

**A RESOLUTION
OF THE CITY COUNCIL
OF THE CITY OF CHERRY HILLS VILLAGE
APPROVING A FLOODPLAIN VARIANCE FOR FILL DIRT AT 4301 S. HIGH
STREET**

WHEREAS, the Dean Sheikh Living Trust and the Rene Schneider Sheikh Living Trust ("Owners") are the record property owner of property located at 4301 S. High Street, and more particularly described in Exhibit A, attached hereto and incorporated herein ("Property"); and

WHEREAS, following the City's administrative approval of an administrative Floodplain Development Permit, Owners improved a portion of the Property as more thoroughly described in an application for approval of a Floodplain Variance ("Application"), which included the addition of fill dirt and resulted in a change to the floodplain boundaries on the Property; and

WHEREAS, City discovered an anomaly in the processing of the Floodplain Development Permit, and determined that the work performed pursuant to that permit required a floodplain variance because it changed the floodplain boundaries on the Property; and

WHEREAS, the Owner has consented to the City processing a Floodplain Variance application as required by Article VII, Division 4, Section 16-7-360 of the Cherry Hills Village Municipal Code ("Code") to change the floodplain boundaries on the property; and

WHEREAS, the Planning and Zoning Commission ("P&Z") held a duly noticed public hearing on August 12, 2025, to consider the Application, and following the conclusion of the public hearing, P&Z voted to recommend approval of the Application to City Council, based on the evidence and testimony presented at such hearing; and

WHEREAS, pursuant to the Code, the City provided notice of a City Council public hearing to be held on September 2, 2025; and

WHEREAS, the City Council thereafter held such duly noticed public hearing on the Application, where evidence and testimony were presented to the City Council; and

WHEREAS, the City Council determines that testimony and other evidence in the record supports findings that the proposed Floodplain Variance, as presented in the Application, and outlined by staff's findings in staff's report, meets the criteria outlined in Section 16-7-530(c) of the Code and all other applicable provisions of the Code and does so find.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE:

Section 1. Incorporation of Recitals. The recitals contained above are incorporated herein by reference and are adopted as findings of the City Council.

Section 2. Floodplain Variance Approved. The Floodplain Variance referenced herein is hereby approved.

Section 3. Effective Date. This Resolution shall be effective immediately upon its adoption.

Section 4. Repealer. All resolutions or parts thereof in conflict with this resolution are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such resolution or revive any resolution.

Section 5. Severability. If any provision of this resolution is found by a court of competent jurisdiction to be invalid, the remaining provisions of this resolution will remain valid, it being the intent of the City that the provisions of this resolution are severable.

Introduced, passed and adopted at a regular meeting of City Council this 2nd day of September, 2025, by a vote of 6 yes and 0 no.

(SEAL)

Kathleen Brown
Kathleen Brown, Mayor

ATTEST:

Laura Gillespie
Laura Gillespie, City Clerk

APPROVED AS TO FORM:

Kathie B. Cuckerberger, City Attorney

Joshua Myers

Exhibit A
Legal Description

4301 S. HIGH STREET, CHERRY HILLS VILLAGE, CO 80113
LEGAL DESCRIPTION:

That Part Of Blks 6 & 7 Cherrys Gdns Desc As Beg At The Ne Cor Of Blk 6 Of Sd Sub
Th S 190 Ft Th W 480 Ft Th N 190 Ft Th E 480 Ft To Beg Tog W/ Vac Rd