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ORDINANCE NO. 94-42

AN ORDINANCE AMENDING
ORDINANCE NO. 87-12 OF
THE TOWN OF CASTLE ROCK, COLORADO
(THE CASTLE PINES COMMERCIAL P.D.)

April 24, 1995
CN-5847
DN-88044.7

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ORDINANCE NO. 94-42

AN ORDINANCE AMENDING
ORDINANCE NO. 87-12 OF
THE TOWN OF CASTLE ROCK, COLORADO
(THE CASTLE PINES COMMERCIAL P.D.)

WHEREAS, the Town Council of the Town of Castle Rock finds that:

- (a) A petition relating to the Castle Pines Commercial P.D. Plan has been filed with the Town Clerk requesting an amendment to Ordinance No. 87-12 of the Town of Castle Rock, and;
- (b) Said petition has been forwarded to the Town Council, and;
- (c) Public meetings and hearings, following notice duly made and published pursuant to applicable Colorado Statutes and Town of Castle Rock ordinances, have been held before the Planning and Zoning Commission of the Town of Castle Rock, and the Town Council of the Town of Castle Rock, and;
- (d) The amendment sought complies with the stated purposes of the Planned Development Ordinance 17.60 as set forth in subsection 17.60.010 thereof.

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

SECTION 1. Zoning Classification. The zoning
classification of the land remains Planned Development (PD).

SECTION 2. Amendment. Ordinance 87-12, in so far as it
affects the land described in Exhibit A, is repealed and reenacted
to read as follows:

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SECTION I
GENERAL PROVISIONS

- 1.0 This ordinance constitutes an amendment to the Castle Rock Zoning Ordinance, and the Zoning Map of the Town of Castle Rock, as depicted on Exhibit C, attached hereto and made a part hereof, and establishes permitted uses and development standards for each tract within the Land. This ordinance shall not amend Ordinance No. 87-12 as it relates to property other than the Land.

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SECTION II
DEFINITIONS

2.1 Community Recreational Facilities.

Indoor or outdoor structures or areas for community recreation to include, but not to be limited to, swimming pools, tennis courts, facilities for other indoor or outdoor recreational activities together with incidental restaurants, lounges, shops and personal service establishments.

2.2 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 housings, 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.

2.3 Building Setback.

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.

2.4 Master Developer.

Dev-Vic Ltd. Liability Co., a Colorado limited liability company, and 95 LTD. Liability Co., a Colorado limited liability company, or their successors or assigns as Master Developer.

2.5 Private Open Space.

Space, suitable for landscaping, passive and/or active recreation, gardens, view protection and enhancement, and/or other appropriate uses, which is held in common ownership.

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SECTION III

OVERALL PROJECT STANDARDS

3.1 Parking.

Off-street parking is required for all land uses. Except as otherwise specifically provided herein, the number and size of all required parking spaces are to be in conformance with the applicable Town of Castle Rock Zoning Regulations at the time of approval of the Preliminary Site Plan unless Master Developer can demonstrate, to the satisfaction of the Town Council, at the time of final platting and site plan review, that provision of a lesser number of spaces or spaces of lesser size will still provide adequate off-street parking for the proposed use.

3.2 Temporary Uses.

Temporary uses are permitted as follows:

- (a) Mobile sales and information units in any integrated business use area provided no such mobile sales and information unit shall be erected until plans and specifications for such unit have been first submitted to the Town of Castle Rock for administrative review and approved and further provided that no such unit shall be maintained in any area described in a final site plan more than 60 days after a certificate of occupancy has been issued for the first commercial structure within the area being served by such unit without the express approval of the Town Council.
- (b) 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.
- (c) Temporary concrete, asphalt and mortar batching plants for the purposes of construction on the site or off-site project-related construction.

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3.3 Signage.

Signage is allowed for all land uses. Except as otherwise specifically provided herein or as may be superseded in subsequent design standards that may be developed by the Master Developer and approved by the Town of Castle Rock for the Land, signage is to be in conformance with the applicable Town of Castle Rock Zoning Regulations & Sign Code at the time of approval of the Final Site Plan.

3.4 Residential Buffering

Buffering will be provided between commercial and residential uses. This buffer may be composed of plant material, earthwork and/or architectural elements, such as walls or fences and/or intervening streets (per Town's minimum width requirement). Landscape buffering shall be located within the required site setbacks. The backs of commercial buildings, areas of trash storage, utility equipment, loading and parking will be buffered from adjacent residential properties.

3.5 Building Design Guidelines

All buildings shall conform to the Castle Pines Commercial Architectural Guidelines. These guidelines shall specify a range of appropriate building materials, building heights and roof pitches. The guidelines shall also specify appropriate building design in terms of orientation, appropriateness of density, site relationship, bulk, spacing, exterior color and texture, storage areas, lighting and signage. The Master Developer shall provide a copy of the design guidelines to the Town for approval prior to or together with any application for a final plat after adoption of this Ordinance.

3.6 Trails

A trail connection to the Town of Castle Rock and Douglas County Trail System shall be provided. Town of Castle Rock officials have indicated that the major community trail system shall run along the west side of Highway 85 along Plum Creek. A connection from the Land to the community trails is desired at Meadows Parkway per Town officials. Any trails within the land shall be designed to conform with the Town Public Works regulations and uniform design standards.

SECTION IV
GENERAL USE AREAS

4.1 The Land shall be divided into general use areas as the same are located on "The Castle Pines Commercial Amendment to the P.D. Plan," approved contemporaneously herewith, which is incorporated by reference into this Ordinance. Said general use areas shall be of three types, as designated below. The aggregate number of acres within each type of use area shall be as follows:

<u>LAND USE</u>	<u>ACREAGE</u>	<u>PERCENTAGE OF SITE</u>
General Business District	166.17	52.5%
Multi-Family Residential District	108.68	34.3%
Public Open Space	12.64	4.0%
Community Open Space	1.35	0.4%
Road Right-of-Way	<u>27.93</u>	<u>8.8%</u>
Total	316.77	100.0%

Reconciliation of Acreage in Original P.D. with that Subject to the Amended P.D.

<u>DESCRIPTION</u>	<u>ACREAGE IN</u>	<u>ACREAGE OUT</u>
Original Annexation	419.72 ac	
Annexed Property - not in Amendment		51.45 ac
Property shown on Amendment - not yet Annexed	1.04 ac	
Existing Factory Stores		51.50 ac
Amendment Acreage	316.77 ac	

Exhibit B, which is attached hereto and incorporated herein, outlines the current land use designations, as compared to the land use designations existing prior to the enactment of this Ordinance.

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SECTION V

GENERAL BUSINESS DISTRICT

5.1 Permitted Uses.

- (a) Aquariums.
- (b) Automotive sales, repair and service facilities.
- (c) Automobile parking lots, structures and garages.
- (d) Banks and Financial Institutions.
- (e) Bikeways.
- (f) Bus shelters.
- (g) Clinics.
- (h) Communication facilities.
- (i) Community centers.
- (j) Extended care facilities.
- (k) Financial institutions.
- (l) Flea markets.
- (m) Funeral homes and mortuaries.
- (n) Health services.
- (o) Heliports.
- (p) Hospitals.
- (q) Lodges.
- (r) Mass transit facilities.
- (s) Motels.
- (t) Movie Theaters and Amphitheaters.
- (u) Museums.
- (v) Offices, professional and commercial.
- (w) Open space.

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- (x) Personal service establishments.
- (y) Places of public assembly, entertainment and recreation.
- (z) Professional research laboratories.
- (aa) Public and private community services.
- (ab) Public and private schools, colleges and institutes, both academic and technical.
- (ac) Public lodging facilities, hotel/convention centers.
- (ad) Public or private membership clubs and health clubs.
- (ae) Recreational and amusement facilities.
- (af) Religious institutions.
- (ag) Restaurants, lounges and fast food establishments.
- (ah) Retail stores, sales and display rooms and shops.
- (ai) Sales and information offices.
- (aj) Service related businesses.
- (ak) Transit terminals.
- (al) Utility services.
- (am) Warehousing and office/warehouse units.
- (an) Any uses consistent with the uses set forth herein. Approval subject to review by the Town of Castle Rock Planning Director.

5.2 Uses by Special Review.

- (a) Child care centers.
- (b) Churches, synagogues, other places of worship and related activities.
- (c) Veterinary hospitals and boarding kennels.
- (d) Satellite dishes and any other antennae.

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5.3 Building Ground Coverage.

Thirty-five percent (35%) of the entire land area may be covered by buildings, exclusive of any rights-of-way, drainage areas, public land dedications, and dedicated private open space.

However, to provide maximum flexibility for innovative design, the development of criteria for building area coverage on individual sites will be reserved until the presentation of final site plans. It is further understood that in certain instances the site coverage of an individual building site may be up to one hundred percent (100%) of the site, provided the applicants demonstrate compliance with the overall concept of entire planning area in which the site is located, and provided that any requirements for parking and landscaping/open space for a particular site using more than 35% building coverage will not be deemed waived, but shall be satisfied in each designated area of the Land.

5.4 Maximum Building Height.

The maximum building height which may be constructed by right in the general business district areas shall be fifty (50) feet. At the time of platting, the developer may request, in accordance with the use by special review process which is then in effect, building heights not to exceed seventy-five feet (75'). Action on such a request shall be based on a consideration of at least the following criteria:

- (i) topography of the site and visual impact of the proposed structure;
- (ii) the size of the site;
- (iii) height of adjacent structures;
- (iv) compatibility with adjacent structures;
- (v) effect upon light to adjacent streets and properties; and
- (vi) traffic impact.

Such structures shall meet all applicable provisions of the Uniform Fire Code and Uniform Building Code which are in effect at the time of their construction.

5.5 Minimum Setbacks.

To provide maximum flexibility for innovative design, the development of criteria for minimum building setbacks will be reserved until the time of final site plan review, provided that no such final plan will be presented for consideration or approval in such designated areas that does not contain

specific criteria for establishment of minimum setbacks and maximum buildable slopes.

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SECTION VI

MULTI-FAMILY RESIDENTIAL DISTRICT

6.1 Permitted Uses.

- (a) Multiple family dwellings using the conventional definitions and standards contained in the Castle Rock Zoning Ordinances.
- (b) Elderly/Retirement housing using the conventional definitions and standards contained in the Castle Rock Zoning Ordinances.
- (c) Community information centers.
- (d) Open space and lakes, to include storm water detention areas.
- (e) Personal service establishments.
- (f) Recreation and park facilities.
- (g) Sewage and water facilities.
- (h) Temporary contractor storage yards as defined in Section 3.2.
- (i) Off-Street parking to accommodate other allowed uses.
- (j) Temporary offices and Model Homes.
- (k) Roadways, pedestrian trails and biking paths and open space easements.
- (l) Special community events.
- (m) Any uses consistent with the uses set forth herein. Approval subject to review by the Town of Castle Rock Planning Director.

6.2 Uses by Special Review.

- (a) Home occupations.
- (b) Religious facilities.
- (c) Public and private schools.
- (d) Child care centers.

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6.3 Building Ground Coverage.

Thirty-five percent (35%) of the entire land area may be covered by buildings, exclusive of dedicated roadways, parking areas, parking structures and recreation and entertainment and park improvements.

6.4 Maximum Building Height.

The maximum building height which may be constructed by right in the multifamily area shall be fifty (50) feet. At the time of final site plan review, the developer may request, in accordance with the use by special review process which is then in effect, building heights not to exceed seventy-five feet (75'). Action on such a request shall be based on a consideration of at least the following criteria:

- (i) topography of the site and visual impact of the proposed structure;
- (ii) the size of the site;
- (iii) height of adjacent structures;
- (iv) compatibility with adjacent structures;
- (v) effect upon light to adjacent streets and properties; and
- (vi) traffic impact.

Such structures shall meet all applicable provisions of the Uniform Fire Code and Uniform Building which are in effect at the time of their construction.

6.5 Minimum Setbacks.

The minimum building setback shall comply with the Town of Castle Rock Zoning Ordinance for R-3 multifamily residence district, as follows:

- (a) Minimum side yard
 - principal building, five feet (5') (one (1) and two (2) family residential dwelling),
 - principal building for multiple family residential dwellings and uses other than one and two family residential dwellings the minimum side yard width shall be seven feet (7') or the equivalent of one foot (1') for each three feet (3') or fraction thereof of building height, whichever is greater, provided, that for school or church uses no side yard shall be less than twenty-five feet (25') wide,
 - all attached dwelling units are allowed zero side yard setbacks where attached,

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- accessory buildings, five feet (5'), not located in the rear one-third (1/3) of the lot,
- all buildings, fifteen feet (15'), where abutting a street;

(b) Minimum front yard:

- all buildings, fifteen feet (15');

(c) Minimum rear yard:

- principal building, twenty feet (20'),
- accessory building, five feet (5').

6.6 Intended Housing Types.

The plan is intended to permit a variety of housing opportunities, subject only to the above restrictions. Although the following descriptions shall not limit the final approved plans, the following is currently anticipated:

Parcel 1 will be traditional multi-family flats, with a maximum of three levels, clustered around open space. The Parcel includes one and two bedroom units. The buildings shall have pitched roofs, a maximum of 24 units per building, and will be sited in relation to the topography.

Parcel 2 will be multi-family townhouses with a maximum of three levels, clustered around open space. The buildings shall have pitched roofs, a maximum of 24 units per building, and will be sited in relation to the topography.

Parcel 3 is intended for retirement housing with provision for 80 nursing beds and related nursing facilities. Development within Parcel 3 will be done in a way so as to minimize disturbance to the existing vegetation and, thus, to maximize open space. It is anticipated that building footprints will consume less than 25% of the site. The building or buildings shall have pitched roofs and conform as well as possible with the existing topography while allowing appropriate access throughout the facility.

SECTION VII
OPEN SPACE

7.1 Permitted Uses.

- (a) Open space.
- (b) Parks, playgrounds and picnic areas, excluding camping and overnight parking.
- (c) Public or private membership clubs and health clubs including incidental shops, personal service establishments, restaurants and lounges.
- (d) Community centers.
- (e) Community recreational facilities.
- (f) Irrigation water storage facilities.
- (g) Bike trails, pedestrian paths and hiking trails.
- (h) Utility services.

7.2 Accessory Uses.

- (a) Maintenance facilities.
- (b) Automobile parking areas.

7.3 Development Standards.

- (a) Allowable Building Height: 35 feet
- (b) Building Setback: as permitted in the most permissive abutting area.

7.4 Functional Open Space Intent

The open space provided in the plan shall preserve natural views, drainage patterns and significant vegetation; create usable recreation areas and provide density relief within and adjacent to the development. The "Public" open space (P.O.S.) not shown on the Site Plan will be located, as approved by the Town, based upon the purposes above in this Section 7.4. The "Private" (Common) open space is to be distributed throughout the residential parcels in accordance with the Site Plan, allowing innovative planning and design of each parcel in conjunction with said parcel's platting to most effectively preserve natural features such as slopes, rock outcroppings and vegetation. Parcels developing simultaneously may jointly plan and develop Open Space across property lines.

SECTION VIII

ACCESSORY USES PERMITTED IN ALL USE AREAS

8.1 Uses Permitted in All Use Areas.

- (a) Underground utility and communications distribution lines and to specifically include cable television distribution trunks and lines.
- (b) Roadways, bike paths, pedestrian and equestrian trails.
- (c) Parking areas.
- (d) Open spaces and lakes, to include storm water drainage detention areas.
- (e) Fences.
- (f) Wells and well houses, treatment facilities, water pumping stations and sewage lift stations.
- (g) Signage.

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SECTION IX

SUBMISSION OF FINAL PLANNED UNIT DEVELOPMENT
PLANS AND/OR PLATS AND ADDITIONAL INFORMATION

- 9.1 Following the approval of this Ordinance, the owners of parcels within the above-described P.D. Area shall present final PD site plans for all or any portion or portions of the general use areas as are then ready for development.
- 9.2 No structural building permit will be issued until a final site plan and final plat for such area has been approved by the Town Council and filed for the public record.
- 9.3 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 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 improvement in any area described herein for which a final site plan has not been approved by the Town Council of the Town of Castle Rock.

SECTION X
TRANSITIONAL USE

- 10.1 After approval of the Amendment to the P.D. Plan incorporated herein by reference, any portion or portions of the Land which has not been included in a final site plan may be used for agricultural purposes until approval of a final site plan for the area or areas in question. Agricultural uses, for purposes of this section, shall mean farming, ranching, gardening, buildings and out-building pertaining thereto. It shall not be deemed to include commercial feed yards, commercial poultry or pig farms, fur farms or kennels.
- 10.2 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 Site Plan for such area or areas has been approved; provided however, the Town Council reserves the right to prohibit or enjoin such agricultural use in areas for which no final site plan has been submitted if the Town Council determines that due to the proximity of such uses to developed areas a danger exists to the health, safety or welfare of the residents of such developed areas.
- 10.3 Such transitional use areas shall be closed to vehicular traffic and off-road recreational motor biking, excepting agricultural vehicles and implements, emergency vehicles, vehicles engaged in utility and other maintenance work, and designees of the Master Developer and/or Town.

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SECTION 3. Severability Clause. If any clause, paragraph, or part of this ordinance is declared to be invalid by a court of competent jurisdiction, the remaining portions shall remain valid and enforceable.

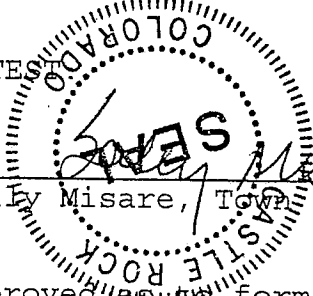
SECTION 4. Safety Clause. The Town Council finds and declares that this ordinance is promulgated and adopted for the public health, safety, and welfare and this ordinance bears a rational relation to the legislative objective sought to be obtained.

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SUBMITTED this 19 day of December, 1994, and approved for publication and further reading by a vote of the Town Council of Castle Rock of 7 for and 0 against.

PASSED, APPROVED AND ADOPTED for publication on second reading this 19 day of December, 1994, by a vote of the Town Council of the Town of Castle Rock, Colorado of 7 for and 0 against.

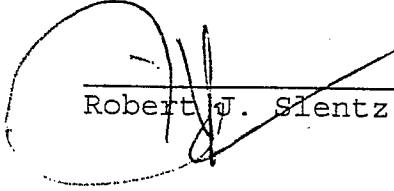
ATTEST


Sally Misare, Town Clerk

TOWN OF CASTLE ROCK


Mark C. Williams, Mayor

Approved ~~and~~ form:


Robert J. Slentz, Town Attorney

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EXHIBIT A

LEGAL DESCRIPTION - Amendment to the Castle Pines Commercial PD

PARCEL I

A parcel of land lying in the Southwest quarter of Section 22 and the Southeast quarter of Section 21 of Township 7 South, Range 67 West of the 6th Principal Meridian, County of Douglas, State of Colorado, being more particularly described as follows:

BEGINNING at the Southeast corner of the Southwest quarter of said Section 22, as monumented by a found number 8 rebar, and considering the South line of said Southwest quarter to bear North $89^{\circ}06'54''$ West with all bearings contained herein relative thereto; thence along said South line, North $89^{\circ}06'54''$ West a distance of 2668.14 feet to the Southwest corner of the Southwest quarter of said Section 22, as monumented by a found rebar with cap marked L.S. 6935; thence along the South line of the Southeast quarter of said Section 21, North $89^{\circ}24'24''$ West a distance of 483.56 feet; thence departing said South line, North $32^{\circ}43'04''$ East, a distance of 921.49 feet; thence North $50^{\circ}45'10''$ East, a distance of 780.25 feet; thence North $69^{\circ}47'45''$ East, a distance of 607.42 feet; thence North $80^{\circ}24'48''$ East, a distance of 604.97 feet; thence North $64^{\circ}25'51''$ East, a distance of 397.87 feet; thence North $50^{\circ}08'45''$ East, a distance of 397.62 feet; thence South $27^{\circ}44'59''$ East, a distance 474.52 feet to a point on the East line of the Southwest quarter of said Section 22; thence along said East line, South $00^{\circ}05'29''$ West, a distance of 1632.28 feet to the POINT OF BEGINNING.

and

A portion of the Northeast quarter of the Northwest quarter of Section 27, Township 7 South, Range 67 West of the 6th Principal Meridian, County of Douglas, State of Colorado, being described as follows:

Beginning at the Northeast corner of said Northeast quarter and considering the Northerly line of said Northeast quarter to bear North $89^{\circ}06'54''$ West, with all bearings contained herein relative thereto; thence Westerly along said Northerly line, North $89^{\circ}06'54''$ West, 444.71 feet to the TRUE POINT OF BEGINNING of this description; thence departing said Northerly line, along a non-tangent curve to the right having a delta of $27^{\circ}18'32''$, a radius of 1869.09 feet, an arc of 903.73 feet, and a long chord bearing South $68^{\circ}19'02''$ West, 895.20 feet; thence South $81^{\circ}58'18''$ West, 62.47 feet to the Westerly line of said Northeast quarter; thence Northerly along said Westerly line, North $00^{\circ}43'25''$ East, 353.24 feet to the Northwest corner of said Northeast quarter, thence

Easterly along the Northerly line of said Northeast quarter, South $89^{\circ}06'54''$ East, 389.36 feet to the POINT OF BEGINNING of this description.

Excepting from the above, the following parcel:

A tract of land located in the Southwest quarter of Section 22, Township 7 South, Range 67 West of the 6th Principal Meridian, County of Douglas, State of Colorado, being described as follows:

Beginning at the Southeast corner of said Southwest quarter and considering the South line of said Southwest quarter to bear North $89^{\circ}06'54''$ West with all bearings contained herein relative thereto; thence along said South line, North $89^{\circ}06'54''$ West, 444.71 feet; thence departing said South line, along a non-tangent curve to the left having a delta of $06^{\circ}15'04''$, a radius of 1896.09 feet, an arc of 206.87 feet and a chord which bears North $51^{\circ}32'14''$ East, 206.77 feet; thence along a compound curve to the left having a delta of $11^{\circ}56'08''$, a radius of 2020.00 feet, an arc of 420.80 feet and a chord which bears North $42^{\circ}26'38''$ East, 420.04 feet to the East line of said Southwest quarter; thence along said East line, South $00^{\circ}05'29''$ West 445.44 feet to the POINT OF BEGINNING of this description.

PARCEL II

Beginning at the Southwest corner of the Southeast quarter of said Section 22, and considering the West line of said Southeast quarter to bear North $00^{\circ}05'29''$ East with all bearings contained herein, relative thereto; thence Northerly along said Westerly line North $00^{\circ}05'29''$ East 654.40 feet to the North right-of-way line of the Interstate 25 Frontage Road and the POINT OF BEGINNING of this description; thence continuing Northerly along said Westerly line North $00^{\circ}05'29''$ East 974.14 feet to the Westerly right-of-way line of Interstate 25, thence Southeasterly along said line South $27^{\circ}44'04''$ East 654.25 feet; thence departing said line South $18^{\circ}47'30''$ West 56.87 feet; thence along a curve to the right having a delta of $17^{\circ}41'05''$, a radius of 2020.00 feet, an arc of 623.48 feet, and a long chord that bears South $27^{\circ}38'02''$ West, 621.01 feet to the said West line of said Southeast quarter; thence along said West line North $00^{\circ}05'29''$ East, 208.96 feet to the POINT OF BEGINNING of this description, excepting therefrom any portion of the Interstate 25 Frontage Road right-of-way.

PARCEL A

TST Inc. of Denver (11-14-94)

A-2

LEGAL18VAMD771.004

A parcel of land located in the Northeast Quarter of the Southeast Quarter of Section 27, Township 7 South, Range 67 West of the 6th Principal Meridian, more particularly described as follows:

Beginning at a point on the North line of said Northeast Quarter of the Southeast Quarter which is 549.4 feet West of the East Quarter corner of said Section 27; thence North $87^{\circ}51'30''$ West along the North line of said Northeast Quarter of the Southeast Quarter a distance of 379.37 feet, more or less, to the Northeast corner of tract conveyed by Deed in Book 182 at Page 472; thence South $0^{\circ}38'$ West along the East boundary of said tract as it is described by Deed in Book 182 at Page 472 and parallel with the West line of said Northeast Quarter of the Southeast Quarter a distance of 600.0 feet; thence South $24^{\circ}49'$ East along the Easterly boundary of said tract as it is described by said Deed in Book 182 at Page 472 a distance of 802.33 feet to a point on the South line of said Northeast Quarter of the Southeast Quarter; thence South $88^{\circ}47'$ East along the South line of said Northeast Quarter of the Southeast Quarter a distance of 588.7 feet to a point on the East line of said Section 27; thence North $0^{\circ}28'$ East along the East line of said Section 27 a distance of 448.9 feet to a point on the Southwesterly right-of-way line of U.S. Highway No. I-25; thence North $40^{\circ}24'30''$ West along the Southwesterly right-of-way line of U.S. Highway I-25 a distance of 651.7 feet; thence North $17^{\circ}55'$ West along the Southwesterly right-of-way line of U.S. Highway No. I-25 a distance of 393.59 feet, more or less, to the POINT OF BEGINNING.

Except the South 50 feet and the East 50 feet of said Parcel heretofore conveyed in said Deed recorded in Book 182 at Page 472.

PARCEL B

A tract of land lying in the Northwest Quarter of the Southeast Quarter of Section 27, Township 7 South, Range 67 West of the 6th Principal Meridian, more particularly described as follows:

Beginning at the Southeast corner of the Northwest Quarter of the Southeast Quarter of said Section 27, being the true POINT OF BEGINNING; thence West 840.0 feet to the East right-of-way line of State Highway No. 85; thence North $40^{\circ}30'$ West, 360.00 feet, more or less, along said right-of-way line; thence East 1096.68 feet to the East line of the Northwest Quarter of the Southeast Quarter of said Section 27; thence South 273.0 feet to the POINT OF BEGINNING;

Except the South 60 feet thereof conveyed in document recorded September 23, 1968 in Book 187 at Page 98.

PARCEL C

A portion of Sections 22, 27, and 28 of Township 7 South, Range 67 West of the 6th Principal Meridian, County of Douglas, State of Colorado, being described as follows:

Beginning at the Northwest corner of said Section 27, said corner being the true POINT OF BEGINNING of this description and considering the Northerly line of the Northwest Quarter of said Section 27 to bear South $89^{\circ}10'01''$ East, with all bearings contained herein relative thereto; thence Easterly along said Northerly line South $89^{\circ}10'01''$ East, 1334.62 feet to the Northeast corner of the West Half of the Northwest Quarter of said Section 27; thence Southerly along the Easterly line of said West Half South $00^{\circ}43'25''$ West, 353.24 feet; thence departing said Easterly line North $81^{\circ}58'18''$ East, 62.47 feet; thence along a curve to the left having a delta of $33^{\circ}33'36''$, a radius of 1896.09 feet, an arc of 1110.61 feet, and a long chord which bears North $65^{\circ}11'30''$ East, 1094.80 feet; thence along a compound curve to the left having a delta of $17^{\circ}01'35''$, a radius of 2020.00 feet, an arc of 600.28 feet, and a long chord which bears North $39^{\circ}53'54''$ East, 598.07 feet to the Southerly line of the I-25 frontage road; thence Easterly and Southeasterly along the Southerly and Westerly right-of-way line of said frontage road South $89^{\circ}57'04''$ East, 223.04 feet; thence along a curve to the right having a delta of $39^{\circ}26'54''$, a radius of 256.60 feet, an arc of 176.67 feet, and a long chord which bears South $70^{\circ}13'37''$ East, 173.20 feet; thence departing said curve on a non-tangent line which bears South $27^{\circ}46'51''$ East, 2964.06 feet; thence South $17^{\circ}55'33''$ East, 651.76 feet to the Southerly line of the Northeast Quarter of said Section 27; thence departing the Westerly right-of-way line of said frontage road Westerly along said Southerly line of the Northeast Quarter North $88^{\circ}50'13''$ West, 776.31 feet; thence departing said Southerly line South $00^{\circ}37'48''$ West, 1049.58 feet; thence North $88^{\circ}56'47''$ West, 230.79 feet; thence North $00^{\circ}46'08''$ East, 1057.89 feet; thence North $89^{\circ}14'52''$ West, 800.48 feet; thence North $00^{\circ}46'31''$ East, 1107.24 feet; thence North $89^{\circ}13'29''$ West, 300.00 feet to the Easterly line of the West Half of said Section 27; thence Southerly along said Easterly line South $00^{\circ}47'36''$ West, 1107.52 feet to the Center Quarter of said Section 27; thence continuing Southerly along said Easterly line South $00^{\circ}48'36''$ West, 784.45 feet to the Northerly right-of-way line of Colorado State Highway No. 85; thence Northwesterly along said Northerly line of the following 6 courses and distances:

- 1) North $40^{\circ}54'11''$ West, 1408.14 feet;

- 2) thence along a curve to the right having a delta of $05^{\circ}49'00''$, a radius of 2835.00 feet, an arc of 287.81 feet and a long chord which bears North $37^{\circ}59'41''$ West, 287.69 feet;
- 3) thence North $35^{\circ}05'11''$ West, 1341.90 feet;
- 4) thence along a curve to the left having a delta of $27^{\circ}13'00''$, a radius of 2322.00 feet, an arc of 1103.00 feet and a long chord which bears North $48^{\circ}41'41''$ West, 1092.66 feet;
- 5) thence North $62^{\circ}18'11''$ West, 828.86 feet;
- 6) thence along a curve to the left having a delta of $00^{\circ}01'51''$, a radius of 11490.00 feet, an arc of 6.16 feet, and a long chord which bears North $62^{\circ}20'00''$ West, 6.16 feet to the Northerly line of the Northeast Quarter of said Section 28;

thence Easterly along said Northerly line South $89^{\circ}19'16''$ East, 809.32 feet to the POINT OF BEGINNING of this description.

Together with that portion of the Southeast Quarter of Section 22, Township 7 South, Range 67 West of the 6th Principal Meridian, County of Douglas, State of Colorado, being described as follows:

Beginning at the Southwest corner of the Southeast Quarter of said Section 22 and considering the Westerly line of said Southeast Quarter to bear North $00^{\circ}05'29''$ East with all bearings contained herein relative thereto; thence Northerly along said Westerly line North $00^{\circ}05'29''$ East, 654.40 feet; thence departing said Westerly line South $89^{\circ}57'04''$ East, 135.00 feet to the true POINT OF BEGINNING of this description; thence along a non-tangent curve to the left having a delta of $10^{\circ}37'17''$, a radius of 2020.00 feet, an arc of 374.46 feet, and a long chord which bears North $24^{\circ}06'08''$ East, 373.93 feet; thence North $18^{\circ}47'30''$ East, 56.87 feet to the Westerly right-of-way line of Interstate 25; thence Southerly along said Westerly right-of-way line South $27^{\circ}44'04''$ East, 446.82 feet; thence departing said Westerly right-of-way line North $89^{\circ}57'04''$ West, 378.96 feet, to the POINT OF BEGINNING of this description, County of Douglas, State of Colorado.

PARCEL D

A portion of land lying in the East half of Section 27 of Township 7 South, Range 67 West of the 6th Principal Meridian, County of Douglas, State of Colorado, being described as follows:

Commencing at the East Quarter corner of said Section 27, as monumented by a found rebar with cap marked L.S. 6935, and considering the East line of the Northeast Quarter of said Section 27 to bear North $00^{\circ}28'54''$ East to the Northeast corner of said Section 27, as monumented by a found iron rod, with all bearings contained herein relative thereto; thence Westerly along the South line of said Northeast Quarter North $88^{\circ}49'59''$ West a distance of 2657.30 feet to the Center Quarter of said Section 27, as monumented by a found rebar with cap marked L.S. 6935, and the POINT OF BEGINNING; thence Northerly along the West line of said Northeast Quarter said West line being the East line of a tract of land described in Book 515 at Page 952, North $00^{\circ}45'08''$ East a distance of 1107.36 feet to the Southerly line of a tract of land described in Book 516 at Page 770; thence the following 4 courses along that tract of land described in Book 516 at Page 770; South $89^{\circ}13'36''$ East a distance of 300.00 feet; thence South $00^{\circ}44'44''$ West a distance of 1107.22 feet to a found rebar; thence South $89^{\circ}14'28''$ East a distance of 800.14 feet to a found rebar; thence South $00^{\circ}44'57''$ West a distance of 1057.42 feet to a found rebar with cap marked L.S. 6935, said point lying on the North line of a tract described in Book 536 at Page 572; thence Westerly along said North line, North $89^{\circ}03'15''$ West a distance of 860.59 feet to the Easterly right-of-way line of U.S. Highway No. 85, as monumented by a found rebar with cap marked L.S. 6935; thence Northerly along said Easterly right-of-way line North $40^{\circ}55'41''$ West a distance of 361.67 feet to the West line of the Southeast Quarter of said Section 27, said West line being the East line of a tract of land described in Book 515 at Page 952; thence departing said Easterly right-of-way, and along said East line, North $00^{\circ}47'06''$ East a distance of 784.45 feet to the POINT OF BEGINNING; excepting therefrom any portion of the above described parcel which may lie within a tract of land conveyed by a Deed recorded on January 30, 1959 in Book 127 at Page 91 of the Douglas County Clerk and Recorder's office.

PARCEL E

Three parcels of land being a portion of the South half of Section 27, Township 7 South, Range 67 West of the 6th Principal Meridian, County of Douglas, State of Colorado, more particularly described as follows:

PARCEL 1:

A portion of the Northeast Quarter of the Southeast Quarter of Section 27, Township 7 South, range 67 West of the 6th Principal Meridian, County of Douglas, State of Colorado, being described as follows:

Beginning at the Southeast corner of the Northeast Quarter of the Southeast Quarter of said Section 27, and considering the East line of said Northeast Quarter to bear North $00^{\circ}31'04''$ East, with all bearings contained herein relative thereto; thence Westerly along the South line of said Northeast Quarter North $88^{\circ}56'18''$ West, 100.00 feet to the true POINT OF BEGINNING of this description; thence continuing Westerly along said South line North $88^{\circ}56'18''$ West, 486.79 feet to the Southeast corner of Parcel 2 described herein; thence departing said South line along the Easterly line of said parcel 2 North $24^{\circ}58'54''$ West, 55.65 feet to a line that lies 50.00 feet Northerly of and parallel with the South line of said Northeast Quarter; thence Easterly along said parallel line South $88^{\circ}56'18''$ East, 560.74 feet to a point that lies 50.00 feet North of and 50.00 feet West of the Southeast corner of said Northeast Quarter; thence South $45^{\circ}47'14''$ West, 70.36 feet to the true POINT OF BEGINNING of this description.

PARCEL 2:

A portion of the Northeast Quarter of the Southeast Quarter of Section 27, Township 7 South, Range 67 West of the 6th Principal Meridian, County of Douglas, State of Colorado, being described as follows:

Beginning at the Southeast corner of the Northeast Quarter of the Southeast Quarter of said Section 27, and considering the East line of said Northeast Quarter of the Southeast Quarter to bear North $00^{\circ}31'04''$ East with all bearings contained herein relative thereto; thence Westerly along the South line of said Northeast Quarter North $88^{\circ}56'18''$ West, 586.79 feet to the true POINT OF BEGINNING of this description; thence continuing Westerly along said South line North $88^{\circ}56'18''$ West, 744.94 feet to the Southwest corner of said Northeast Quarter; thence Northerly along the West line of said Northeast Quarter North $00^{\circ}39'04''$ East, 1317.15 feet to the Northwest corner of said Northeast Quarter; thence Easterly along the North line of said Northeast Quarter, South $88^{\circ}49'53''$ East, 400.02 feet; thence departing said North line Southerly along a line 400.00 feet Easterly of and parallel with the West line of said Northeast Quarter South $00^{\circ}39'04''$ West, 600.02 feet; thence South $24^{\circ}58'54''$ East, 797.31 feet to the true POINT OF BEGINNING of this description.

PARCEL 3:

A portion of the Northwest Quarter of the Southeast Quarter of Section 27, Township 7 South, Range 67 West of the 6th Principal Meridian, County of Douglas, State of Colorado, being described as follows:

Beginning at the Southeast corner of the Northeast Quarter of the Southeast Quarter of said Section 27, and considering the East line of said Northeast Quarter of the Southeast Quarter to bear North 00°31'04" East with all bearings contained herein relative thereto; thence Westerly along the South line of said Northeast Quarter North 88°56'18" West, 1331.73 feet to the Southeast corner of said Northeast Quarter and the true POINT OF BEGINNING of this description; thence Westerly along the South line of the Northwest Quarter of the Southeast Quarter of said Section 27, North 88°56'18" West, 853.43 feet to the Easterly right-of-way line of Colorado State Highway No. 85; thence Northerly along said Easterly right-of-way line North 40°54'11" West, 80.69 feet to a line 60.00 feet Northerly of and parallel with the South line of said Northwest Quarter; thence departing said right-of-way line along said parallel line, South 88°56'18" East 906.96 feet to the West line of the Northeast Quarter of the Southeast Quarter of said Section 27; thence Southerly along said West line South 00°39'04" West, 60.00 feet to the true POINT OF BEGINNING of this description.

Excepting from the above parcels, those portions described in the following three documents:

- 1) Warranty Deed recorded February 11, 1986 in Book 623 at Page 787.
- 2) Warranty Deed recorded April 1, 1986 in Book 632 at Page 679.
- 3) All of Castle Rock Factory Shops, according to the recorded plat thereof, recorded at Reception No. 9213910, Town of Castle Rock, Douglas County, Colorado.

Also excluding from the above descriptions the following three parcels located outside the Town limits of Castle Rock:

Parcel 1:

A portion of the Northeast quarter of Section 28, Township 7 South, Range 67 West of the 6th Principal Meridian, Douglas County, Colorado, being described as follows:

Commencing at the Northeast corner of said Section 28 and considering the North line of said Northeast quarter to bear North 89°19'16" West with all

bearings contained herein, relative thereto; thence along said North line North $89^{\circ}19'16''$ West, 597.93 feet to the North line of the Annexation of the Castle Pines Commercial P.U.D. to the Town of Castle Rock, according to the recorded plat thereof, and the POINT OF BEGINNING of this description; thence along said North line of the Annexation, South $27^{\circ}41'49''$ West, 96.02 feet to the East right-of-way line of State Highway 85; thence along said right-of-way line the following courses: North $62^{\circ}18'11''$ West, 182.16 feet; thence along a curve to the left having a delta of $00^{\circ}01'51''$, a radius of 11,490.00 feet and an arc of 6.18 feet to the North line of said Northeast quarter; thence along said North line, South $89^{\circ}19'16''$ East, 211.39 feet to the POINT OF BEGINNING of this description.

Parcel 2:

A portion of the Southwest quarter of Section 22, Township 7 South, Range 67 West of the 6th Principal Meridian, Douglas County, Colorado, being described as follows:

Commencing at the South quarter corner of said Section 22 and considering the East line of said Southwest quarter to bear North $00^{\circ}05'29''$ East with all bearings contained herein, relative thereto; thence along said East line, North $00^{\circ}05'29''$ East, 1632.28 feet to the Westerly right-of-way line of Interstate 25; thence along said right-of-way line North $27^{\circ}44'59''$ West, 474.52 feet; thence departing said right-of-way line South $50^{\circ}08'45''$ West, 244.67 feet to the North line of the Annexation of the Castle Pines Commercial P.U.D. to the Town of Castle Rock, according to the recorded plat thereof and the POINT OF BEGINNING of this description; thence along said North line the following courses: South $04^{\circ}55'09''$ West, 9.60 feet; thence South $42^{\circ}03'24''$ West, 186.21 feet; thence South $85^{\circ}32'06''$ West, 115.02 feet; thence departing said, North line North $64^{\circ}25'51''$ East, 136.14 feet; thence North $50^{\circ}08'45''$ East, 152.95 feet to the POINT OF BEGINNING of this description.

Parcel 3:

A portion of the Interstate 25 frontage road right-of-way, located in the Southeast quarter of Section 22, Township 7 South, Range 67 West of the 6th Principal Meridian, Douglas County, Colorado, being described as follows:

Commencing at the South quarter corner of said Section 22 and considering the South line of said Southeast quarter to bear South $89^{\circ}09'34''$ East with all bearings contained herein, relative thereto; thence along the West line of said Southeast quarter, North $00^{\circ}05'29''$ East, 594.40 feet to the Westerly line of

said road right-of-way and the POINT OF BEGINNING of this description; thence along said Westerly line North $00^{\circ}05'29''$ East, 60.00 feet to the North line of said road right-of-way line; thence along said North right-of-way line South $89^{\circ}57'04''$ East, 513.96 feet; thence departing said North right-of-way line, South $62^{\circ}12'40''$ West, 80.08 feet; thence South $27^{\circ}47'20''$ East, 91.67 feet to the Southerly right-of-way line of said road right-of-way; thence along said Southerly right-of-way line along a non-tangent curve to the left having a delta of $39^{\circ}26'54''$, a radius of 256.60 feet, an arc of 176.67 feet and a chord which bears North $70^{\circ}13'37''$ West, 173.20 feet; thence North $89^{\circ}57'04''$ West, 322.96 feet to the POINT OF BEGINNING of this description.

Exhibit B

Comparison of Prior and Modified Land Use Designation

Prior Land Use Designation

<u>LAND USE</u>	<u>ACREAGE</u>	<u>OF SITE</u>
Integrated Business District	286.5	68.3%
Open Space	78.7	18.7%
Road Right-of-Way	<u>54.5</u>	<u>13.0%</u>
Total	419.7	100.0%

Modified Land Use Designation

<u>LAND USE*</u>	<u>ACREAGE</u>	<u>OF SITE</u>
General Business District**	166.17	52.5%
Multi-Family Residential District***	108.68	34.3%
Public Open Space	12.64	4.0%
Common Open Space	1.35	0.4%
Road Right-of-Way	<u>27.93</u>	<u>8.8%</u>
Total	316.77	100.0%

Property Annexed in Original P.D. But Not Part of Amendment

Factory Outlet Shops Site	<u>51.50</u>
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Property Not Owned by Master Developer

IB-13	25.79
POS-8*	15.0
ROW	<u>10.66</u>
	<u>419.72</u>

Property Shown on Original PD but not annexed	- 1.04
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- * Public Open Space Tract East of I-25 includes 10.98 acres which has been applied to the Public Open Space calculation for the amended portion of the Castle Pines Commercial P.D.
- ** 5% of the land area within the General Business District is to be provided as common (private) open space, in addition to the other open space areas identified in this table and on the Preliminary PD Site Plan.
- *** 20% of the land area within the Multi-Family District is to be provided as common (private) open space, in addition to the other common open space areas identified in this table and on the Preliminary PD Site Plan.

PLAT IDENTIFICATION SHEET

RECEPTION # : DC9531412

DATE: 7-14-95

TIME: 14:11

FEE: \$ 30⁰⁰ (3 Pages)

GRANTOR: DEV-VIC LTD
(OWNER/SIGNER) 95 LTD
Paul Barry

GRANTEE: Castle Pines Commercial^{PD}
(SUBDIVISION NAME OR NAME OF PLAT)

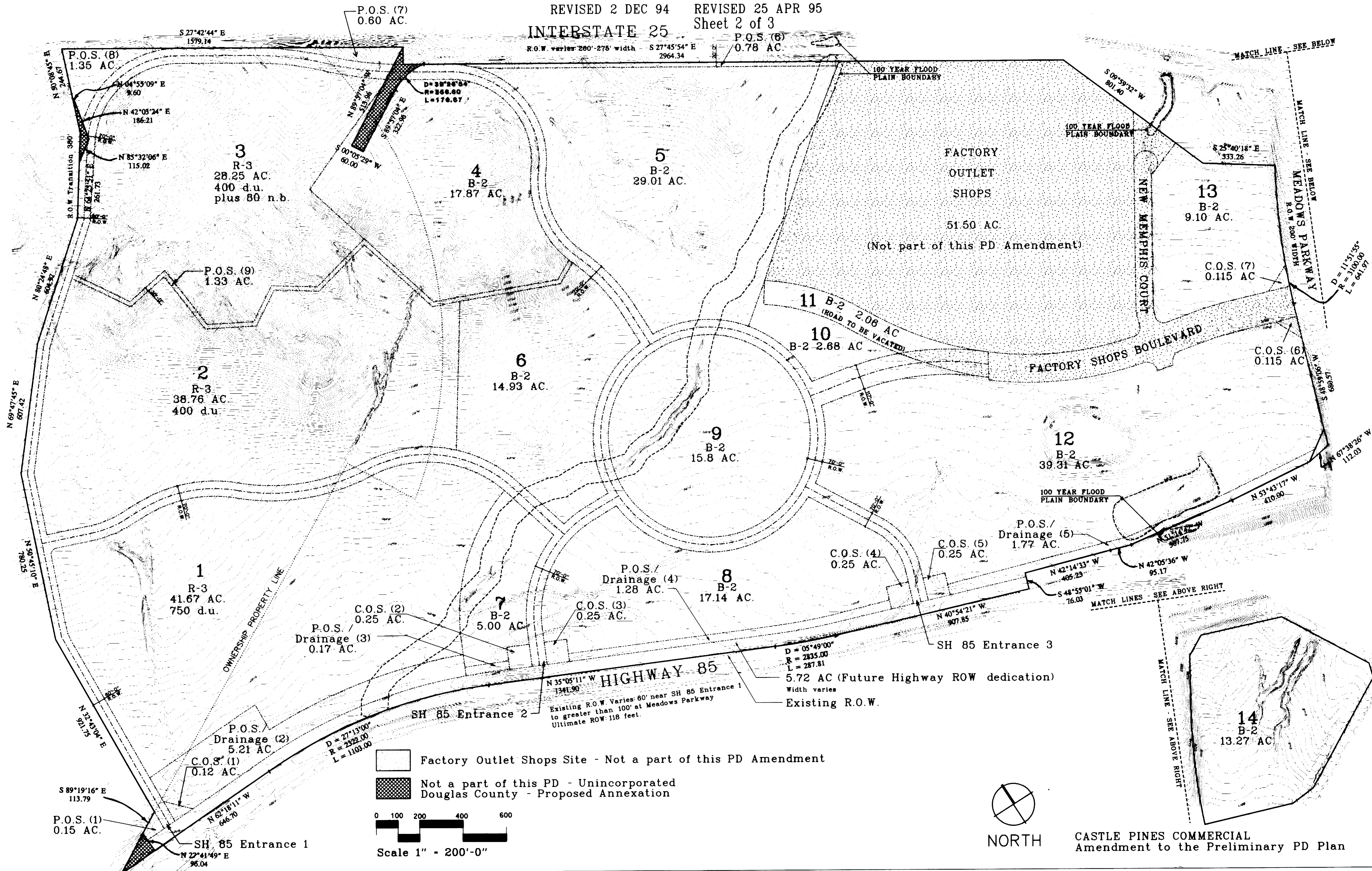
LEGAL: 21 + 22 - 7 - 67
(SECTION-TOWNSHIP-RANGE)

CASTLE PINES COMMERCIAL PD

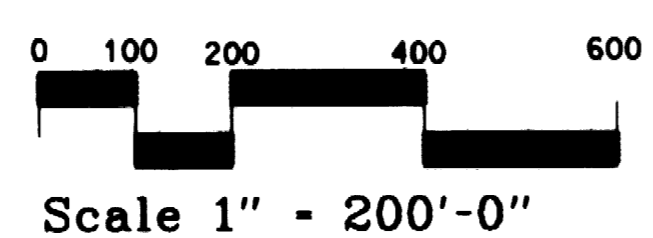
AMENDMENT TO THE PRELIMINARY PD PLAN
 A PORTION OF SECTIONS 21 AND 22 OF T7S, R67W, 6 P.M.,
 TOWN OF CASTLE ROCK, COUNTY OF DOUGLAS, STATE OF COLORADO

15 SEPT 94 REVISED 28 FEB 95
 REVISED 2 DEC 94 REVISED 25 APR 95
 Sheet 2 of 3

INTERSTATE 25



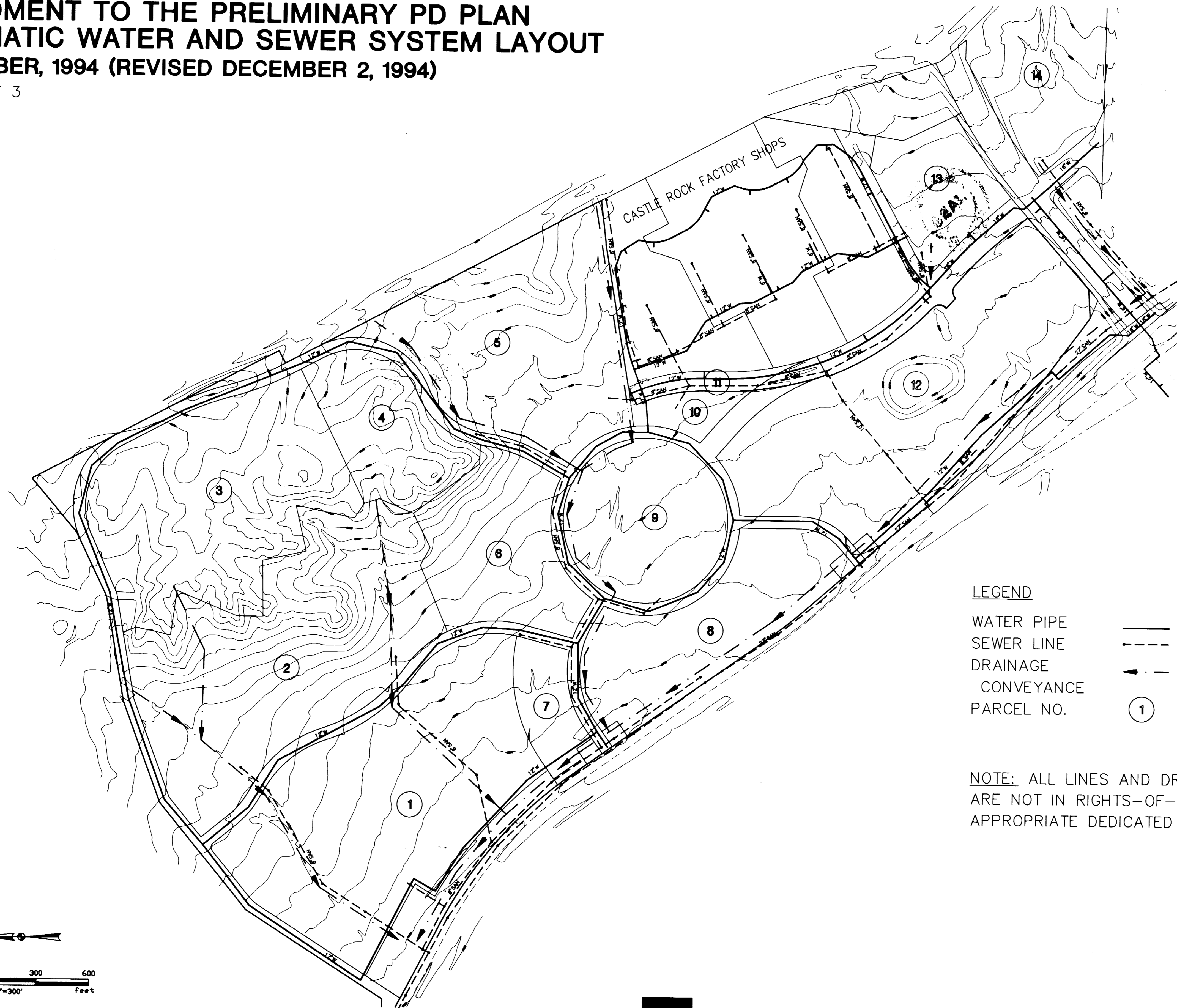
Factory Outlet Shops Site - Not a part of this PD Amendment
 Not a part of this PD - Unincorporated Douglas County - Proposed Annexation



CASTLE PINES COMMERCIAL
 Amendment to the Preliminary PD Plan

**CASTLE PINES COMMERCIAL PD
 AMENDMENT TO THE PRELIMINARY PD PLAN
 SCHEMATIC WATER AND SEWER SYSTEM LAYOUT
 SEPTEMBER, 1994 (REVISED DECEMBER 2, 1994)**

SHEET 3 OF 3



LEGEND

- WATER PIPE
- SEWER LINE
- DRAINAGE
- CONVEYANCE
- PARCEL NO.

NOTE: ALL LINES AND DRAINAGE CONVEYANCES WHICH ARE NOT IN RIGHTS-OF-WAY WILL BE PLACED IN APPROPRIATE DEDICATED EASEMENTS PER TOWN REQUIREMENTS.

