

PLAT IDENTIFICATION SHEET



RECEPTION#:

DATE:

OFFICIAL RECORDS
DOUGLAS COUNTY CO
CAROLE R. MURRAY
CLERK & RECORDER
RECORDING FEE: \$11.00
1 PG

TIME:

2002094309
09/16/2002 11:58 AM

FEE: \$

GRANTOR:
(owner/signer)

Bart + Sheri Rice

GRANTEE:
(subdivision name or name of plat)

*The Arbors
Preliminary PD Site Plan*

LEGAL:
(section-township-range)

3 - 8 - 67

NEW SUBDIVISION ABBREV: _____

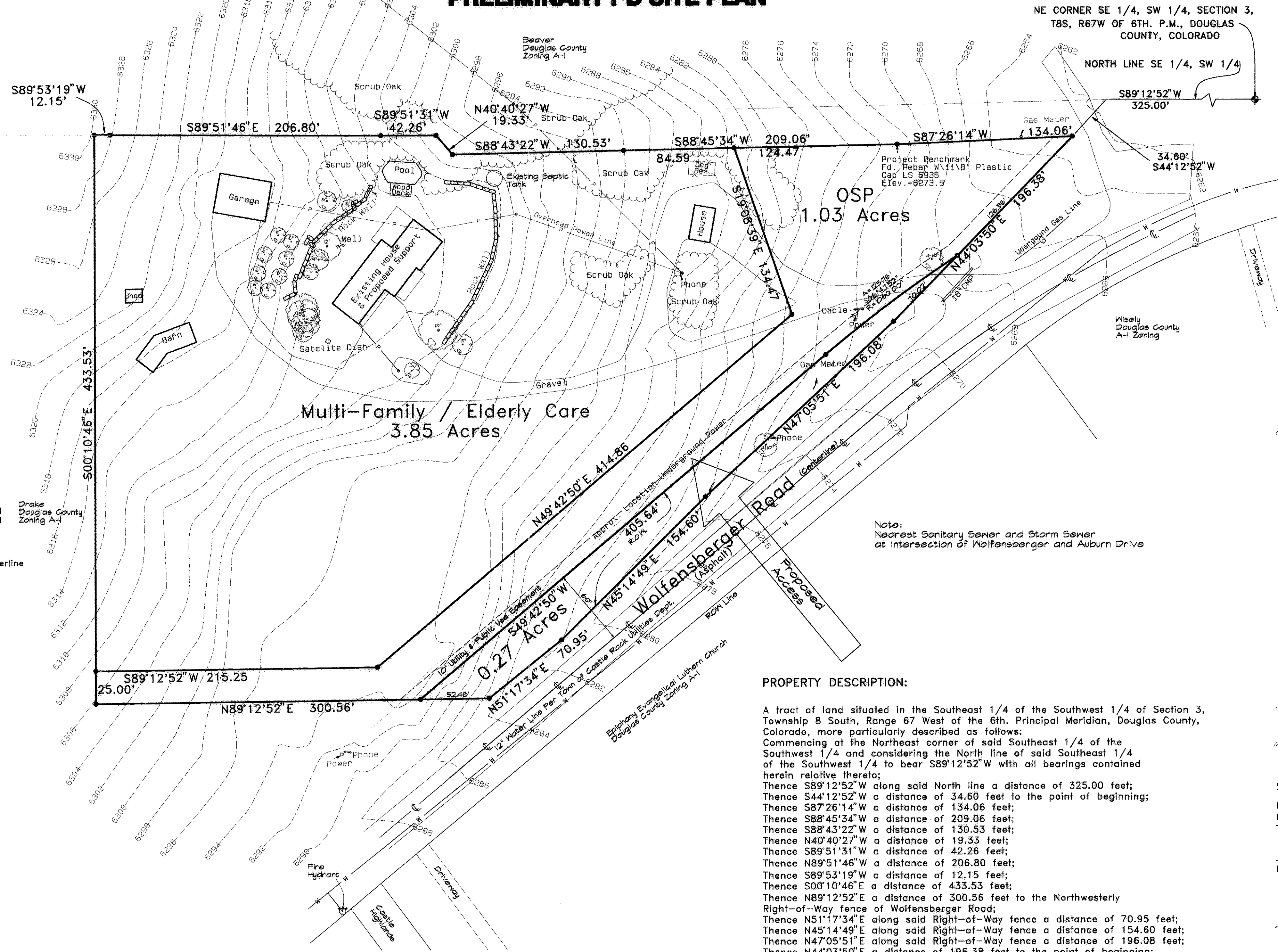
THE ARBORS

PRELIMINARY PD SITE PLAN

NE CORNER SE 1/4, SW 1/4, SECTION 3,
T8S, R67W OF 6TH. P.M., DOUGLAS
COUNTY, COLORADO

NORTH LINE SE 1/4, SW 1/4

- LEGEND**
- = Property Line
 - = Tree
 - = Centerline of Road
 - = 12" Water Line
 - = Gas Line
 - = Scrub Oak
 - = Contour Line
 - = Fire Hydrant



Note:
Nearest Sanitary Sewer and Storm Sewer
at intersection of Wolfensberger and Auburn Drive

NOTES:

1. Existing Zoning: (A-1), Douglas County
2. Existing Use: Residential
3. Proposed Zoning: Planned Development (PD), Town of Castle Rock
4. Proposed Building Setbacks: Per The Arbors P.D. Zoning Regulations.
5. There is no 100 yr. floodplain effecting the property.
6. No phasing is propose at this time.
7. The 1.03 acre Open Space requirement for the Arbors will be shown on the Final Site Plan, and may overlay the set-back requirement. Common open space and other recreational amenities accessible to the residents of the project may be credited towards the overall PD open space requirement.
8. The owner shall dedicate enough additional right-of-way for Wolfensberger Road to create a half width of 60' from the centerline. The centerline is subject to change from the current location, pending alignment studies.

LIENHOLDER SUBORDINATION CERTIFICATE

The undersigned are all the Mortgagees and Lienholders of certain lands known herein as the Arbors PD in the Town of Castle Rock. The undersigned beneficiary of the lien created by instrument recorded on 6-2-98 in 1555 Book at Page 2128 Douglas County, Colorado, subordinate the subject lien to the terms, conditions and restrictions of this document.

Mortgagee / Lienholder

Signed this 26 day of August, 2002

The foregoing instrument was acknowledged before me this 26th day of August, 2002 by ALLISON DEGEROLAMI of World Savings.

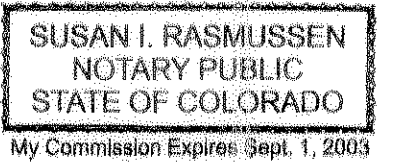
Witness my hand and official seal this 26th day of August, 2002. My commission expires 12/31/2005

Notary Public



OWNERSHIP CERTIFICATION
THE UNDERSIGNED ARE ALL OF THE OWNERS OF CERTAIN LANDS SHOWN HEREIN AS THE THE ARBORS PRELIMINARY PD IN THE TOWN OF CASTLE ROCK.

Bart Rice *Sheri Rice*
BART RICE SHERI RICE



STATE OF COLORADO }
COUNTY OF DOUGLAS } SS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 27th DAY OF August, 2002 BY BART RICE & SHERI RICE
WITNESS MY HAND AND OFFICIAL SEAL THIS 27th DAY OF August, 2002.

MY COMMISSION EXPIRES 9-1-03

Susan I. Rasmussen
NOTARY PUBLIC

TITLE CERTIFICATION

I, *Layne L. Nitsch* BEING AN AUTHORIZED REPRESENTATIVE OF *Land Title Guaranty Co.* A TITLE INSURANCE COMPANY LICENSED TO DO BUSINESS IN THE STATE OF COLORADO, HAVE MADE AN EXAMINATION OF THE PUBLIC RECORDS AND STATE THAT ALL OWNERS, MORTGAGEES AND LIENHOLDERS OF THE PROPERTY ARE LISTED IN THE CERTIFICATE OF OWNERSHIP AND DEDICATION.

Layne L. Nitsch *Land Title Guaranty Co.*
SIGNED THIS 27th DAY OF August, 2002.
AUTHORIZED REPRESENTATIVE TITLE INSURANCE COMPANY

SURVEYOR'S CERTIFICATE

I, DAVID E ARCHER, BEING A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, HEREBY ATTEST THAT THE GRAPHIC BOUNDARY DEPICTED ON THIS PRELIMINARY PD SITE PLAN IS A TRUE AND ACCURATE REPRESENTATION OF THE OFFICIALLY RECORDED LEGAL DESCRIPTION.

David E. Archer
REGISTERED PROFESSIONAL LAND SURVEYOR

PLANNING COMMISSION APPROVAL

THIS PRELIMINARY PD SITE PLAN WAS RECOMMENDED FOR APPROVAL BY THE PLANNING COMMISSION OF THE TOWN OF CASTLE ROCK, COLORADO, THE DAY OF August, A.D., 2002.

ATTEST:
Kathleen A. Sellman 8-27-02
CHAIRMAN DATE DIRECTOR OF PLANNING AND DEVELOPMENT DATE

TOWN COUNCIL APPROVAL

THIS PRELIMINARY PD SITE PLAN WAS APPROVED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO, THE DAY OF August, A.D., 2002.

ATTEST:
William S. Brant 8-29-02 *Larry Murr* 8-29-02
MAYOR DATE TOWN CLERK DATE

DOUGLAS COUNTY CLERK AND RECORDER'S CERTIFICATE

STATE OF COLORADO }
COUNTY OF DOUGLAS } SS

I HEREBY CERTIFY THAT THIS PRELIMINARY PD SITE PLAN WAS FILED IN MY OFFICE ON THE 27th DAY OF August, 2002 AT 11:00 O'CLOCK P.M. AND WAS RECORDED UNDER RECEPTION NUMBER 5802041304

Tulane Rose-Walton
DOUGLAS COUNTY CLERK AND RECORDER

Approved in accordance with Ordinance 2001-25 pertaining to extensions of previously lapsed approvals.

PROPERTY DESCRIPTION:

A tract of land situated in the Southeast 1/4 of the Southwest 1/4 of Section 3, Township 8 South, Range 67 West of the 6th. Principal Meridian, Douglas County, Colorado, more particularly described as follows:
Commencing at the Northeast corner of said Southeast 1/4 of the Southwest 1/4 and considering the North line of said Southeast 1/4 of the Southwest 1/4 to bear S89°12'52"W with all bearings contained herein relative thereto;
Thence S89°12'52"W along said North line a distance of 325.00 feet;
Thence S44°12'52"W a distance of 34.60 feet to the point of beginning;
Thence S87°26'14"W a distance of 134.06 feet;
Thence S88°45'34"W a distance of 209.06 feet;
Thence S88°43'22"W a distance of 130.53 feet;
Thence N40°40'27"W a distance of 19.33 feet;
Thence S89°51'31"W a distance of 42.26 feet;
Thence N89°51'46"W a distance of 206.80 feet;
Thence S89°53'19"W a distance of 12.15 feet;
Thence S00°10'48"E a distance of 433.53 feet;
Thence N89°12'52"E a distance of 300.56 feet to the Northwesterly Right-of-Way fence of Wolfensberger Road;
Thence N51°17'34"E along said Right-of-Way fence a distance of 70.95 feet;
Thence N45°14'49"E along said Right-of-Way fence a distance of 154.60 feet;
Thence N47°05'51"E along said Right-of-Way fence a distance of 196.08 feet;
Thence N44°03'50"E a distance of 196.38 feet to the point of beginning;
Containing 5.15 acres, more or less.
This property description was prepared under the direct supervision of David E. Archer (P.L.S. 6935), 105 Wilcox Street, Castle Rock, CO 80401.

LAND USE SUMMARY

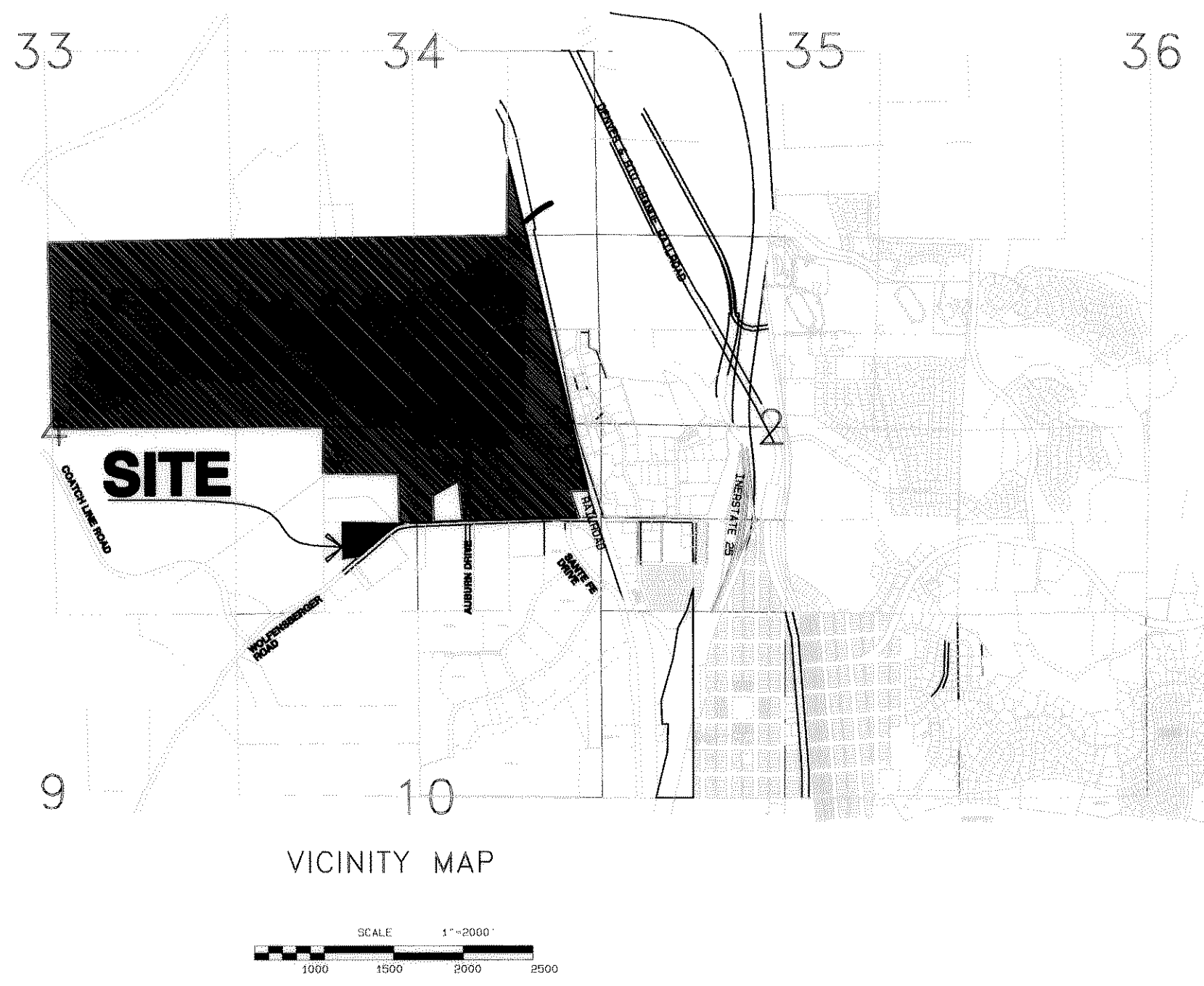
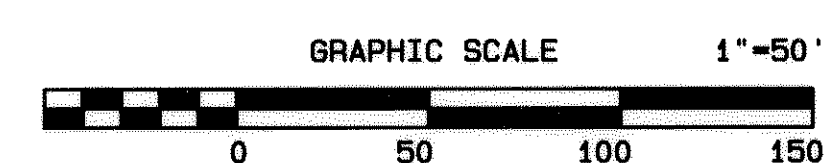
MAXIMUM PERMITTED MULTI FAMILY RESIDENTIAL GROSS DENSITY	16 DU/ACRE
MAXIMUM NUMBER OF MULTI FAMILY DWELLING UNITS	80
MAXIMUM NUMBER OF SINGLE FAMILY LOTS	38
MAXIMUM ASSISTED CARE FACILITY/NURSING HOME UNITS	180
M-F/EC= 3.85 ACRES	= 0.75%
OSP= 1.03 ACRES	= 0.20%
ROW= 0.27 ACRES	= .05%
TOTAL = 5.15 ACRES	= 100%

SURVEYOR
DAVID E ARCHER
105 WILCOX STREET
CASTLE ROCK, COLORADO 80104

ENGINEER
KEVIN ARCHER
105 WILCOX STREET
CASTLE ROCK, COLORADO 80104

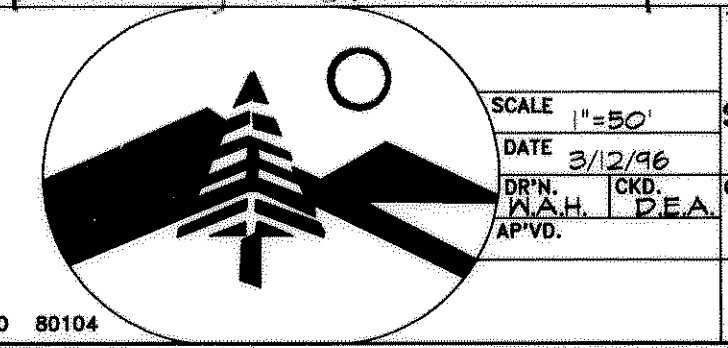
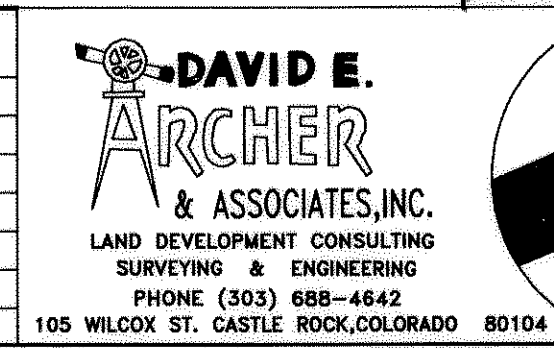
OWNER:
BART RICE & SHERI RICE
627 WOLFENBERGER ROAD
CASTLE ROCK, COLORADO 80104

MORTGAGEES:
WORLD SAVINGS
PO BOX 659538
SAN ANTONIO, TEXAS 78265



SUB. CERT. 8-22-02
MISC 8-27-02

REVISIONS	
MISC. 7-8-06	
BIDY. 8-29-06	
MISC 9-30-06	
MISC 10-7-06	
MISC 3-28-07	
MISC 11-24-00	
MISC 8-16-01	
MISC 1-07-02	



PRELIMINARY PD SITE PLAN
THE ARBORS
SE1/4SW1/4 SEC. 3, T8S, R67W 6th. P.M.
DOUGLAS COUNTY, COLORADO

CLIENT: BART RICE

JOB NUMBER: 94-946

Sheet 1 of 1

S:\DCA\reg\reg\94-946\Zone.erc
The Aug 27 4:12:36 2002

OFFICIAL RECORDS
DOUGLAS COUNTY CO
CAROLE R. MURRAY
CLERK & RECORDER
RECORDING FEE: \$51.00
10 PGS



2002094308 10 PGS

ORDINANCE NO. 2002-24

2002094308
09/16/2002 11:58 AM

**AN ORDINANCE AMENDING THE TOWN'S ZONE
DISTRICT MAP BY APPROVING THE ARBORS
PRELIMINARY P.D. SITE PLAN, PD ZONING REGULATIONS,
AND THE ARBORS ANNEXATION AND DEVELOPMENT
AGREEMENT; AND VESTING A SITE SPECIFIC
DEVELOPMENT PLAN**

10P
5

10P

WHEREAS, the Arbors Annexation and Preliminary PD Site Plan was approved by the Town Council on February 13, 1997 for multi-family/elderly care uses; and

WHEREAS, the Town's approval of applicant's Preliminary PD Site Plan lapsed by operation of law pursuant to Section 17.60.160.F of the Castle Rock Municipal Code for failure to submit and have the Preliminary PD Site Plan and Annexation Agreement recorded within the requisite number of days; and

WHEREAS, the applicant, Bart and Shari Rice (Owner) applied to the Director of Planning for a ratification of the Preliminary PD Site Plan, pursuant to Section 17.60.160G of the Castle Rock Municipal Code; and

WHEREAS, upon completion of the administrative processing and review of the request, the Planning Director submitted the lapsed Preliminary PD Site Plan to the Town Council for their action, pursuant to Section 17.60.160.G of the Castle Rock Municipal Code; and

WHEREAS, Owner and Town have agreed to the terms and conditions of The Arbors Annexation and Development Agreement (Development Agreement); and

WHEREAS, the Town Council finds that the Site Plan shall be vested as a site specific development plan in accordance with the Development Agreement through December 31, 2007, under authority granted the Town by Chapter 15.24 of the Castle Rock Municipal Code and §24-68-101, et seq., C.R.S.

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

Section 1. Approval. The Arbors Zoning Regulations and Preliminary PD Site Plan are approved for the Property, subject to Owner's compliance with the 30-day submission requirement under 17.60.160G of the Castle Rock Municipal Code. If such compliance is not timely made, the ratification approval granted by this ordinance shall lapse thereafter, unless the 30-day compliance period is extended by motion or resolution of the Council.

Section 2. Development Agreement and Vesting. The Development Agreement is approved. The vesting of the Preliminary PD Site Plan authorized under Article VIII of the Development Agreement is approved, which vests the Preliminary PD Site Plan as a site specific development plan for a term ending on December 31, 2007. The notice of vesting of the Preliminary PD Site Plan required under 15.24.100 of the Castle Rock Municipal Code shall be given within 14 days of the date of approval of this Ordinance.

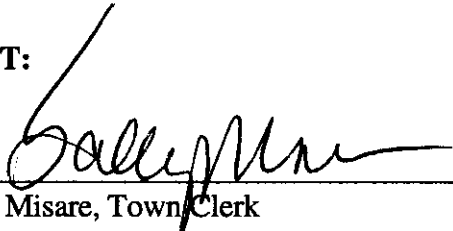
Section 2. Severability. If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect the remaining provisions of this ordinance.

Section 3. 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 relation to the legislative object sought to be obtained.

SUBMITTED this 14th day of June, 2002, and approved for publication and further reading by a vote of the Town Council of the Town of Castle Rock of 5 for and 1 against.

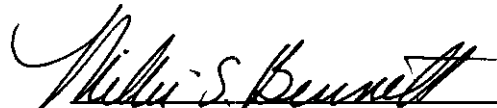
PASSED, APPROVED AND ADOPTED this 24th day of June, 2002, by the Town Council of the Town of Castle Rock by a vote of 5 for and 2 against.

ATTEST:



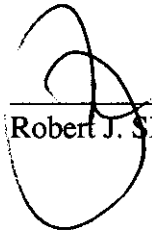
Sally A. Misare, Town Clerk

TOWN OF CASTLE ROCK



Millie S. Bennett, Mayor

Approved as to form:



Robert J. Slentz, Town Attorney

THE ARBORS

PRELIMINARY PD ZONING REGULATIONS

Revised: January 15, 2002

SECTION I
GENERAL PROVISIONS

ZONING REGULATIONS
FOR
THE ARBORS PLANNED DEVELOPMENT

TABLE OF CONTENTS

Section I	General Provisions
Section II	Definitions
Section III	Use Areas
Section IV	Temporary Uses
Section V	Accessory Uses
Section VI	Development Standards
Section VII	Final Planned Development Site Plans
Section VIII	Transitional Use
Section IX	Severability of Provisions

2.1 **Apartments.** Dwelling units which are not individually owned, but rented or leased to the occupants thereof.

2.2 **Assisted Care Facility.** A staffed, residential facility within which are provided living and sleeping facilities, meal preparation, laundry services and room cleaning. Such facilities may also provide other services such as transportation and medical assistance, but does not necessarily have on-site skilled nursing personnel.

2.3 **Attached Dwelling Units.** Dwelling units physically connected to other dwelling units. As used herein, the term attached units shall include, but not be limited to: apartment units, condominium units and town home units.

2.4 **Building Ground Coverage.** That portion of the ground on any building site which is covered by structures having a floor, walls and fully enclosed roof. Building ground coverage shall not include unenclosed patios, decks, or patio decks, tennis courts, swimming pools, surface, underground, or partially underground parking areas (provided such partially underground parking areas shall not protrude more than six (6) feet above the average surrounding grade), roadways, bike paths or pedestrian ways or such other uses not meeting the above definition.

2.5 **Building Height.** The vertical distance from the average finished grade (not including berming or grading for the purpose of permitting a higher building) surrounding a structure to the uppermost point of the roof structure. Chimneys, ventilators, elevator housing, skylights, solar collectors, air conditioning and heating units, antennas and necessary mechanical appurtenances usually constructed above roof level are not to be considered in determine height.

2.6 **Building Set Back.** The horizontal distance between a platted lot line and a building or structure. This distance does not include the projections of eaves, overhangs, fireplaces, patios, decks, fire escapes, mechanical units or similar architectural appurtenances except that no such projection shall extend beyond any lot line of the lot on which they are located. In instances where buffer areas are provided, the width or depth of any such buffer area may be subtracted from the required setback to either reduce or eliminate such setback.

2.7 **Detached Dwelling Units.** Dwelling units which are not physically connected to other dwelling units. As used herein, the term detached dwelling units shall include, but shall not be limited to single family units and patio homes.

2.8 **Developer.** Bart Rice or his successors or assigns as Developer.

2.9 **Open Space.** Space suitable for landscaping, passive and/or active recreation, gardens, and/or other appropriate uses, which is to remain in private ownership. Common

open space and other recreational amenities accessible to the residents of the project will be credited towards the overall PD open space requirements. For the purposes of this PD definition and requirement, such definition shall apply to assisted care facilities, nursing homes, convalescent homes, retirement communities, group homes, multi-family dwellings, town homes and condominium developments.

2.10 Patio Home Units. Single family units clustered in close proximity to each other commonly, but not necessarily, utilizing zero lot lines. Common undivided ownership or facilities which are located in areas other than the lots surrounding such units is permitted.

2.11 Single Family Units. Dwelling units not sharing common walls. Single family unit owners will own the land beneath such units and the and surrounding such units. Common undivided ownership of elements or facilities which are located in areas other than the lots surrounding such units is permitted.

2.12 Multifamily Dwelling Units. Shall include, but not be limited to: apartments, condominiums, patio homes and town homes.

2.13 Town Home Units. Dwelling units which share common vertical walls or abutting walls. Town home unit owners will own the land beneath such units and may own land surrounding such units, provided, however, that common, undivided ownership of certain elements or facilities is also permitted.

SECTION III USE AREAS

3.1 Multi-Family/Elderly Care – MF/EC

Permitted Uses as allowed by the Town of Castle Rock Zoning Title 17, as follows: 17.08.110, 17.08.120, 17.08.130, 17.08.140, 17.08.155, 17.08.210, 17.08.305, and 17.08.315, and described as:

- (1) Assisted Care Facilities
- (2) Convalescent Homes or Retirement Communities
- (3) Group Homes
- (4) Multi-family dwellings
- (5) Nursing Homes, which may or may not be State licensed
- (6) Single-family detached residences, garages and accessory structures
- (7) Staff, management, administration, and residential dwellings
- (8) Leasing, sales, administration, and support offices, as well as construction trailers accessory to uses permitted in the Arbors PD.

3.2 Open Space:

Open Space is defined as private lands as opposed to public lands which are suitable for:

1. Development of active recreation uses such as traditional parks, play fields, tennis courts, playground equipment, picnicking facilities, swimming pools, golf courses, greenways, trails and park facilities;

2. Environmental preservation of significant natural areas such as buttes, bluffs and other geologic formations, water bodies/resources, wildlife habitat areas, fragile ecosystems (wetlands) and vegetative stands; and,

3. Preservation of lands which preserve significant views, provide transitions between different densities and uses (buffers), and otherwise serve to give shape and form to the proposed development and surrounding community.

SECTION IV TEMPORARY USES

4.1 Temporary Uses:

Construction offices and material storage shall be permitted in all use areas during, and for a period of 30 days after cessation of actual construction in those areas being served by such construction office or material storage area.

SECTION V ACCESSORY USES PERMITTED IN ALL AREAS

5.1 Accessory Uses:

- A. Underground Utility and communications distribution lines, and above ground utility and transmission lines.
- B. Roadways, bike paths, pedestrian and equestrian trails.
- C. Parking Areas
- D. Open spaces and lakes, to include storm drainage detention areas.
- E. Rooms, Beds, or Dwelling Units ("units") to be used as models and/or for rental leasing, or sales and information offices, provided the unit(s) so utilized is a permitted use in the use area where it is located.
- F. Mobile Sales and information units, provided that:
 - (1) Such temporary structure is located within a final plat,
 - (2) Sales, Rental or leasing are limited to those units within the subdivision in which the offices is located,

- (3) Adequate access, parking and sanitary facilities are provided; and,
- (4) No such unit shall be maintained more than 30 days after the last lot or unit is sold, rented or leased.

**SECTION VI
DEVELOPMENT STANDARDS**

The standard zoning requirements of the Town of Castle Rock Zoning Ordinance including off-street parking, landscaping, site development, accessory and temporary uses, and use by special review and variance processes shall apply to this PD, except as modified by the following 6.2 General Use Areas.

6.1 Permitted Uses for Single Family and Multifamily

- A. Attached or detached dwelling units, garages and accessory buildings.
- B. Indoor or outdoor recreational facilities
- C. Home Occupations
- D. Mother-In-Law or nanny units.
- E. Swimming pools and spas
- F. Tennis courts, private
- G. Small in home day care subject to the licensing requirements of the State
- H. Foster family care subject to the licensing requirements of the State
- I. Accessory Uses
 - 1. Satellite Dish (18") or smaller
 - 2. Trails, pedestrian and bicycle
 - 3. Keeping of pets
 - 4. Parking
 - 5. Storage shed, 120 sq. ft. maximum and subject to architectural and maintenance controls/covenants

6.2 General Use Areas:

Type of Use Permitted:

Residential Single Family	Maximum lot area 6,000 sq. ft., setbacks not determined until Final Plat. Maximum building height shall be 35 feet.
Multi-Family	Maximum gross density shall be 16 DU/Acre. Set backs not determined until Final Plat. Maximum building height shall be 40 feet.

Assisted Care, Convalescent
Retirement Communities,

Maximum Number of units is 160. Setbacks of
10' for the side lot, 20' for the read; and 40' for

- (3) Adequate access, parking and sanitary facilities are provided; and,
- (4) No such unit shall be maintained more than 30 days after the last lot or unit is sold, rented or leased.

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6.2 General Use Areas:

Type of Use Permitted:

Residential Single Family

Maximum lot area 6,000 sq. ft., setbacks not determined until Final Plat. Maximum building height shall be 35 feet.

**SECTION IX
SEVERABILITY OF PROVISIONS**

9. In the event that any provision hereof shall be determined to be illegal or void by the final order of any court of competent jurisdiction, the remaining provisions shall remain in full force and effect.