting the hours of operation based on demand following opening of the restaurant.

74. As to traffic, numerous residents raised concerns with *preexisting* traffic concerns related to a Montessori school in the area.

75. Specifically, residents voiced their concern about cars that “queue” on Castle Pines Parkway—which abuts the parcel where the McDonald’s would go—and that additional traffic attributable to McDonald’s could aggravate this already-existing problem.

76. The residents’ concerns fail to recognize that any development of the Property would contribute additional traffic.

77. Following presentations by City staff, public comment, questions and answers, and rebuttal by McDonald’s team, the City Council began its deliberations.

78. During deliberations Councilmember Roger Hudson asked whether McDonald’s would be willing to agree to a condition of approval limiting operating hours. McDonald’s asked for the opportunity to confer, and the City Council conferred with its attorney in executive session regarding its authority for such a condition.

79. When the City Council returned from executive session deliberations, Councilmember Chris Eubanks began the deliberation by moving to deny the appeal; Councilmember Hudson, who had asked for the condition limiting hours, seconded the motion.

80. Councilmember Eubanks’ stated reason for moving to deny the SIP was concerns related to traffic and the possibility of an increase in crime.

81. Councilmember Hudson stated that he had no problem with McDonald’s but was concerned with traffic and whether McDonald’s would affect Castle Pines status as a “walkable city.”

82. Councilmember Mulvey stated that she had “no reason to question that [the second, third, and fourth approval criteria] are largely if not fully met,” but stated that her concern was that the McDonald’s would not further the “public health, safety, and welfare” of Castle Pines residents and that she was having trouble determining whether the McDonald’s would support the Comprehensive Plan’s goals and objectives. In support of her objection, Councilmember Mulvey read from the Comprehensive Plan, seemingly to highlight various provisions that she believed conflicted with one another and the Project.

83. For example, Mulvey noted that while the Comprehensive Plan specifically approves fast food restaurants, it also encourages the development of “unique” and “high-end” restaurants.

arguably do relate to the proposed use of the land (i.e., a McDonald's) rather than the SIP;

- c. Councilmember Cole expressed that he did not believe the traffic study, and that "common sense" dictated that the McDonald's would create problematic traffic issues; and
- d. Mayor Engerman and Councilmember Blue both stated that they believed the SIP met the criteria, and that the traffic issues cited by neighbors and councilmembers pre-date any McDonald's.

92. After the public hearing, the City Council adopted Resolution No. 24-39 (the "Resolution"), which states that the City Council denied the SIP on two grounds: (1) the SIP's failure to support the applicable goals and objectives of the Comprehensive Plan; and (2) that the SIP does not further the public health, safety, and welfare of the community.

93. As to the first ground, the Resolution cites "the public testimony, the nature of drive-through use, and the lack of outdoor eating spaces."

94. These are complaints about the proposed use—a fast-food restaurant—and not the SIP.

95. Although the Resolution cites land use goals from the Comprehensive Plan in support, reliance on these goals conflicts with the City's prior approval of the adjacent storage facility.

96. As to the second ground, the Resolution cites several perceived flaws with the commissioned traffic study:

- a. The traffic study is flawed in that it relies on 2011 data and doesn't consider traffic from door dash and other food delivery services.
- b. While the traffic study relies on traffic engineering models, there should be additional consideration or rationale of the model in relation to actual driving patterns. As one Councilmember noted, the traffic study does not take into account that drivers will not travel all the way to the roundabout but will make a U-turn on Lagae Road in conflict with the shopping center across the street.
- c. Although the traffic study considers the road network, it doesn't consider the school uses surrounding the site which are relevant to traffic concerns and public safety.
- d. The traffic study also does not account for delivery trucks, fire trucks, and their ability to access the site.



use. In fact, if a site improvement plan for the Property can be denied simply because the use would increase traffic, however infinitesimally, then no development could ever occur on the Property.

108. CP Commercial files this appeal in this district court within the 28 days provided in C.R.C.P. 106(b).

**CLAIM FOR RELIEF**  
**JUDICIAL REVIEW PURSUANT TO C.R.C.P. 106(a)(4)**

109. CP Commercial incorporates herein by reference all allegations set forth above.

110. The City Council's de novo review of the SIP is a quasi-judicial action that required the City Council to decide whether the SIP met the criteria in Paragraph 2703.01 of Section 27.

111. A local governing body will be found to have abused its discretion where there is no competent evidence on the record to support its decision. Where the decision of the lower body is so devoid of evidentiary support that it can only be explained as an arbitrary and capricious exercise of authority, it will be an abuse of discretion and the decision overturned. *See Rangeview, LLC v. City of Aurora*, 381 P.3d 445 (Colo. App. 2016).

112. The City Council exceeded its jurisdiction and abused its discretion in denying the SIP based on whether the proposed *use* (*i.e.*, a fast-food restaurant) supports every applicable goal and objective in the Comprehensive Plan or furthers the public health, safety, and welfare.

113. The City Council, as well as many of the public commenters, objected to putting a fast-food restaurant, and specifically McDonald's, on the Property.

114. The applicable criteria require the City Council to instead determine whether the *site improvement plan* supports the goals and objectives of the Comprehensive Plan and furthers the public health, safety, and welfare.

115. The proposed use—a fast-food restaurant—is a permitted use under the zoning and is irrelevant to the City Council's review.

116. The City Council's decision to deny the SIP is devoid of competent evidence in support and thus constituted an arbitrary and capricious exercise of authority.

117. Moreover, the City Council exceeded its jurisdiction in denying the SIP because at least one councilmember compared the SIP to Castle Pines' strategic plan—as opposed to its Comprehensive Plan—in evaluating whether the SIP met the Approval Standards.

118. The City Council's stated reasons for rejecting the SIP under the first criterion—"the public testimony, the nature of drive-through use, and the lack of outdoor eating spaces"—

DATED this 25th day of June, 2024.

BROWNSTEIN HYATT FARBER SCHRECK, LLP

By:           *s/David B. Meschke*          

Carolynne C. White, #23437

David B. Meschke, #47728

J. Maxwell Porteus, #56405

*Attorneys for Plaintiff CP Commercial, LLC*

Status: District Court, Douglas County
Case #: 2024 CV 030582 Div/Room: 6 Type: Rule 106
CP COMMERCIAL LLC vs. CITY COUNCIL FOR CITY OF CASTLE PINES CO

Case File Date: 6/25/2024 Case Close Date:
Confidential Intermediary.....:
DV STATUS:
Appealed: N

Judicial Off...: 029499 ROBERT RAYMOND LUNG
Alt Jud Officer: 000000
Description Stat Date Time Appea
Trial.....:
Next Schd Event: Review 9/26/2024 7:00 A N
Last Schd Event: Review HELD 9/06/2024 6:00 A
Last Event.....: Motion to Intervene n/a 8/21/2024

Attorney(s).....: Y +

Judgements.....:N
Motions Filed.....:Y

Amount Prayed for.....: .00

Jury Fee Paid.....:N

----- PARTIES -----

PARTY ROL STS NAME ATTORNEY ROL
DEF 1 CITY COUNCIL FOR CITY OF CAS MARKS, JOSH ADAM PRV
NON 1 THE CASTLE PINES NORTH HOMEO HUNT, JONAH GALEN et al ATO
PTF 1 CP COMMERCIAL LLC WHITE, CAROLYNNE C et al PRV

FILE DATE EVENT DESCRIPTION Event ID: E-Filed:
6/25/2024 Complaint 000001 J
PTF/ CP COMMERCIAL LLC
Complaint A4483BDFA7A86
6/25/2024 Summons 000002 J
PTF/ CP COMMERCIAL LLC
District Court Civil Summons A4483BDFA7A86
6/25/2024 Civil Case Cover Sheet 000003 J
PTF/ CP COMMERCIAL LLC
Civil Case Cover Sheet A4483BDFA7A86
6/25/2024 Exhibit-Attach to Pleading/Doc 000004 J
PTF/ CP COMMERCIAL LLC
Exhibit 1 to the Complaint - PowerPoint Presentation A4483BDFA7A86
7/01/2024 Waiver of Service 000005 J
PTF/ CP COMMERCIAL LLC

Waiver and Acceptance of Service EEDBF1770AD60
FILE DATE SCHEDULED EVENT DESCRIPTION SCHD DATE TIME ROOM APPEAR
7/02/2024 Review 7/01/2024 07:00 AM 6 N
Officer: ANDREW BAUM Length: 1.00 Hour(s)
Status.: HELD-Hearing Held Note...: SERVICE
7/10/2024 Proposed Order 000006 E-Filed: J
PTF/ CP COMMERCIAL LLC

Order Granting Plaintiff's Unopposed Motion for Certification of the Record

FILE DATE	SCHEDULED EVENT DESCRIPTION	SCHD DATE	TIME	ROOM	APPEAR
Pursuant to	C.R.C.P. 106(a)(4)(III) CE366456171C1				
	Related Event	ORDR	Order		7/15/2024
7/10/2024	Motion		Event ID: 000007		E-Filed: J
	PTF/ CP COMMERCIAL LLC				
	Plaintiff's Unopposed Motion for Certification of the Record Pursuant to C.R.C.P. 106(a)(4)(III) CE366456171C1				
7/15/2024	Order		Event ID: 000008		E-Filed: J
	Ruling: GRANTED, Document Title: Order: Order Granting Plaintiff's Unopposed Motion for Certification of the Record Pursuant to C.R.C.P. 106(a)(4)(III)-Granted				
	Related Event	PORD	Proposed Order		7/10/2024
7/18/2024	Answer		Event ID: 000009		E-Filed: J
	DEF/ CITY COUNCIL FOR CITY OF CASTLE PIN				
	Answer to Complaint 9BAD1850BC1AD				
7/24/2024	Review	7/23/2024	07:00 AM	6	N
	Officer: ANDREW BAUM		Length: 1.00	Hour(s)	
	Status.: HELD-Hearing Held		Note.: ANSWER		
8/19/2024	Exhibit-Attach to Pleading/Doc		Event ID: 000010		E-Filed: J
	DEF/ CITY COUNCIL FOR CITY OF CASTLE PIN				
	10. Resolution 24-39 Regarding McDonalds Site Improvement Plan 65918F076C27D				
8/19/2024	Exhibit-Attach to Pleading/Doc		Event ID: 000011		E-Filed: J
	DEF/ CITY COUNCIL FOR CITY OF CASTLE PIN				
	9. Castle Pines Comp Plan Adopted 6-24-2021 and Ratified 7-13-2021_Part4 65918F076C27D				
8/19/2024	Exhibit-Attach to Pleading/Doc		Event ID: 000012		E-Filed: J
	DEF/ CITY COUNCIL FOR CITY OF CASTLE PIN				
	9. Castle Pines Comp Plan Adopted 6-24-2021 and Ratified 7-13-2021_Part3 65918F076C27D				
8/19/2024	Exhibit-Attach to Pleading/Doc		Event ID: 000013		E-Filed: J
	DEF/ CITY COUNCIL FOR CITY OF CASTLE PIN				
	9. Castle Pines Comp Plan Adopted 6-24-2021 and Ratified 7-13-2021_Part2 65918F076C27D				
8/19/2024	Exhibit-Attach to Pleading/Doc		Event ID: 000014		E-Filed: J
	DEF/ CITY COUNCIL FOR CITY OF CASTLE PIN				
	9. Castle Pines Comp Plan Adopted 6-24-2021 and Ratified 7-13-2021_Part1 65918F076C27D				
8/19/2024	Exhibit-Attach to Pleading/Doc		Event ID: 000015		E-Filed: J
	DEF/ CITY COUNCIL FOR CITY OF CASTLE PIN				
	8. Ordinance 23-09 Approving Parkway Plaza PD Plan and amending Official Zoning Map 65918F076C27D				
8/19/2024	Exhibit-Attach to Pleading/Doc		Event ID: 000016		E-Filed: J
	DEF/ CITY COUNCIL FOR CITY OF CASTLE PIN				
	7. Parkway Plaza PD Recorded 65918F076C27D				
8/19/2024	Exhibit-Attach to Pleading/Doc		Event ID: 000017		E-Filed: J
	DEF/ CITY COUNCIL FOR CITY OF CASTLE PIN				
	6e. Zoning Ordinance Section 27 - Site Improvement Plan_Part2 65918F076C27D				
8/19/2024	Exhibit-Attach to Pleading/Doc		Event ID: 000018		E-Filed: J
	DEF/ CITY COUNCIL FOR CITY OF CASTLE PIN				
	6e. Zoning Ordinance Section 27 - Site Improvement Plan_Part1 65918F076C27D				
8/19/2024	Exhibit-Attach to Pleading/Doc		Event ID: 000019		E-Filed: J
	DEF/ CITY COUNCIL FOR CITY OF CASTLE PIN				
	6d. Zoning Ordinance Section 15 PD - Planned Development District 65918F076C27D				
8/19/2024	Exhibit-Attach to Pleading/Doc		Event ID: 000020		E-Filed: J

FILE DATE	SCHEDULED EVENT DESCRIPTION	SCHD DATE	TIME	ROOM	APPEAR
	DEF/ CITY COUNCIL FOR CITY OF CASTLE PIN				
6c. Zoning Ordinance Section 11 B - Business District 65918F076C27D					
8/19/2024	Exhibit-Attach to Pleading/Doc		Event ID: 000021	E-Filed: J	
	DEF/ CITY COUNCIL FOR CITY OF CASTLE PIN				
6b. Zoning Ordinance Section 2 - General Requirements and Exceptions 65918F076C27D					
8/19/2024	Exhibit-Attach to Pleading/Doc		Event ID: 000022	E-Filed: J	
	DEF/ CITY COUNCIL FOR CITY OF CASTLE PIN				
6a. Zoning Ordinance Section 1 - Administrative Provisions and Procedures 65918F076C27D					
8/19/2024	Exhibit-Attach to Pleading/Doc		Event ID: 000023	E-Filed: J	
	DEF/ CITY COUNCIL FOR CITY OF CASTLE PIN				
Exhibit A - Index to Certified Record 65918F076C27D					
8/19/2024	Notice Filed		Event ID: 000024	E-Filed: J	
	DEF/ CITY COUNCIL FOR CITY OF CASTLE PIN				
Notice of Filing Certified Record (CONTINUED) 65918F076C27D					
8/19/2024	Exhibit-Attach to Pleading/Doc		Event ID: 000025	E-Filed: J	
	DEF/ CITY COUNCIL FOR CITY OF CASTLE PIN				
5. 2024-05-28 City Council Meeting Transcript FAA058B9D3A54					
8/19/2024	Exhibit-Attach to Pleading/Doc		Event ID: 000026	E-Filed: J	
	DEF/ CITY COUNCIL FOR CITY OF CASTLE PIN				
4d. 2024-05-28 Bob Kaser FAA058B9D3A54					
8/19/2024	Exhibit-Attach to Pleading/Doc		Event ID: 000027	E-Filed: J	
	DEF/ CITY COUNCIL FOR CITY OF CASTLE PIN				
4c. 2024-05-24 Roger Rostvold FAA058B9D3A54					
8/19/2024	Exhibit-Attach to Pleading/Doc		Event ID: 000028	E-Filed: J	
	DEF/ CITY COUNCIL FOR CITY OF CASTLE PIN				
4b. 2024-05-23 Moya Hall FAA058B9D3A54					
8/19/2024	Exhibit-Attach to Pleading/Doc		Event ID: 000029	E-Filed: J	
	DEF/ CITY COUNCIL FOR CITY OF CASTLE PIN				
4a. 2024-05-23 Brad Behan FAA058B9D3A54					
8/19/2024	Exhibit-Attach to Pleading/Doc		Event ID: 000030	E-Filed: J	
	DEF/ CITY COUNCIL FOR CITY OF CASTLE PIN				
3v. Resolution 24-39, McDonalds SIP_Final FAA058B9D3A54					
8/19/2024	Exhibit-Attach to Pleading/Doc		Event ID: 000031	E-Filed: J	
	DEF/ CITY COUNCIL FOR CITY OF CASTLE PIN				
3u. Applicant Presentation - McDonald's Castle Pines City Council 2024-0522 FAA058B9D3A54					
8/19/2024	Exhibit-Attach to Pleading/Doc		Event ID: 000032	E-Filed: J	
	DEF/ CITY COUNCIL FOR CITY OF CASTLE PIN				
3t. McDonalds Impact Sheet FAA058B9D3A54					
8/19/2024	Exhibit-Attach to Pleading/Doc		Event ID: 000033	E-Filed: J	
	DEF/ CITY COUNCIL FOR CITY OF CASTLE PIN				
3s. Staff Presentation FAA058B9D3A54					
8/19/2024	Exhibit-Attach to Pleading/Doc		Event ID: 000034	E-Filed: J	
	DEF/ CITY COUNCIL FOR CITY OF CASTLE PIN				
3r. Q. Public Hearing Comments_Part2 FAA058B9D3A54					
8/19/2024	Exhibit-Attach to Pleading/Doc		Event ID: 000035	E-Filed: J	
	DEF/ CITY COUNCIL FOR CITY OF CASTLE PIN				
3r. Q. Public Hearing Comments_Part1 FAA058B9D3A54					
8/19/2024	Exhibit-Attach to Pleading/Doc		Event ID: 000036	E-Filed: J	
	DEF/ CITY COUNCIL FOR CITY OF CASTLE PIN				
3q. P. Other Resident Comments FAA058B9D3A54					
8/19/2024	Exhibit-Attach to Pleading/Doc		Event ID: 000037	E-Filed: J	

FILE DATE	SCHEDULED EVENT DESCRIPTION	SCHD DATE	TIME	ROOM	APPEAR
	DEF/ CITY COUNCIL FOR CITY OF CASTLE PIN				
3p. O. Neighborhood Notification Comments_Part3	DEF/ CITY COUNCIL FOR CITY OF CASTLE PIN	8/19/2024	Event ID: 000038	E-Filed:	J
3p. O. Neighborhood Notification Comments_Part2	DEF/ CITY COUNCIL FOR CITY OF CASTLE PIN	8/19/2024	Event ID: 000039	E-Filed:	J
3p. O. Neighborhood Notification Comments_Part1	DEF/ CITY COUNCIL FOR CITY OF CASTLE PIN	8/19/2024	Event ID: 000040	E-Filed:	J
3o. N. External Referral Comments and Responses_Part2	DEF/ CITY COUNCIL FOR CITY OF CASTLE PIN	8/19/2024	Event ID: 000041	E-Filed:	J
3o. N. External Referral Comments and Responses_Part1	DEF/ CITY COUNCIL FOR CITY OF CASTLE PIN	8/19/2024	Event ID: 000042	E-Filed:	J
3n. M. Publisher's Affidavit	DEF/ CITY COUNCIL FOR CITY OF CASTLE PIN	8/19/2024	Event ID: 000043	E-Filed:	J
3m. L. Affidavit of Sign Posting	DEF/ CITY COUNCIL FOR CITY OF CASTLE PIN	8/19/2024	Event ID: 000044	E-Filed:	J
3l. K. Certificate of Mailing	DEF/ CITY COUNCIL FOR CITY OF CASTLE PIN	8/19/2024	Event ID: 000045	E-Filed:	J
3k. J. Request for Appeal	DEF/ CITY COUNCIL FOR CITY OF CASTLE PIN	8/19/2024	Event ID: 000046	E-Filed:	J
3j. I. Water Supply Source	DEF/ CITY COUNCIL FOR CITY OF CASTLE PIN	8/19/2024	Event ID: 000047	E-Filed:	J
Exhibit A - Index to Certified Record	DEF/ CITY COUNCIL FOR CITY OF CASTLE PIN	8/19/2024	Event ID: 000048	E-Filed:	J
Notice of Filing Certified Record (CONTINUED)	DEF/ CITY COUNCIL FOR CITY OF CASTLE PIN	8/19/2024	Event ID: 000049	E-Filed:	J
3i. H. Cost Estimates	DEF/ CITY COUNCIL FOR CITY OF CASTLE PIN	8/19/2024	Event ID: 000050	E-Filed:	J
3h. G. Civil Drawings	DEF/ CITY COUNCIL FOR CITY OF CASTLE PIN	8/19/2024	Event ID: 000051	E-Filed:	J
3g. F. Traffic Impact Study	DEF/ CITY COUNCIL FOR CITY OF CASTLE PIN	8/19/2024	Event ID: 000052	E-Filed:	J
3f. E. Phase III Drainage Report_Part2	DEF/ CITY COUNCIL FOR CITY OF CASTLE PIN	8/19/2024	Event ID: 000053	E-Filed:	J
3f. E. Phase III Drainage Report_Part1	DEF/ CITY COUNCIL FOR CITY OF CASTLE PIN	8/19/2024	Event ID: 000054	E-Filed:	J
3e. D. Product Sample Board	DEF/ CITY COUNCIL FOR CITY OF CASTLE PIN	8/19/2024	Event ID: 000055	E-Filed:	J

FILE DATE	SCHEDULED EVENT DESCRIPTION	SCHD DATE	TIME	ROOM	APPEAR
	DEF/ CITY COUNCIL FOR CITY OF CASTLE PIN				
3d. C. Site Improvement Plan 4C028A14039F2					
8/19/2024	Exhibit-Attach to Pleading/Doc		Event ID: 000056	E-Filed:	J
	DEF/ CITY COUNCIL FOR CITY OF CASTLE PIN				
3c. B. Project Description 4C028A14039F2					
8/19/2024	Exhibit-Attach to Pleading/Doc		Event ID: 000057	E-Filed:	J
	DEF/ CITY COUNCIL FOR CITY OF CASTLE PIN				
3b. A. Letter of Authorization 4C028A14039F2					
8/19/2024	Exhibit-Attach to Pleading/Doc		Event ID: 000058	E-Filed:	J
	DEF/ CITY COUNCIL FOR CITY OF CASTLE PIN				
3a. Staff Report Resolution 24-39_daf edit to ext ref 4C028A14039F2					
8/19/2024	Exhibit-Attach to Pleading/Doc		Event ID: 000059	E-Filed:	J
	DEF/ CITY COUNCIL FOR CITY OF CASTLE PIN				
2. May 28, 2024 City Council Meeting Agenda Packet, Part 6 4C028A14039F2					
8/19/2024	Exhibit-Attach to Pleading/Doc		Event ID: 000060	E-Filed:	J
	DEF/ CITY COUNCIL FOR CITY OF CASTLE PIN				
2. May 28, 2024 City Council Meeting Agenda Packet, Part 5 4C028A14039F2					
8/19/2024	Exhibit-Attach to Pleading/Doc		Event ID: 000061	E-Filed:	J
	DEF/ CITY COUNCIL FOR CITY OF CASTLE PIN				
2. May 28, 2024 City Council Meeting Agenda Packet, Part 4 4C028A14039F2					
8/19/2024	Exhibit-Attach to Pleading/Doc		Event ID: 000062	E-Filed:	J
	DEF/ CITY COUNCIL FOR CITY OF CASTLE PIN				
2. May 28, 2024 City Council Meeting Agenda Packet, Part 3 4C028A14039F2					
8/19/2024	Exhibit-Attach to Pleading/Doc		Event ID: 000063	E-Filed:	J
	DEF/ CITY COUNCIL FOR CITY OF CASTLE PIN				
2. May 28, 2024 City Council Meeting Agenda Packet, Part 2 4C028A14039F2					
8/19/2024	Exhibit-Attach to Pleading/Doc		Event ID: 000064	E-Filed:	J
	DEF/ CITY COUNCIL FOR CITY OF CASTLE PIN				
2. May 28, 2024 City Council Meeting Agenda Packet, Part 1 4C028A14039F2					
8/19/2024	Exhibit-Attach to Pleading/Doc		Event ID: 000065	E-Filed:	J
	DEF/ CITY COUNCIL FOR CITY OF CASTLE PIN				
1. May 28, 2024 City Council Meeting					
Agenda <a href="https://www.jbits.courts.state.co.us/efiling/web/document/5536456912763/view.htm?docType==pdf">https://www.jbits.courts.state.co.us/efiling/web/document/5536456912763/view.htm?docType==pdf</a> 4C028A14039F2					
8/19/2024	Exhibit-Attach to Pleading/Doc		Event ID: 000066	E-Filed:	J
	DEF/ CITY COUNCIL FOR CITY OF CASTLE PIN				
Exhibit A - Index to Certified Record 4C028A14039F2					
8/19/2024	Exhibit-Attach to Pleading/Doc		Event ID: 000067	E-Filed:	J
	DEF/ CITY COUNCIL FOR CITY OF CASTLE PIN				
Exhibit A - Certificate of Authenticity 4C028A14039F2					
8/19/2024	Notice Filed		Event ID: 000068	E-Filed:	J
	DEF/ CITY COUNCIL FOR CITY OF CASTLE PIN				
Notice of Filing Certified Record 4C028A14039F2					
8/21/2024	Proposed Order		Event ID: 000069	E-Filed:	J
	NON/ THE CASTLE PINES NORTH HOMEOWNERS A				
ORDER GRANTING THE CASTLE PINES NORTH HOMEOWNERS ASSOCIATION, NO.1S MOTION TO INTERVENE 6430E58ACBE78					
	Related Event MINV Motion to Intervene			8/21/2024	
8/21/2024	Exhibit-Attach to Pleading/Doc		Event ID: 000070	E-Filed:	J
	NON/ THE CASTLE PINES NORTH HOMEOWNERS A				
Exhibit 1 to Motion to Intervene (Association's position statement letter dated May 21, 2024) 6430E58ACBE78					
	Related Event MINV Motion to Intervene			8/21/2024	
8/21/2024	Answer		Event ID: 000071	E-Filed:	J

