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ORDINANCE NO. 2004 - 14

AN ORDINANCE AMENDING THE TOWN'S ZONE DISTRICT MAP BY APPROVING THE BURT AT CASTLE ROCK PD SITE PLAN, THE BURT AT CASTLE ROCK PD ZONING REGULATIONS AND THE BURT AT CASTLE ROCK ANNEXATION AND DEVELOPMENT AGREEMENT

WHEREAS, Triangle Equities, LLC (Owner) has requested PD Planned Development zoning of the parcel described in **Exhibit A** (Property); and

WHEREAS, Owner has requested approval of the Burt at Castle Rock PD Zoning Regulations as described in the attached **Exhibit B** as the same affect the Property (Zoning Regulations); and

WHEREAS, Owner has requested approval of "Burt at Castle Rock Preliminary P.D. Site Plan" (Site Plan); and

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

WHEREAS, Owner and Town have agreed to the terms and conditions of the Burt at Castle Rock Annexation and Development Agreement (Development Agreement).

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

Section 1. Zoning Approval. The Property is rezoned to PD (Planned Development District) and the Town's Zoning District Map is amended accordingly. The Town Zoning Regulations and Site Plan are approved in conjunction with the rezoning of the Property.

Section 2. Development Agreement. The Development Agreement is hereby approved. The Mayor and other proper Town officials are hereby authorized to execute the Development Agreement by and on behalf of the Town of Castle Rock, Colorado. The Development Agreement shall be recorded with the Douglas County Clerk and Recorder concurrently with the Site Plan and Zoning Regulations.

Section 3. 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.

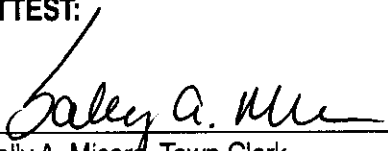
Section 4. Safety Clause. The Town Council finds and declares that this ordinance is promulgated and adopted for the public health, safety and welfare and this ordinance bears a rational relation to the legislative object sought to be obtained.

INTRODUCED this 9th day of December, 200³ for public comment, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

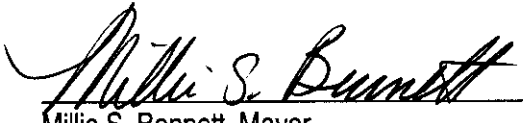
PASSED, APPROVED AND ADOPTED this 23rd day of March, 2004, by the Town Council of the Town of Castle Rock by a vote of 7 for and 0 against.

ATTEST:

TOWN OF CASTLE ROCK



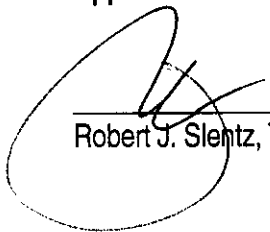
Sally A. Misara, Town Clerk



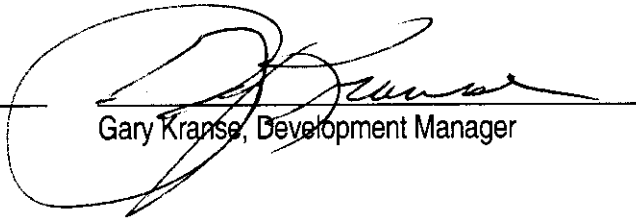
Millie S. Bennett, Mayor

Approved as to form:

Approved as to content:



Robert J. Slentz, Town Attorney



Gary Kranse, Development Manager

EXHIBIT A

A TRACT OF LAND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 8 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 15 AND CONSIDERING THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 15 TO BEAR NORTH 89 DEGREES 06 MINUTES 10 SECONDS WEST WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;
THENCE NORTH 89 DEGREES 06 MINUTES 10 SECONDS WEST ALONG SAID SOUTH LINE A DISTANCE OF 646.58 FEET;
THENCE NORTH 42 DEGREES 16 MINUTES 46 SECONDS EAST A DISTANCE OF 474.41 FEET;
THENCE NORTH 89 DEGREES 06 MINUTES 10 SECONDS WEST PARALLEL WITH SAID SOUTH LINE A DISTANCE OF 829.07 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF THE INTERSTATE 25 SERVICE ROAD;
THENCE NORTH 15 DEGREES 42 MINUTES 11 SECONDS EAST ALONG SAID EAST RIGHT OF WAY LINE A DISTANCE OF 807.46 FEET TO A POINT OF CURVE;
THENCE NORTHERLY ALONG SAID EAST RIGHT OF WAY LINE AND ALONG THE ARC OF A CURVE TO THE RIGHT A DISTANCE OF 674.40 FEET, SAID CURVE HAS A RADIUS OF 5520.00 FEET AND A CENTRAL ANGLE OF 7 DEGREES 00 MINUTES 00 SECONDS TO A POINT OF TANGENT;
THENCE NORTH 22 DEGREES 42 MINUTES 11 SECONDS EAST ALONG SAID EAST RIGHT OF WAY LINE AND ALONG SAID TANGENT A DISTANCE OF 69.91 FEET;
THENCE SOUTH 83 DEGREES 36 MINUTES 48 SECONDS EAST A DISTANCE OF 687.67 FEET TO A POINT ON THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 15;
THENCE SOUTH 0 DEGREES 11 MINUTES 03 SECONDS EAST ALONG SAID EAST LINE A DISTANCE OF 1775.91 FEET TO THE POINT OF BEGINNING.

Exhibit B

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE
ZONING DISTRICT MAP OF
THE TOWN OF CASTLE ROCK, COLORADO

**FOR BURT AT CASTLE ROCK – PLANNED
DEVELOPMENT (PD)**

**SECTION I
GENERAL PROVISIONS**

- 1.1 These Zoning Regulations constitute an amendment to the Town of Castle Rock Zoning Ordinance, and the Zoning District Map of the Town of Castle Rock, and establish permitted densities, uses, and development standards for the Land.
- 1.2 When these regulations do not address a particular subject, the relevant provisions of the Town of Castle Rock Zoning Ordinance, as amended, shall apply. Relevant Sections include, but are not limited to PD Planned Development District, Definitions, Landscaping Requirements, Off-Street parking, and General Site Development and Use Standards.
- 1.3 The Land has been divided into Use Areas on the Burt at Castle Rock Preliminary PD Site Plan, approved contemporaneously herewith, incorporated by reference into these Zoning Regulations.
- The aggregate number of acres within each Use Area shall be as indicated under each type designation on the Plan.
- 1.4 The Phasing order indicated on the Preliminary PD Site Plan is advisory in nature and is not to be construed as obligatory upon Developer.

**SECTION II
DEFINITIONS**

2.1 Building

Any built structure having a floor, walls, and fully-enclosed roof.

2.2 Building Envelope

That area(s) delineated on the PD Site Plan and located within the Integrated Business (IB) Use Area that defines the ground area within which a Building must be contained in its entirety.

2.3 Building Ground Coverage

That portion of the ground on any building site that 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, surface parking areas, roadways, bike paths, or pedestrian ways or such other uses not meeting the above definition.

2.4 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, skylights, solar collectors, air conditioning and heating units, antennas, architectural projections, and necessary mechanical appurtenances usually constructed above roof level are not to be considered in determining building height.

2.5 Building Setback

The horizontal distance between a building or structure and a platted lot line (including ROW and PD boundary lines, but excluding PD Use Area boundary lines). This distance does not include the projections of eaves, overhangs, fireplaces, patios, decks, fire escapes, mechanical units, or similar architectural appurtenances, except that no projection shall extend beyond any ROW or PD boundary line.

2.6 Common Area

All land within the Integrated Business or Open Space Dedication Use Areas, as designated on the PD site plan that is not within a Building Envelope, Drive-Through Area, and/or is not within an area exclusively appropriated for the use of any single Occupant or limited number of Occupants (including building perimeter pedestrian passageways and associated site and landscape improvements or designated employee parking areas, auto display, or service parking).

2.7 CAMA

Common Area Maintenance Agreement (CAMA) is that certain agreement for Operation and Maintenance for Common Areas for the Burt at Castle Rock PD between the Owners and the Occupants hereto that encumbers the Site is recorded concurrently with the Covenants, Conditions, and Restrictions (CC&R's).

2.8 Developer

LGC Management, Inc., or its successors or assigns as Developer.

2.9 Drive-Through Area

All areas within the Burt at Castle Rock PD designed or used to provide services or merchandise for delivery to consumers or users in vehicles, including stacking areas, order areas, pick-up areas, and curb cuts or driveways-use-only for such uses.

2.10 Occupant

Any and each owner, lessee and/or Person that from time to time is entitled to the use and occupancy of any portion of the Integrated Business area under any lease, sublease, license, or concession agreement, or other instrument or arrangement.

2.11 Open Space Dedicated Use Area (OSD)

Land proposed to meet the PD open space requirements and proposed to be dedicated to the Town.

2.12 Owner

The record holder of fee title to all or any portion of the Burt at Castle Rock PD site, its respective heirs, personal representatives, assigns, and successors in interest.

2.13 Permittees

All Occupants and all customers, employees, agents, contractors, vendors, suppliers, visitors, and other business invites of Owners and Occupants insofar as their activities relate to the intended use or construction of the Burt at Castle Rock.

2.14 Site

Shall refer to Burt in Castle Rock PD as described by the PD Site Plan and its associated documents that have been approved by the Town of Castle Rock of the County of Douglas, Colorado, a copy of which is attached as Exhibit A and incorporated herein by reference.

2.15 Site Plan or PD Site Plan

The plan for development on the Burt at Castle Rock PD that has been approved by the Town of Castle Rock of the County of Douglas, a copy of which is attached as Exhibit B and incorporated herein by reference.

**SECTION III
USE AREAS**

3.1 General Use Areas

The land shall be divided into General Use areas as indicated on the Preliminary PD Site Plan. Said General Use areas shall consist of Integrated Business (IB), Dedicated Open Space (OSD), and public roads (ROW). The aggregate number of acres within each type of use area and the proposed maximum Floor Area Ratio (FAR) to be constructed in the Business Use area is indicated on the Preliminary PD Site Plan. Development Standards for each of the Use Areas is established by this Ordinance. Allowed uses in each of the areas are set forth in this Section.

3.2 Integrated Business Use Area (IB)

A. Intent

The intent of this Use Area is to provide a conveniently accessible and aesthetically desirable environment in which to establish select businesses that serve the needs of the residents and visitors to the Town of Castle Rock.

B. Uses by Special Review:

- (1) Recreation Vehicle Sales & Service
- (2) Auto and Truck Sales, including outdoor display
- (3) Auto and Truck Service
- (4) Boat Sales, including outdoor display
- (5) Boat Service
- (6) Ambulance service
- (7) Caretaker's residence
- (8) Mortuary
- (9) Single-family and multifamily dwelling
- (10) Amusement Enterprise (see Section 17.40.030 (A) (1))

C. Permitted Uses:

- (1) Accessory uses (see Section 17.66.200 of Town of Castle Rock Regulations)
- (2) Auto accessory sales
- (3) Banks/financial institutions
- (4) Catering services
- (5) Child care centers
- (6) Churches, synagogues, places of worship
- (7) Clinics
- (8) Clubs, lodges and service organizations
- (9) Confectionery shop
- (10) Fine arts gallery and/or fine arts studio
- (11) Government and public facilities
- (12) Hospital
- (13) Hotel/motel
- (14) Indoor/outdoor recreation facilities
- (15) Laboratory except those which involve any hazardous process or emit noxious noise, dust and order
- (16) Museum
- (17) Personal service shops, such as barber, beauty parlor
- (18) Pharmacy
- (19) Post office
- (20) Printing / copy shops
- (21) Private / public schools
- (22) Professional or business office
- (23) Public utilities
- (24) Restaurants, cafes, and other places serving food and beverages
- (25) Retail business stores, sales establishments, and centers
- (26) Transit facilities or other facilities designed to enhance the use of public transit
- (27) Repair, rental, service of any item retailed in the B-2 district
- (28) Studios, including television and radio broadcasting stations, but excluding antenna towers and microwave dishes
- (29) Tailoring
- (30) Theaters
- (31) Upholstering
- (32) Utilities office
- (33) Small Animal Clinics

3.3. Open Space Dedicated Use Area (OSD)

Permitted Uses:

- A. Landscape improvements;
- B. Fences, walls, and/or retaining walls;
- C. Detention pond

**SECTION IV
DEVELOPMENT STANDARDS**

4.1 Development Standards for Designated Use Areas

The Development Standards for each of the Use Areas indicated on the Preliminary PD Site Plan are set forth below:

DEVELOPMENT STANDARD	USE AREA	
	IB	OSD
Maximum Floor Area Ratio (FAR)	.30	N/A
Minimum Setbacks (building and parking)	--	--
--from South Wilcox ROW (west) or South Perry Street	15 feet	N/A
--from Private Street ROW and from open space	15 feet	N/A
---from east, north and south boundaries of the property	15 feet	N/A
Maximum Building Height	40 feet	N/A
Maximum Building Coverage	30%	N/A
Residential setbacks to be determined at the time of Use by Special Review approval		

4.2 Architectural Standards

In order to ensure an architecturally compatible and unified development, the type and design of each building, now and in the future, shall be of first quality construction and architecturally designed so that its exterior elevation (including signs) and color will be structurally and aesthetically compatible and harmonious with all other buildings within Burt at Castle Rock PD.

Architectural design elements shall comply with the Guidelines for Design and Development in the Town of Castle Rock.

4.3 Common Area

- A. The Common Area is hereby reserved for the sole and exclusive use of the Owners, Occupants, and their Permittees and is defined as private streets (not dedicated ROW) and common storm water detention areas. The Common Area may be used for vehicular driving and parking areas, pedestrian traffic, walkways, storm water detention, utilities, landscaping, and for the other uses specified herein.
- B. Unless otherwise authorized in writing by the Town, no structures shall be placed or constructed on the Common Area, except paving, parking curbs, landscape planters, street lights, utility pads and sidewalks.
- C. The Common Area shall be constructed in accordance with the Development Agreement and the PD Site Plan and shall be kept and maintained as provided for in the CAMA (Common Area Maintenance Agreement).
- D. The sizes and arrangements of the Common Area improvements, including without limitation access and service drives, striping, traffic directional indicators, street lighting and landscaped areas, together with the necessary planning, may not be changed without the written approval of the Consenting Owners.

4.4 Fencing Standards

Perimeter fencing will be permitted around the PD as follows:

- A. Perimeter fencing constructed of masonry or wood or metal picket (or other acceptable materials) will be permitted and is in conformance with applicable Town of Castle Rock Zoning Regulations at the time of approval of the Final PD Site Plan and must conform to the design guidelines established for Burt at Castle Rock. Said fences may be used for the purposes of visual screening of proposed development, such as parking areas.
- B. Fences, walls, or hedges shall be allowed within the building setbacks on private land. A building permit is required for any retaining wall greater than four feet in height.
- C. Barbed, chain link or aboveground electrically-charged wire is prohibited.

4.5 Lighting Standards

Exterior lighting will be permitted within the PD as follows:

- A. Such lighting will be in conformance with applicable Town of Castle Rock Adopted Lighting regulations at the time of approval of the Final PD Site Plan.
- B. Lighting will be permitted in the parking areas to illuminate vehicular and pedestrian traffic movement and vehicular display.
- C. After business hour security lighting will be allowed in conformance with the Town's Adopted Lighting regulations.

4.6 Parking Standards

Off-street parking standards shall conform to those of the Town of Castle Rock's Zoning Ordinance at the time of approval of the Final PD Site Plan.

4.7 Signage Standards

Signage will be permitted within the PD as follows:

- A. Signage is to be in conformance with applicable Town of Castle Rock Sign Regulations at the time of approval of the Final PD Site Plan.

4.8 Utility Standards

All public utility distribution lines must be placed underground.

4.9 Water and Sanitation Standards

All uses must be served by a central water facility.

4.10 Landscaping

Landscaping is to be in conformance with applicable Town of Castle Rock Landscape Regulations in effect at the time of approval of the Final PD Site Plan.

4.11 Auto Dealership Criteria

Due to the special concerns related to the design of auto dealerships, the following special conditions will apply to auto sales and service uses:

A. Architectural Standards:

1. Building mass, form, length and proportions shall be designed to provide variety of visual interest and maintaining a human scale that is appropriate to surroundings.
2. A breakdown of building mass at all significant entryways and walls that front pedestrian activities to mark entryways.
3. Building facades shall meet one of the following standards:
 - a. Facades greater than 100 feet in length shall incorporate wall plane projections or recesses having a depth of at least 3 percent of the length of the façade.
 - b. Each building façade shall have a repeating pattern that includes three instances of either:
 - (1) Color change
 - (2) Texture changes
 - (3) Material module change
 - (4) Expression of an architectural or structural bay through a change in plane
4. Alternative building designs are allowed, which significantly articulate a wall plane.
5. Ground floor facades facing a primary access street shall have clearly defined customer entrances that feature three of the following: canopies or porticos, overhangs, recesses/projections, arcades, raised corniced parapets over the door, distinctive roof forms, arches, outdoor patios, display windows, integral planters or wing walls that incorporate landscaped areas and/or places for sitting.

6. Building materials shall present an image of high quality and permanence. Predominant exterior building materials shall be high quality, durable material such as, but not limited to: brick, cultured or native stone, integrally colored, textured concrete masonry units, high quality metal wall and roof panels as accents (no all-metal buildings or exposed fasteners) high quality prestressed concrete systems and exterior installation finish systems (EIFS).
7. All sides of the building shall include materials consistent with those on the front.

B. Prohibited Activities:

1. Public Address System
2. Advertising and display methods that utilize banners, flags, car ramps and "sandwich boards".
3. Display of vehicles on landscaping.

C. Screening:

1. Loading docks, truck parking, outdoor storage, utility meters, HVAC equipment, trash collection, trash compaction and other service functions shall be screened and integrated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets.
2. Architectural elements, materials, colors and design of screening walls, coverings and/or fences shall conform to those used as predominant materials, colors and elements on the building or landscaping.
3. All rooftop mechanical equipment shall be screened. Screening may be done either with an extended parapet wall or a freestanding screen wall of a material and color matching the building. Parapets or screens shall be at least as high as the equipment they hide.

SECTION V

TEMPORARY USES

5.1 Temporary Uses

Temporary uses are permitted as follows:

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

**SECTION VI
ACCESSORY USES PERMITTED IN ALL USE AREAS**

6.1 Accessory Uses

The following Accessory Uses are permitted in all Use Areas:

- A. Underground utility and communications distribution lines, specifically including cable television distribution lines.
- B. Roadways, bike paths, pedestrian, and equestrian trails.
- C. Storm water drainage detention areas.
- D. Fences, walls, retaining walls.

**SECTION VII
SUBMISSION OF FINAL PLANNED DEVELOPMENT SITE PLANS
AND/OR PLATS AND ADDITIONAL INFORMATION**

- 7.1 Following the approval of this Ordinance and the Preliminary Plat, the owners of the above-described site shall present a Final PD Site Plan and Final Plat for all or any portion of the general use area as are ready for development.
- 7.2 No structural building permit will be issued until a Final PD Site Plan and Final Plat for such area has been approved by the Town Council and filed for the public record.
- 7.3 In those cases where the Subdivision Regulations of the Town of Castle Rock require approval of a final plat by the Town Council prior to sale or transfer of lands, a sale or transfer of a portion or portions of the Land is permitted without prior approval of a Final PD Site Plan if the deed or other document evidencing the sale or transfer contains the following language:

"No building permit will be issued for the erection of any structural improvements in any area described herein for which a Final PD Site Plan has not been approved by the Town Council of the Town of Castle Rock."

**SECTION VIII
TRANSITIONAL USE**

- 8.1 After approval of the Preliminary PD Site Plan, incorporated herein by reference, any portion or portions of the land that have not been included in a Final PD Site Plan may be used for agricultural purposes until approval of a Final PD Site Plan for the area or areas in question. Agricultural uses, for purposes of this section, shall mean farming, ranching, gardening, and buildings and outbuildings pertaining thereto. It shall not be deemed to include commercial feed yards, commercial poultry or pig farms, fur farms or kennels.
- 8.2 Any activity permitted by this section shall be considered to be a valid pre-existing non-conforming use within the area described above until a Final PD Site Plan for such area or areas has been approved; however, the Town Council reserves the right to prohibit such agricultural uses in areas for which not Final PD Site Plan has been submitted if the Council determines that, due to the proximity of such uses to developed areas a danger exists to health, safety, or welfare of the residents of such developed areas.

8.3 Such transitional use areas shall be closed to vehicular traffic and off-road recreational motor vehicles, except agricultural vehicles and implements, emergency vehicles, vehicles engaged in utility and other maintenance work, and designees of the master developer and/or Town.

**SECTION IX
SEVERABILITY OF PROVISIONS**

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

Passed and adopted this _____ day of _____, 2004, by a vote of the Town Council of the Town of Castle Rock, Colorado, of _____ for and _____ against.

Millie Bennett, Mayor
Town of Castle Rock

ATTEST:

_____, Town Clerk

Approved as to form:

Bob Slentz, Town Attorney

Approved as to content:

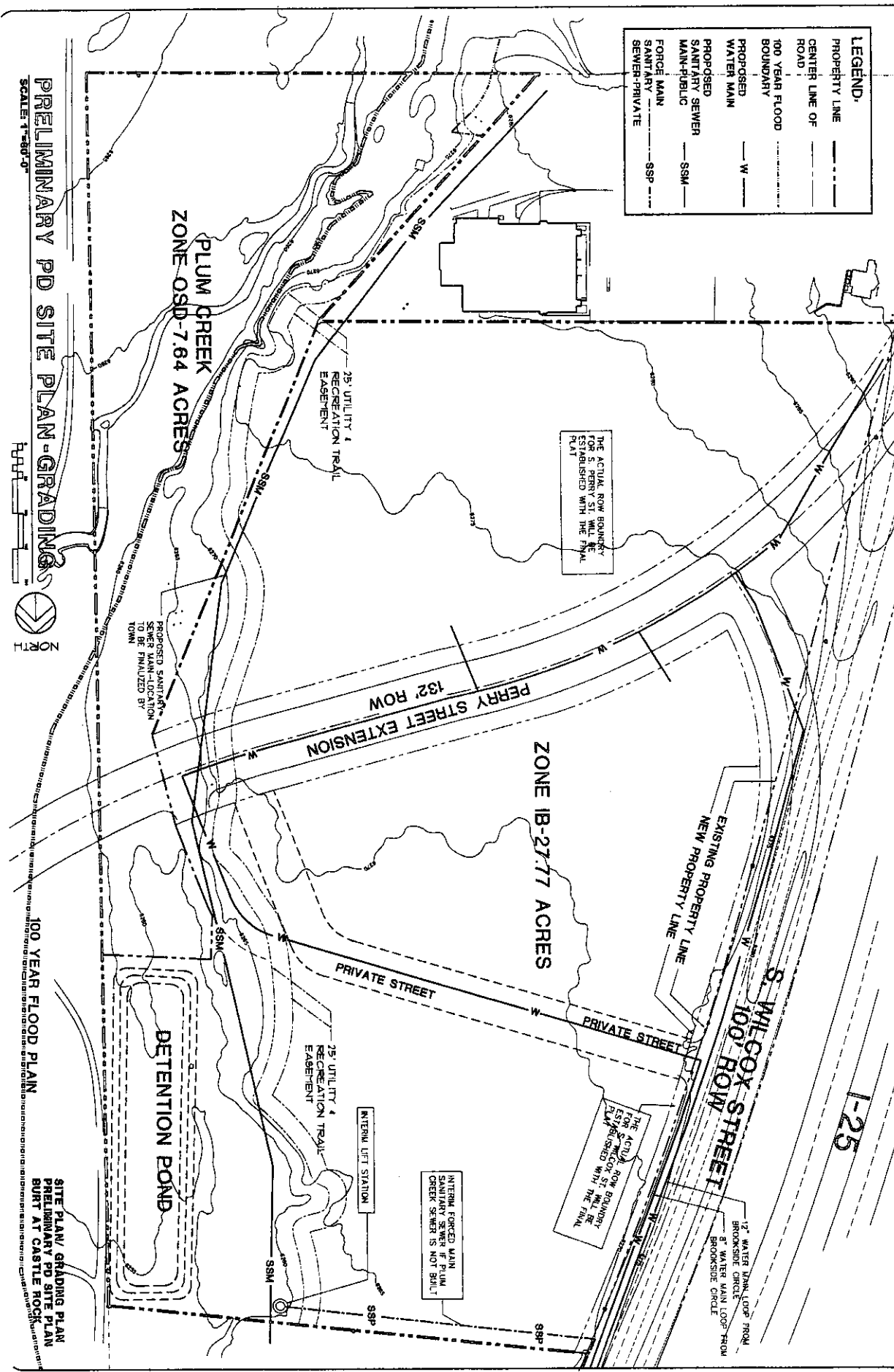


Gary Kranse, Development Manager

**PRELIMINARY P.D. SITE PLAN
BURT AT CASTLE ROCK**
PART OF SE 1/4, SECTION 15, T6S, R6W OF THE 6th P.M.
DOUGLAS COUNTY, STATE OF COLORADO

LEGEND.

PROPERTY LINE	---
CENTER LINE OF ROAD	---
100 YEAR FLOOD BOUNDARY	---
PROPOSED WATER MAIN	W
PROPOSED SANITARY SEWER MAIN-PUBLIC	SSM
FORCE MAIN SANITARY SEWER-PRIVATE	SSP



THE ACTUAL ROW BOUNDARY FOR S WILCOX ST. WILL BE ESTABLISHED WITH THE FINAL PLAT

INTERNAL FORCED MAIN SANITARY SEWER IS NOT BUILT

INTERNAL LIFT STATION

PROPOSED SANITARY SEWER MAIN LOCATION TO BE FINIALIZED BY TOWN

PRELIMINARY PD SITE PLAN-GRADING
SCALE: 1"=80'-0"
PART 1

100 YEAR FLOOD PLAN

**SITE PLAN/ GRADING PLAN
PRELIMINARY PD SITE PLAN
BURT AT CASTLE ROCK**

Sheet
PREL PD
of 2

Concepts West Architecture, Inc.
Principal: Gary M. Harrison
202 East Cheyenne Mountain Blvd., Suite G, Colorado Springs, CO 80908 (719) 578-1685

BURT at CASTLE ROCK
S. Wilcox and I-25 Douglas County Co.
For LSC Management, Inc. 10301 E. Arapahoe Road, Centennial, Co. 80110

Job No. 9911
Drawn 6-3-2008
Revised 1-13-2008
2-28-2004

