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CPH Dev. Agree

ORDINANCE NO. 87-12

AN ORDINANCE AMENDING THE
ZONING DISTRICT MAP OF
THE TOWN OF CASTLE ROCK, COLORADO
(THE CASTLE PINES COMMERCIAL P.D.)

8728071 - 10/08/87 12:21 - RITA A. CRAIN DOUGLAS CO. COLO. CLERK & RECORDER 1/ 18

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80751 - 00733 - \$54.00 2/ 18

ORDINANCE NO 8712

AN ORDINANCE AMENDING THE
ZONING DISTRICT MAP OF
THE TOWN OF CASTLE ROCK, COLORADO
(THE CASTLE PINES COMMERCIAL P.D.)

WHEREAS, the Board of Trustees 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 the Zoning District Map of the Town of Castle Rock, and;
- (b) Said petition has been forwarded to the Board of Trustees, 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 Board of Trustees of the Town of Castle Rock, and;
- (d) The amendment sought to the said Zoning District Map complies with the stated purposes of the Planned Development Ordinance 17.60 as set forth in subsection 17.60.010 thereof.

NOW, THEREFORE, BE IT ORDAINED, BY THE BOARD OF TRUSTEES OF
THE TOWN OF CASTLE ROCK, as follows:

That the Zoning Classification of the lands, consisting of
419.7 acres, described in Exhibit "A", attached hereto and
made a part hereof, (hereinafter the "Land") is changed from
Zoning Classifications A-2 (Agricultural), PD (Planned
Development), RR (Rural Residential) and C (Commercial) to
Zoning Classification PD (Planned Development District).

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SECTION I
GENERAL PROVISIONS

1.0 This ordinance constitutes an amendment to the Town of Castle Rock Zoning Ordinance, and the Zoning District Map of the Town of Castle Rock, and establishes permitted densities, uses and development standards for each tract within 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 Developer.

Castle Pines Commercial Properties, Inc., or its successors or assigns as 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 to remain in private 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 re-zoning approval of the Preliminary Site Plan unless Developer can demonstrate, to the satisfaction of the Board of Trustees, 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 Board of Trustees for review and approval 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 Board of Trustees.
- (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.

3.3 Signage.

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

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 Preliminary 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> |
|----------------------|----------------|---------------------------|
| Integrated Business | 271.5 | 64.7% |
| Community Open Space | 93.7 | 22.3% |
| Road Right-of-Way | 54.5 | 13.0% |
| Total | 419.7 | 100.0% |

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R0751 - P0739 - \$54.00

SECTION V
INTEGRATED BUSINESS USE AREAS

5.1 Permitted Uses.

- (a) Aquariums.
- (b) Automótive sales, repair and service facilities.
- (c) Automobile parking lots, structures and garages.
- (d) Bikeways.
- (e) Bus shelters.
- (f) Clinics.
- (g) Communication facilities.
- (h) Community centers.
- (i) Extended care facilities.
- (j) Financial institutions.
- (k) Flea markets.
- (l) Funeral homes and mortuaries.
- (m) Health services.
- (n) Heliparts.
- (o) Hospitals.
- (p) Light industry as defined in the Castle Rock Zoning Code.
- (q) Lodges.
- (r) Mass transit facilities.
- (s) Motels.
- (t) Museums.
- (u) Offices, professional and commercial.
- (v) Open space.
- (w) Personal service establishments.

- (x) Places of public assembly, entertainment and recreation.
- (y) Professional research laboratories.
- (z) Public and private community services.
- (aa) Public and private schools, colleges and institutes, both academic and technical.
- (bb) Public lodging facilities, hotel/convention centers.
- (cc) Public or private membership clubs and health clubs.
- (dd) Recreational and amusement facilities.
- (ee) Religious institutions.
- (ff) Restaurants, lounges and fast food establishments.
- (gg) Retail stores, sales and display rooms and shops.
- (hh) Sales and information offices.
- (ii) Service related businesses.
- (jj) Transit terminals.
- (kk) Utility services.
- (ll) Warehousing and office/warehouse units.
- (mm) 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) Temporary concrete, asphalt and mortar batching plants for the purposes of construction on the site or off-site project-related construction.
- (b) Child care centers.
- (c) Veterinary hospitals and boarding kennels.
- (d) Satellite dishes and any other antennae.

5.3 Building Ground Coverage.

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

However, to provide maximum flexibility for innovative design, the development of criteria for building site 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 one hundred percent (100%) of the site, provided the applicant can demonstrate compliance with the overall concept of the entire planning area in which the site is located.

5.4 Maximum Building Height.

The maximum building height which may be constructed by right 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 procedures 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 as 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 presentation of final site plans, provided that no such final site plan will be presented for consideration or approved that does not contain specific criteria for the establishment of minimum setbacks and maximum buildable slopes.

5.6 Special Restrictions Pertaining to the Development of Parcel 1B-13.

- (a) Generally, the present intent for this parcel is for uses related to health care facilities and offices. In order to insure that the designated uses at the time of final site plan for this area are in harmony with the character of the surrounding uses, an application for a Use by Special Review shall be submitted and reviewed in accordance with the Use by Special Review procedures specified by the Town of Castle Rock Zoning Regulations. The Special Use Review shall consider proposed building heights and their relationship to adjacent land uses as a part of the review process.
- (b) Access to this parcel will be via a new interchange with I-25, when constructed, or other access as may be approved by the Town of Castle Rock at the time of final site plan review.

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SECTION VI

COMMUNITY OPEN SPACE USE AREA

6.1 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 and hiking trails.
- (h) Utility services.
- (i) Maintenance facilities.
- (j) Automobile parking areas.

6.2 Development Standards.

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

SECTION VII

ACCESSORY USES PERMITTED IN ALL USE AREAS

7.1 Uses Permitted in All Use Areas.

- (a) Underground utility and communications distribution lines, 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.

7.2 Uses Permitted by Special Review in All Use Areas.

- (a) Electric substations and gas regulator stations.
- (b) Wind generators.

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SECTION VIII

SUBMISSION OF FINAL PLANNED UNIT DEVELOPMENT

PLANS AND/OR PLATS AND ADDITIONAL INFORMATION

- 8.1 Following the approval of this Ordinance, the owners of tracts within the above-described tract shall present final site plans for all or any portion or portions of the general use areas as are then ready for development.
- 8.2 No structural building permit will issue until a final site plan and final plat for such area has been approved by the Board of Trustees and filed for the public record.
- 8.3 In those cases where the Subdivision Regulations of the Town of Castle Rock require approval of a final plat by the Board of Trustees 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 issue for the erection of any structural improvement in any area described herein for which a final site plan has not been approved by the Board of Trustees of the Town of Castle Rock.

SECTION IX
TRANSITIONAL USE

- 9.1 After approval of the Preliminary P.U.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.
- 9.2 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 Board of Trustees reserves the right to prohibit or enjoin such agricultural use in areas for which no final site plan has been submitted if the Board 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.
- 9.3 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.

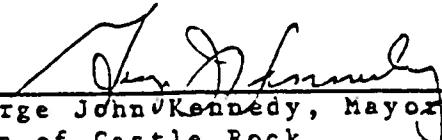
SECTION X

SEVERABILITY OF PROVISIONS

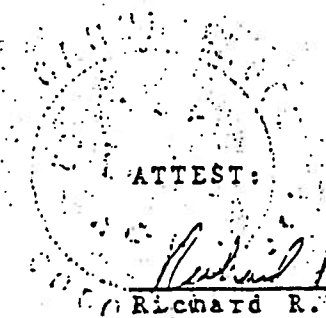
10.1 In the event that any provision hereof shall be determined to be illegal or void by the final order of any court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

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Passed and adopted this 29th day of January,
1987, by a vote of the Board of Trustees of the Town of
Castle Rock, Colorado of 6 for and 0 against.



George John Kennedy, Mayor
Town of Castle Rock

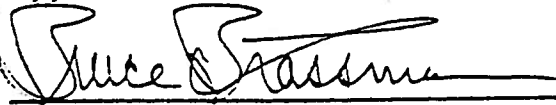


ATTEST:



Richard R. Wilson, Town Clerk

Approved as to form:



Bruce B. Lassman,
Town Attorney

~~Approved for Board Action:~~

~~Don Cooper,~~
~~Town Administrator~~

Publication Date: February 9, 1987

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PLAT IDENTIFICATION SHEET

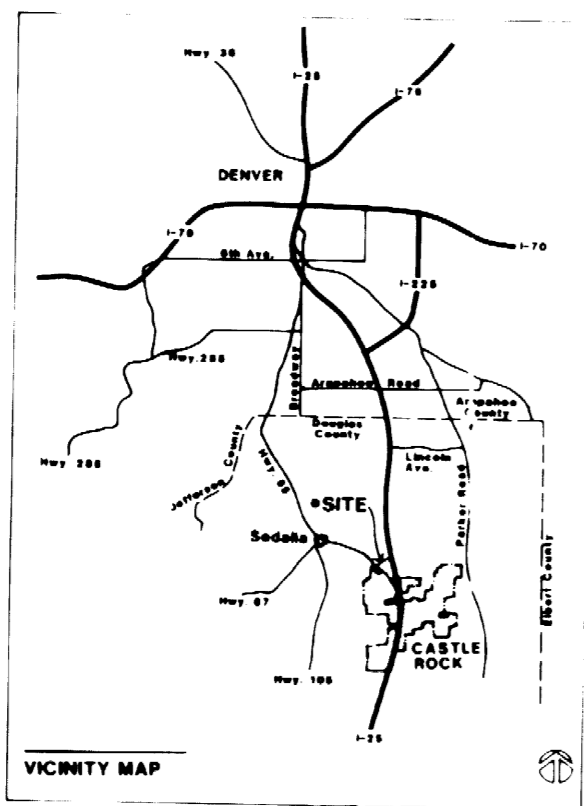
RECEPTION #: 9213909

DATE: 04-24-92

NUMBER OF PGS: 1

NAME OF PLAT: CASTLE PINES
COMMERCIAL PUD

MISCELLANEOUS COMMENTS:



Major Modification of the Preliminary P.U.D. Plan CASTLE PINES COMMERCIAL Planned Unit Development

1991
OWNERS:
Castle Pines Holdings, Inc.
c/o Colorado National Bank
950 17th Street
Suite 2240
Denver, Colorado 80202

C. P. Commercial Properties, Inc.
482 Happy Canyon Road
Castle Rock, Colorado 80104

Castle Pines Land Company
482 Happy Canyon Road
Castle Rock, Colorado 80104

Fidelity Castle Pines, Ltd.
482 Happy Canyon Road
Castle Rock, Colorado 80104

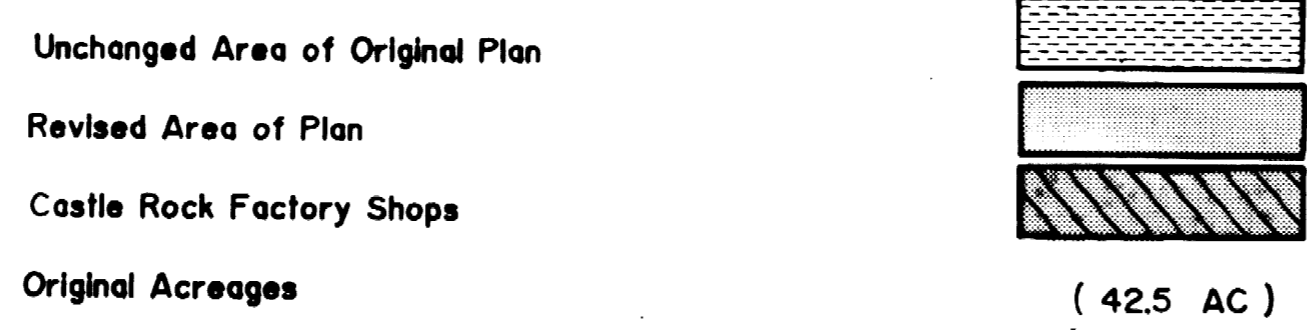
1986
Owner:
C.P. Commercial Properties, Inc.
482 Happy Canyon Road
Castle Rock, Colorado 80104
(303) 688-6300

Planner:
Berridge Associates Inc.
1000 Frontage Road West, Suite 203
Vail, Colorado 81657
(303) 476-0851

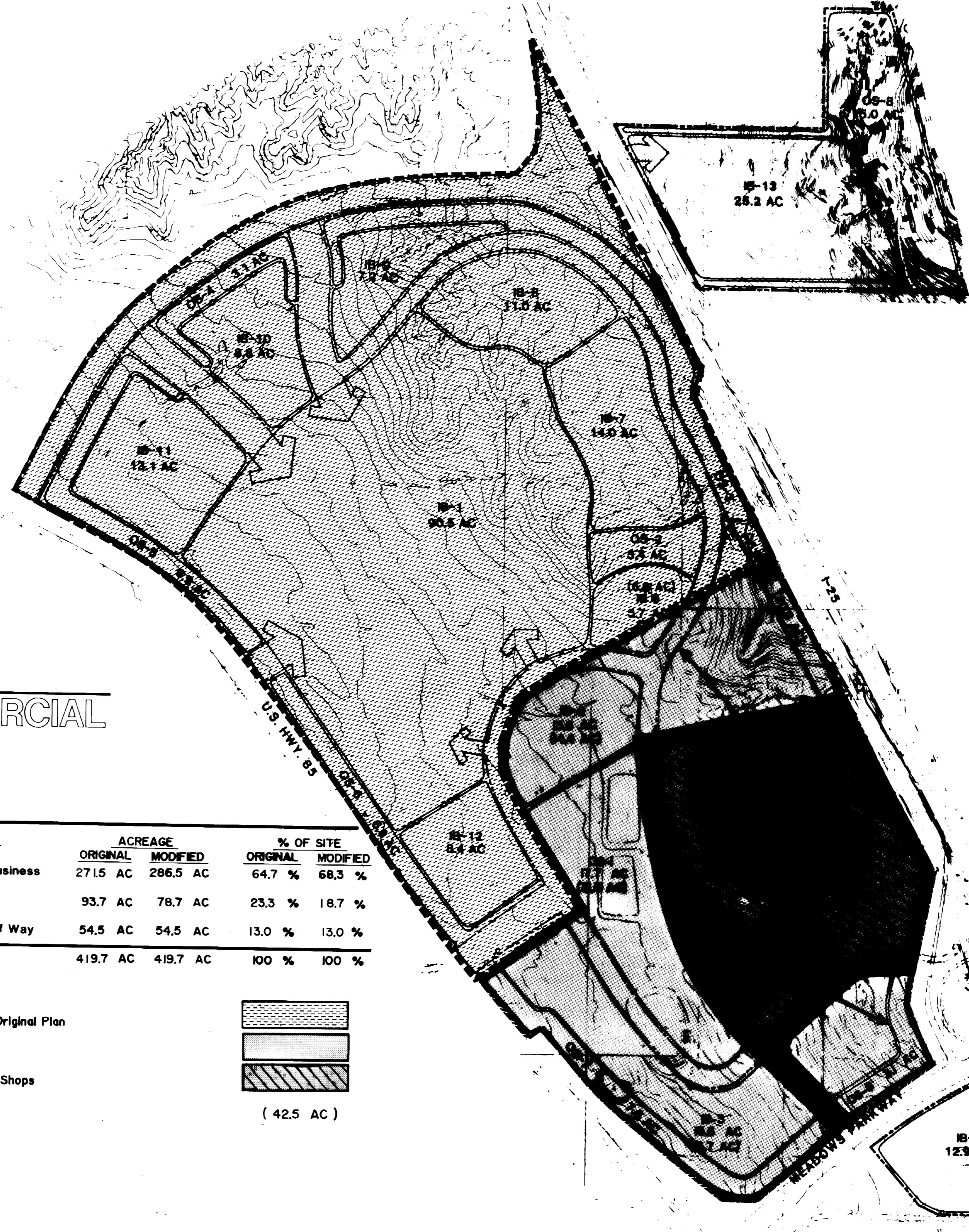
245 Valjejo Street
San Francisco, California 94111
(415) 433-2357

Legend

| CLASSIFICATION | ACREAGE | | % OF SITE | |
|------------------------|-----------------|-----------------|--------------|--------------|
| | ORIGINAL | MODIFIED | ORIGINAL | MODIFIED |
| IB Integrated Business | 271.5 AC | 286.5 AC | 64.7 % | 68.3 % |
| OS Open Space | 93.7 AC | 78.7 AC | 23.3 % | 18.7 % |
| ROW Road Right of Way | 54.5 AC | 54.5 AC | 13.0 % | 13.0 % |
| TOTAL | 419.7 AC | 419.7 AC | 100 % | 100 % |



Date: September 4, 1986
Rev. November 4, 1991



OWNER'S CERTIFICATE
APPROVED THIS 6th DAY OF March, 1992 BY CASTLE PINES HOLDINGS, INC., A COLORADO CORPORATION, BEING THE OWNER OF 267.3 ACRES, INCLUDING ALL OF THE AREAS CHANGED BY THIS MODIFICATION.
[Signature]
AUTHORIZED AGENT PRESIDENT

LIENHOLDER'S CERTIFICATE
APPROVED THIS 6th DAY OF March, 1992 BY COLORADO NATIONAL BANK OF DENVER, BEING THE LIENHOLDER OF 267.3 ACRES, INCLUDING ALL OF THE AREAS CHANGED BY THIS MODIFICATION.
[Signature]
AUTHORIZED AGENT VICE PRESIDENT

PLANNING COMMISSION APPROVAL
APPROVED BY THE PLANNING COMMISSION OF THE TOWN OF CASTLE ROCK, COLORADO, THIS 25 DAY OF NOVEMBER, A.D., 1991.

ATTEST:
[Signature] TOWN CLERK
[Signature] CHAIRMAN
Mo-Tem

TOWN APPROVAL
APPROVED BY THE BOARD OF TRUSTEES OF THE TOWN OF CASTLE ROCK, COLORADO, THIS 6th DAY OF March, A.D., 1992.

ATTEST:
[Signature] TOWN CLERK
[Signature] MAYOR

CLERK AND RECORDER'S CERTIFICATE
THIS MAJOR MODIFICATION OF THE PRELIMINARY P.U.D. PLAN WAS FILED FOR RECORD IN THE OFFICE OF THE CLERK AND RECORDER OF DOUGLAS COUNTY, COLORADO AT 13:28 PM O'CLOCK ON THE 24th DAY OF April, A.D., 1992. BOOK PAGE , FILE , MAP , RECEPTION NO. 9213909

[Signature]
Chief Deputy Clerk

Rocky Mountain Consultants, Inc.
Civil and Environmental Engineering • Planning
8301 E. Prentice Ave.
Suite 101
Englewood, CO 80111
(303) 741-6000
FAX (303) 741-6106

Date: OCTOBER 1991 Job No: 18 11.001.02

ORDINANCE NO. 91-3b

**AN ORDINANCE AMENDING ORDINANCE NO. 87-12,
CONCERNING THE CASTLE PINES COMMERCIAL PD
AND PROVIDING FOR ITS EMERGENCY ADOPTION**

WHEREAS, by Ordinance No. 87-12 the zone district classification for the property annexed as the Castle Pines Commercial PD was established;

WHEREAS, request has been made for an amendment to such zoning ordinance to accomplish a modification to the preliminary PD site plan for the Castle Pines Commercial PD;

WHEREAS, the modification of this zoning ordinance is required in order for the Town Council to timely process and approve various other land use applications which will allow for the development of the Factory Outlet Center; and

WHEREAS, the Town Council has previously determined that the development of the Factory Outlet Center is of prime importance to the economic development of the Town, and therefore it is appropriate and necessary for this amendment to be considered on an emergency basis.

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

SECTION 1. Modification. Section 4 "General Use Areas" of Ordinance No. 87-12 is amended to read as follows:

4.1 The land shall be divided into general use areas as the same are located on "The Castle Pines Commercial Preliminary 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> |
|----------------------|----------------|-------------------------------|
| Integrated Business | 286.5 ac | 68.3% |
| Community Open Space | 78.7 ac | 18.7% |
| Road ROW | 54.5 ac | 13.0% |
| | ————— | ————— |
| | 419.7 ac | 100% |

SECTION 2. Emergency Adoption. For the reasons stated in the recitals to this ordinance, it is declared that an emergency exists and in the interest of the immediate preservation of the public health, safety and welfare, this ordinance shall take effect upon its approval on first and final reading.


PASSED, APPROVED AND ADOPTED AS AN EMERGENCY ORDINANCE this 17th day of December, 1991, by a vote of 7 for and 0 against constituting the extraordinary majority required by Section 2.02.100 of the Castle Rock Municipal Code.

ATTEST:

TOWN OF CASTLE ROCK

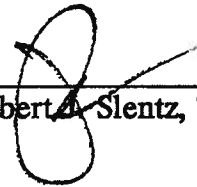


Sally Misare, Town Clerk



Steven A. Boand, Mayor

APPROVED AS TO FORM:



Robert A. Slentz, Town Attorney