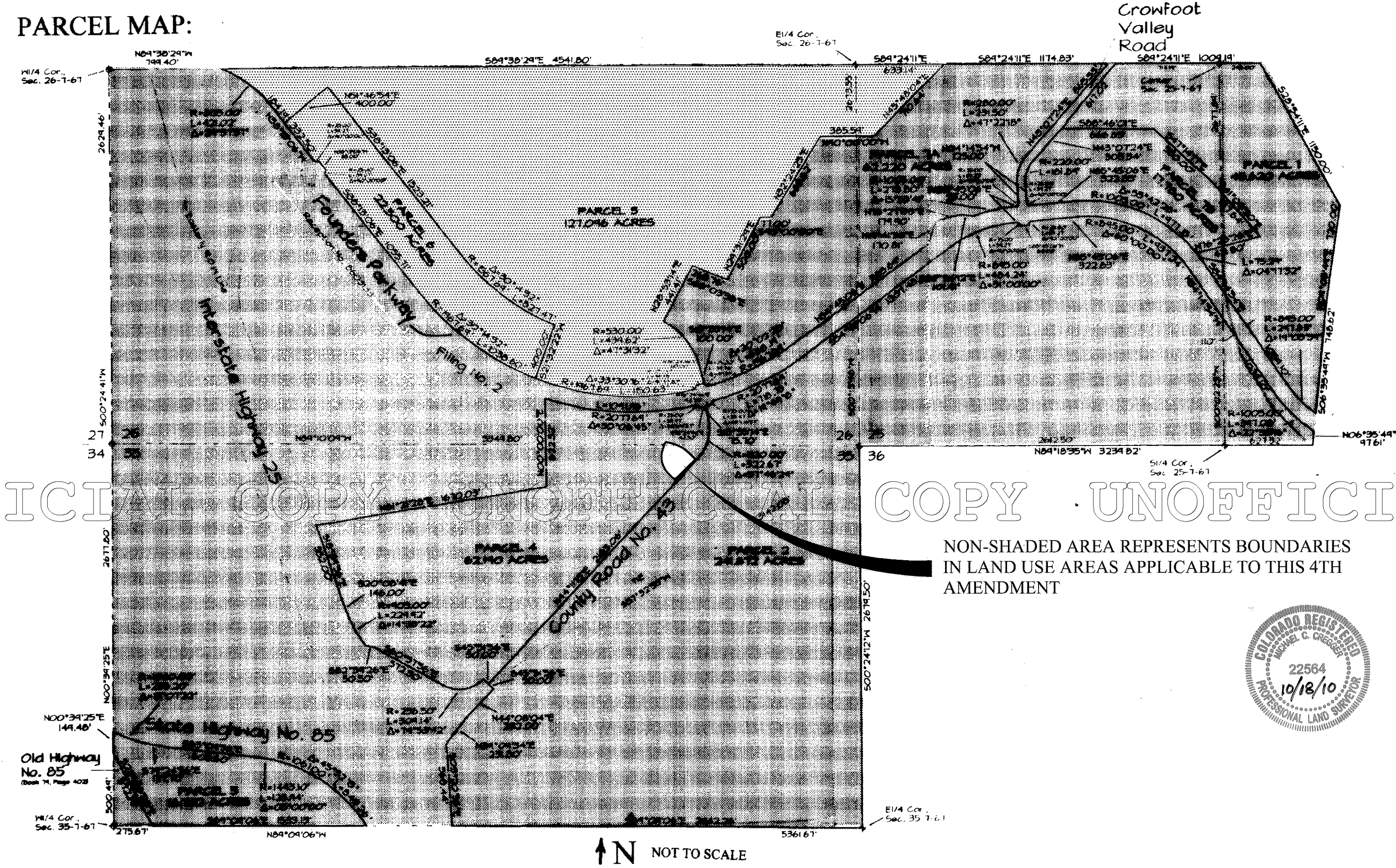


METZLER RANCH PRELIMINARY PD SITE PLAN

FOURTH MAJOR AMENDMENT 2010

A PART OF THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
 TOWN OF CASTLE ROCK, COUNTY OF DOUGLAS, STATE OF COLORADO



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NON-SHADED AREA REPRESENTS BOUNDARIES
 IN LAND USE AREAS APPLICABLE TO THIS 4TH
 AMENDMENT



SURVEYOR'S CERTIFICATE

I, MICHAEL C. CREGGER, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE SURVEY AND LEGAL DESCRIPTION REPRESENTED BY THE PRELIMINARY PD SITE PLAN FOR METZLER RANCH PRELIMINARY PD SITE PLAN FOURTH MAJOR AMENDMENT WAS MADE UNDER MY SUPERVISION AND THE MONUMENTS SHOWN THEREON ACTUALLY EXIST AND THIS SITE PLAN ACCURATELY REPRESENTS THAT SURVEY.

Michael C. Cregger
 REGISTERED LAND SURVEYOR
 FOR AND ON BEHALF OF TST INC. OF DENVER

DOUGLAS COUNTY CLERK AND RECORDER'S CERTIFICATE

THIS PRELIMINARY PD SITE PLAN WAS FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF DOUGLAS COUNTY AT 1:00 PM ON THE 15TH DAY OF October, 2010 AT RECEPTION NO. 20100561

DOUGLAS COUNTY CLERK AND RECORDER
 BY: *Christina Rowland*
 DEPUTY

TITLE CERTIFICATION

Land Title AN AUTHORIZED REPRESENTATIVE OF Land Title A TITLE INSURANCE COMPANY LICENSED TO DO BUSINESS IN THE STATE OF COLORADO, HAVE MADE AN EXAMINATION OF THE PUBLIC RECORDS AND STATE THAT ALL OWNERS, MORTGAGEES AND LIENHOLDERS OF THE PROPERTY ARE LISTED IN THE CERTIFICATE OF OWNERSHIP AND LIENHOLDER SUBORDINATION CERTIFICATE.

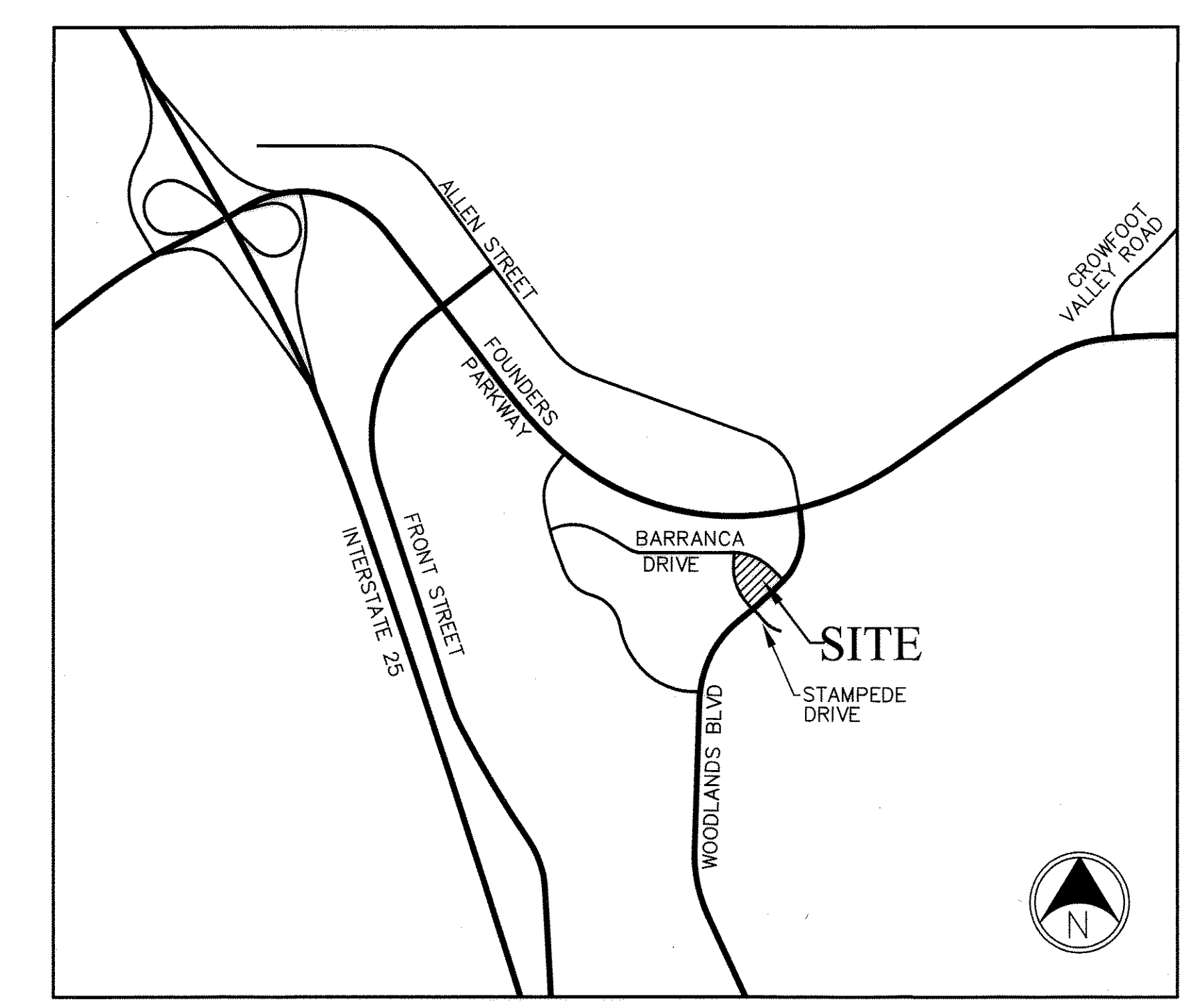
SIGNED THIS 18TH DAY OF October, 2010

Brenda Becker
 AUTHORIZED REPRESENTATIVE
Land Title Guaranty Company
 TITLE INSURANCE COMPANY

NOTARY BLOCK
 SUBSCRIBED AND SWORN TO BEFORE ME THIS 18TH DAY OF October, 2010
 BY Brenda Becker, Title Officer of Land Title
Susan I. Rasmussen
 NOTARY PUBLIC
 STATE OF COLORADO
 My Commission Expires Sept. 01, 2011

SHEET INDEX
 1 OF 2 PRELIMINARY PD SITE PLAN
 2 OF 2 PRELIMINARY PD SITE PLAN

LEGAL DESCRIPTION:
 (FOURTH MAJOR AMENDMENT)
 LOT 7, METZLER RANCH FILING NO. 9, COUNTY OF DOUGLAS, STATE OF COLORADO.



OWNERSHIP CERTIFICATION

THE UNDERSIGNED ARE ALL OF THE OWNERS OF CERTAIN LANDS KNOWN HEREIN AS METZLER RANCH PRELIMINARY PD SITE PLAN FOURTH MAJOR AMENDMENT IN THE TOWN OF CASTLE ROCK.

Roger Bumgarner
 WOODLAND MEDICAL CENTER, LLC
 A COLORADO LIMITED LIABILITY COMPANY
 BY ROGER BUMGARNER, MANAGING PARTNER

SIGNED THIS 22ND DAY OF September, 2010

NOTARY BLOCK
 SUBSCRIBED AND SWORN TO BEFORE ME THIS 22ND DAY OF September, 2010
 BY Roger Bumgarner
Linda E. Carlson
 NOTARY PUBLIC
 MY COMMISSION EXPIRES: 2-28-13

LIENHOLDER SUBORDINATION CERTIFICATE

THE UNDERSIGNED ARE ALL OF THE MORTGAGEES AND LIENHOLDERS OF CERTAIN LANDS KNOWN HEREIN AS METZLER RANCH PRELIMINARY PD SITE PLAN FOURTH MAJOR AMENDMENT IN THE TOWN OF CASTLE ROCK.

THE UNDERSIGNED BENEFICIARY OF THE LIEN CREATED BY INSTRUMENT RECORDED ON JANUARY 30, 2008 AT RECEPTION NO. 200806684 DOUGLAS COUNTY, COLORADO, SUBORDINATES THE SUBJECT LIEN TO THE TERMS, CONDITIONS AND RESTRICTIONS OF THIS DOCUMENT:

Ken Whitelam
 COLORADO CAPITAL BANK

SIGNED THIS 15TH DAY OF October, 2010

NOTARY BLOCK
 SUBSCRIBED AND SWORN TO BEFORE ME THIS 15 DAY OF October, 2010
 BY Ken Whitelam

WITNESS MY HAND AND OFFICIAL SEAL.
Sarah Rowland
 NOTARY PUBLIC
 MY COMMISSION EXPIRES: 12/31/2011

TOWN CERTIFICATION

A. PLANNING COMMISSION APPROVAL:
 THE METZLER RANCH PRELIMINARY PD SITE PLAN FOURTH MAJOR AMENDMENT WAS RECOMMENDED FOR APPROVAL BY THE PLANNING COMMISSION OF THE TOWN OF CASTLE ROCK, COLORADO, ON THE 12TH DAY OF August, 2010.

Leslie Lee
 CHAIR
 DATE: 12/17/10

[Signature]
 DIRECTOR OF DEVELOPMENT SERVICES
 DATE: 12/17/10

B. TOWN COUNCIL APPROVAL:
 THE METZLER RANCH PRELIMINARY PD SITE PLAN FOURTH MAJOR AMENDMENT WAS APPROVED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO, ON THE 7TH DAY OF September, 2010.

[Signature]
 MAYOR
 DATE: 1/4/11

[Signature]
 TOWN CLERK
 DATE: 1/4/11

DATE: February 29, 1996
 Revised: June 21, 1996
 October 3, 1996
 November 5, 1999
 SEPTEMBER 07, 2010

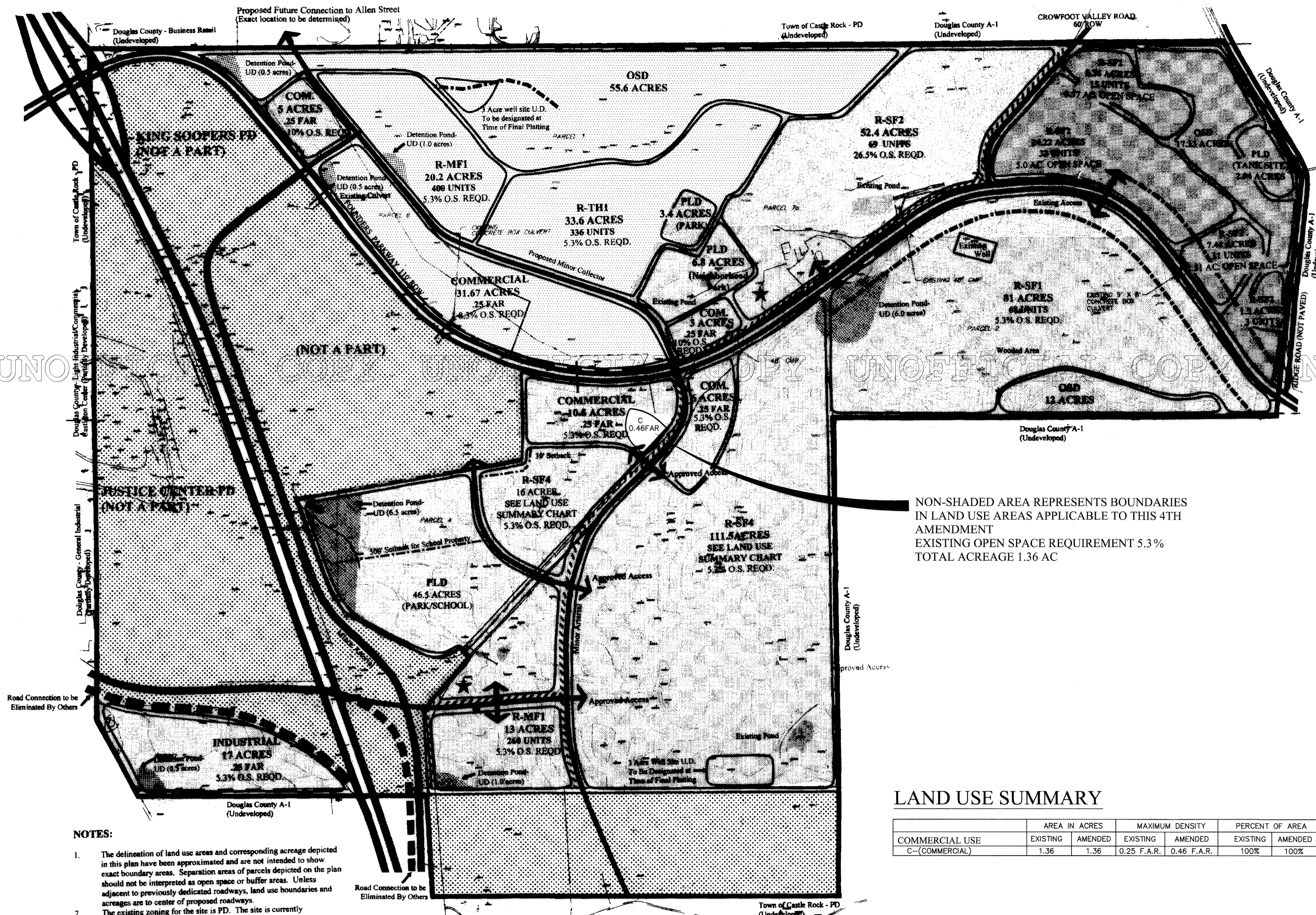
SHEET 1 OF 2
METZLER RANCH
 FOURTH AMENDMENT
 Preliminary PD Site Plan

METZLER RANCH

A PART OF THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
TOWN OF CASTLE ROCK, COUNTY OF DOUGLAS, STATE OF COLORADO

PRELIMINARY PD SITE PLAN

FOURTH MAJOR AMENDMENT 2010



LEGEND:

- Not a part of Preliminary PD site plan
- Proposed well location
- Regional trail
- Preservation Area/No Build Area
- Not a part of 3rd Amendment of Preliminary PD Site Plan
Also not a part of 4th Amendment of Preliminary PD Site Plan

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OWNER
WOODLANDS MEDICAL CENTER, LLC
96 CROWN POINT PLACE
CASTLE ROCK, CO 80108
303-688-4796
303-688-6649 (FAX)
CONTACT: ROGER BUMGARDNER

LIENHOLDER
COLORADO CAPITAL BANK
7505 VILLAGE SQUARE DRIVE, SUITE 101
CASTLE ROCK, CO 80108
303-814-8149
CONTACT: LISA MCKEAN, PRESIDENT

CIVIL ENGINEER
PERCEPTION DESIGN GROUP, INC.
6732 WEST COAL MINE AVE., SUITE 419
LITTLETON, CO 80123
303-232-8088
303-232-5255 (FAX)
CONTACT: JERRY DAVIDSON

SURVEYOR
TST INC.
9222 TEDDY LANE
LONE TREE, CO 80124
303-792-0557
CONTACT: TAYLOR GOERTZ

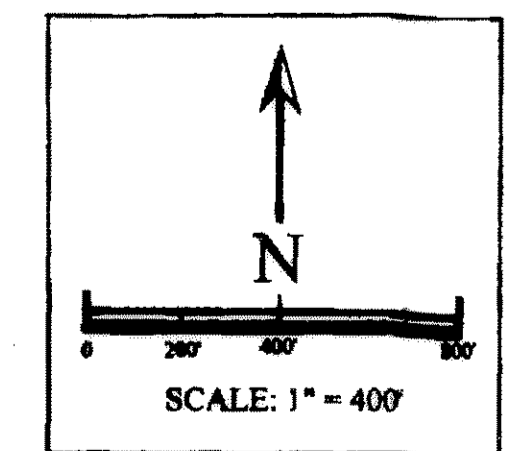
NON-SHADED AREA REPRESENTS BOUNDARIES
IN LAND USE AREAS APPLICABLE TO THIS 4TH
AMENDMENT
EXISTING OPEN SPACE REQUIREMENT 5.3%
TOTAL ACREAGE 1.36 AC

LAND USE SUMMARY

COMMERCIAL USE	AREA IN ACRES		MAXIMUM DENSITY		PERCENT OF AREA		PRIVATE OPEN SPACE ALLOTMENT	
	EXISTING	AMENDED	EXISTING	AMENDED	EXISTING	AMENDED	REQUIRED 5.3%	PROVIDED 35%
C-(COMMERCIAL)	1.36	1.36	0.25 F.A.R.	0.46 F.A.R.	100%	100%	0.07 AC	0.48 AC

- NOTES:**
- The delineation of land use areas and corresponding acreage depicted in this plan have been approximated and are not intended to show exact boundary areas. Separation areas of parcels depicted on the plan should not be interpreted as open space or buffer areas. Unless adjacent to previously dedicated roadways, land use boundaries and acreages are to center of proposed roadways.
 - The existing zoning for the site is PD. The site is currently undeveloped.
 - There are no 100 year floodplain areas on the site.
 - There are no existing major utilities on the site.
 - The contour interval is 10'.

DATE: February 26, 1996
Revised: June 21, 1996
August 9, 1996
September 4, 1996
September 12, 1996
October 3, 1996
October 15, 1996
November 5, 1996
December 5, 1996
November 5, 1999
SEPTEMBER 07, 2010



This plan represents a site specific development plan pursuant to Chapter 15.24 of the Castle Rock Municipal Code and §24-68-202 et seq., C.R.S. and establishes vested property rights through December 31, 2011, to undertake and complete the development and use of the property in accordance with this plan.

ORDINANCE NO. 2010 - 24

AN ORDINANCE APPROVING THE FOURTH AMENDMENT TO THE METZLER RANCH PRELIMINARY PLANNED DEVELOPMENT SITE PLAN AND FIRST AMENDMENT TO THE METZLER RANCH PLANNED DEVELOPMENT ZONING REGULATIONS APPLICABLE TO METZLER RANCH FILING NO. 9, LOT 7 TO INCREASE THE FLOOR AREA RATIO AND TO ALLOW ELDERLY ASSISTED LIVING AND NURSING HOME FACILITIES; AND PROVIDING FOR ITS EMERGENCY ADOPTION ON SECOND AND FINAL READING

WHEREAS, the Town Council adopted the Metzler Ranch Preliminary Planned Development Site Plan (Site Plan) and the Metzler Ranch Planned Development Zoning Regulations by Ordinance No. 96-42 (Zoning Regulations); and

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WHEREAS, Woodlands Medical Center, LLC (Applicant) has requested approval of an amendment to the Site Plan to increase the permitted floor area ratio (FAR) from .25 to .46 for Lot 7, Metzler Ranch Filing 9; and

WHEREAS, Applicant has requested an amendment to the Zoning Regulations to remove all current permitted uses and allow for elderly assisted care and nursing home facilities for Lot 7, Metzler Ranch Filing 9; and

WHEREAS, the proposed amendments to the Site Plan and Zoning Regulations are consistent with the Town's Vision 2020 and the Comprehensive Master Plan; and

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

WHEREAS, the final approval on second reading will allow the concurrent consideration by Town Council of the site specific development plan for a memory care facility on Lot 7, Metzler Ranch Filing No. 9.

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

Section 1. Preliminary Planned Development Site Plan Amendment Approval. The Fourth Amendment to the Metzler Ranch Planned Development Site Plan is hereby approved.

Section 2. Zoning Regulation Approval. The First Amendment to the Metzler Ranch Planned Development Zoning Regulations in the form attached as *Exhibit 1* is hereby approved.

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. Emergency Clause. For the reasons stated in the recitals to this Ordinance, it is declared that an emergency exists and it is necessary for the preservation of the immediate public health and safety for this Ordinance to take effect upon its adoption.

Section 5. 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.

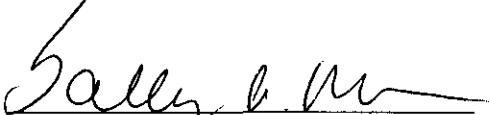
APPROVED ON FIRST READING this 24th day of August, 2010 by the Town Council of the Town of Castle Rock, Colorado by a vote of 7 for and 0 against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

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PASSED, APPROVED AND ADOPTED AS AN EMERGENCY ORDINANCE this 7th of September, 2010, by a vote of the Town Council of the Town of Castle Rock, Colorado of 7 for and 0 against, constituting the extraordinary majority required by Section 2.02.100 of the Castle Rock Municipal Code.

ATTEST:

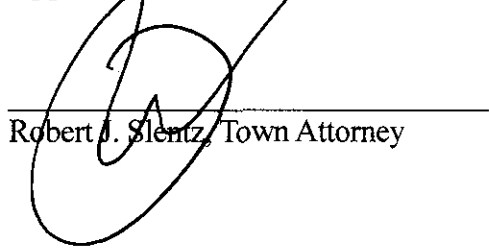
TOWN OF CASTLE ROCK


Sally A. Misart, Town Clerk


Ryan Reilly, Mayor

Approved as to form:

Approved as to content:


Robert J. Slentz, Town Attorney


Bill Detweiler, Director of Development Services

EXHIBIT 1

**METZLER RANCH
PLANNED DEVELOPMENT
ZONING REGULATIONS
1ST AMENDMENT**

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Prepared: July 2010

**ZONING REGULATIONS FOR
METZLER RANCH PLANNED DEVELOPMENT 1ST AMENDMENT**

TABLE OF CONTENTS:

Section 1 General Provisions

Section 2 Definitions

Section 3 Land Use

Section 4 Accessory Uses

Section 5 Temporary Uses

Section 6 Development Standards

Section 7 Control Provisions

Section 8 Final Planned Development Site Plans

Section 9 Transitional Uses

Section 10 Severability of Provisions

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SECTION 1: GENERAL PROVISIONS

1.1 Adoption/Authorization. The Town Council has adopted the Metzler Ranch Preliminary PD Site Plan and Zoning Regulations pursuant to Section 17.60 of Title 17 (Zoning) of the Castle Rock Municipal Code after appropriate public notice and hearing.

1.2 Applicability. The Metzler Ranch Preliminary PD Site Plan and Zoning Regulations shall run with and bind all landowners of record, their successors, heirs, or assigns of the land as approved by the Castle Rock Town Council.

These zoning regulations do not pertain to the use areas designated as IB, IB-B, and DUA. These three use areas are regulated by Town of Castle Rock Ordinance Number 87-36.

1.3 Maximum Level of Development. The total number of dwelling units or total commercial, industrial or other non-residential floor area approved for development within the established Use Areas is the maximum allowed for platting and development. The actual number of dwellings or floor area approved will be determined at the Final Plat and Final PD Site Plan stage of review based upon environmental constraints, utility and street capacity, compatibility with surrounding land uses, and other relevant factors.

1.4 Relationship to Town Regulations. The provisions of this Preliminary PD Site Plan and Zoning Regulations shall prevail and govern the development of the Metzler Ranch PD, provided, however, that where the provisions of this Preliminary PD Site Plan and Zoning Regulations do not address a particular subject, the relevant provisions of the Town of Castle Rock Zoning Ordinance, as amended, or any other applicable provisions of the Town Municipal Code shall be applicable.

1.5 Phasing. The Phasing order indicated on the Phasing Plan shown in Appendix A is advisory in nature and is not construed as obligatory upon the Developer.

1.6 Development Agreement. In addition to these regulations, certain provisions of the development of this PD property are controlled by an agreement between the Town of Castle Rock and the PD property owners. This agreement, entitled Metzler Ranch Development October, was adopted by the Town on the 24th day of October, 1996, by Ordinance No. 96-42 Agreement

SECTION 2: DEFINITIONS

2.1 **Definitions.** No special definitions are adopted.

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Metzler 4

SECTION 3: LAND USE

3.1 Residential Use Areas.

- A. **Description:** R-SF1 through R-SF4: single family detached residential.
R-TH1: single family attached residential and multi-family residential.
R-MF1: single family attached residential and multi-family residential.

B. **Principal Permitted Uses:**

1. Residence-principal - single family detached dwellings (including garage), single family attached dwellings and multi-family dwellings.
2. Open Space / Trails
3. Park / Playground
4. Recreation Facility, Site Plan Required
5. School - Public Or Private, Site Plan Required
6. Transportation R.O.W.
7. Home occupations.
8. Mother-in-law or nanny unit: defined as a dwelling associated with the main dwelling that is integrated in the overall design of the structure but may have a separate entry and kitchen facility. The unit must be attached to the main home or detached garage. Separate addressing or utility taps are not permitted. One additional parking space must be provided on the lot for the nanny unit. The design of the structure must accommodate a fire wall between the main home and nanny unit if a separate entry is proposed. Occupants of these units must be related to the family residing in the main residence by blood or marriage, or be full time employees of the family residing in the main residence.

C. **Uses By Special Review:**

1. Churches, synagogues and other religious institutions
2. Day Care Centers
3. Public and quasi-public facilities
4. Public utilities and related facilities
5. Boarding House
6. Group/Commercial Home
7. Club/Private Recreational Use (Country Club)
8. Golf Course
9. Cultural Facility
10. Higher Education Facility

- 11. Hospital
- 12. Fire Station

3.2 COMMERCIAL USE AREAS

Section 3.2 is repealed and reenacted in its entirety as Section 3.7.

3.3 LIGHT INDUSTRIAL USE AREAS

Refer to Town of Castle Rock Zoning Ordinance Chapter 17.52 "I-1 Light Industrial"

3.4 OPEN SPACE USE AREAS, OSD, OSP, AND PLD

A. **OSD:** Land proposed to meet portions of the PD open space requirement of 20% for the entire parcel. OSD is maintained by the Town of Castle Rock.

OSP: Land proposed to meet portions the PD open space requirement of 20% for the entire parcel. OSP is maintained by private Homeowner's Associations, or other private ownership.

PLD: Land proposed to meet the PD public land dedication requirement of 10% for the entire parcel.

B. Permitted Uses

- 1. **PLD:** Parks, schools and other public uses, active and passive recreation activities, golf course, preservation of land for public purposes, railroad rights of way, roadway rights of way and including such structures and other improvements not inconsistent with the Land Dedication and the Planned Development District ordinances.
- 2. **OSD:** Common open space which may include, but not be limited to, landscaped areas, swimming pools, tennis courts, play areas, walkways and bikeways, but excluding driving and parking areas.
- 3. **OSP:** Common open space which may include, but not be limited to, landscaped areas, swimming pools, tennis courts, play areas, walkways and bikeways, but excluding driving and parking areas.

C. The boundaries and/or location of open space use areas depicted on the plan may be changed or adjusted, and shall be considered a minor amendment to the PD

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Plan, as long as the total combined OSD and PLD acreage is not reduced and vital open space corridors and linkages are not eliminated.

- D. Three OSD areas are indicated on the PD Plan. In addition to these areas, some individual parcels must provide a percentage of OSP at the time of Final Site Plan preparation. These OSP requirements vary for individual parcels, as indicated on the site plan and discussed in the development agreement.

3.5 UTILITIES DEDICATION USE AREA - UD

A. Permitted Uses

- 1. All Town owned and operated utilities and drainage areas.
- 2. Other Public and/or Private utilities as authorized on a Final PD Site Plan.
- 3. All uses permitted in the PLD Use Areas.

3.6 IB; IB-B; DUA

The IB, IB-B, and DUA use areas are from Town of Castle Rock Ordinance Number 87-36, Metzler Ranch P.U.D.. Permitted uses and densities are as defined in Ordinance 87-36.

3.7 COMMERCIAL USE AREAS

A. Permitted Uses - Metzler Ranch PD (excluding Lot 7, Metzler Ranch Filing 9):

- 1. Refer to Town of Castle Rock Zoning Ordinance Chapter 17.44 "B-2 General Business."
- 2. Metzler Ranch Filing 9, Lot 7: Nursing home and elderly assisted living facilities.

B. Permitted Uses - Metzler Ranch Filing 9, Lot 7:

- 1. Nursing home and elderly assisted care living facilities
 - a. Nursing home facility shall mean an establishment, other than a hospital, licensed by the State, which operates and maintains continuous day and night facilities providing room and board, personal services and skilled nursing care.
 - b. Elderly assisted care living facility shall mean a residential facility for four (4) or more elderly persons (sixty [60] years of age or older) within which are provided living and sleeping facilities. Such facilities may also provide other services such as meal preparation, laundry services, room cleaning, transportation, and medical assistance and rooms occupied by resident staff personnel.

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SECTION 4: ACCESSORY USES PERMITTED IN ALL USE AREAS

1. **Underground utility and communications distribution lines.**
2. **Roadways, bike paths, pedestrian and equestrian trails.**
3. **Parking areas.**
4. **Open spaces and lakes, to include storm water drainage detention areas.**
5. **Well sites.**

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SECTION 5: TEMPORARY USES

1. Home/Builder sales and information offices/facilities provided that:
 - (a) Such temporary structure is located within a final platted subdivision.
 - (b) Sales are limited to those units within the Metzler Ranch PD Area.
 - (c) Adequate access, parking, sanitary facilities, and landscaping are provided.
2. Construction office and/or trailer.
3. Dwelling units to be used as models and/or sales and information offices; provided the unit so utilized is a permitted use in the use area where it is located.

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SECTION 6: DEVELOPMENT STANDARDS

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

METZLER RANCH PD- DEVELOPMENT STANDARDS						
STANDARD	USE AREAS					
	R-SF1	R-SF2	R-SF3	R-SF4	R-TH1	R-MF1
Minimum Lot Area (square feet)	43,560	21,780	7,000	See Note (4) Below.	N/A	N/A
Minimum Setbacks:						
Front to Garage	18'	18'	18'	18'	18'	18'
Front (residence)	20'	20'	20'	20'	20'	20'
Rear	30'	20 ⁽¹⁾	20 ⁽¹⁾	20 ⁽¹⁾	20 ⁽²⁾	20'
Side Interior Lot	15'	5'	5'	5'	5'	5'
Side to Street	30'	15'	15'	15'	15'	15'
Max. Building Height	35'	35'	35'	35'	40 ⁽³⁾	40 ⁽³⁾
Max. Bldg. Lot Coverage	N/A	N/A	N/A	N/A	40%	40%

NOTES:

- (1) Raised decks will be allowed a 15' rear set back when lot backs onto public or private open space with a depth of at least 20 feet.
- (2) All attached dwelling units are allowed a 0' (zero) side yard setback where attached.
- (3) Not to exceed three stories of occupied floor area.
- (4) 15% of the total R-SF4 acreage shall be allowed to have a minimum lot size ranging from 5,000 to 5,500 square feet; no less than an additional 15% of the total R-SF4 acreage shall have a minimum lot size ranging from 8,000 to 10,000 square feet.

6.2 Exterior Lighting. No exterior lights of any sort may be erected, placed, installed or otherwise incorporated into the property, adjacent road right-of-way or adjacent property or open space wherein any glare or direct light is visible beyond the perimeter of the property. This applies to all lighting, including, but not limited to entry lights, garage lights, driveway illumination and interior lights visible from off property.

6.3 Utilities. All public utility distribution lines must be placed underground.

6.4 Trails. The trail system as shown on the Preliminary PD Site Plan is conceptual, showing general trail locations only. The exact location of each trail, whether it shall be located on the street or adjacent to the street, and the construction materials shall be determined during the Final PD Site Plan submittal process.

SECTION 7: CONTROL PROVISIONS

- A. **Use Area Boundaries.** There shall be some limited flexibility in determining the exact location of Use Area boundaries due to the scale of the drawing and the somewhat diagrammatic depiction of Use areas (rounded corners, separation from other areas, etc.) However, changes or adjustments to boundaries may only be made through the PD Amendment procedure as provided in the Town Code, which states; "Use Area Boundaries may be administratively adjusted when no more than 10% of the acreage of any one planning area is affected, where density is not increased, where open space is not reduced, and where such does not involve an inclusion or exclusion of land from the overall Preliminary or Final PD."
-
- B. **Road Alignments.** The Preliminary PD Plan is intended to depict general locations of roadways, and access points. Recognizing that final road alignments are subject to engineering studies, minor arterial and collector road realignments are expected, and can be accomplished by the developer through the platting process, without any amendment to this ordinance or to the Plan itself. Major road alignments, as determined by the Town Planning Director, shall follow the PD Amendment procedure as provided in the Town Code.
- C. **Preservation Area/No Build Area.** The delineation of this area shall serve as a building setback line for the individual lots on which it applies. No dwelling shall be constructed within this area. In addition, the removal of trees for reasons other than fire prevention or disease control is prohibited. Tree removal due to utility crossings shall be minimized and all trees removed shall be replaced on a one for one basis.
- D. **Transitional Areas.** Transitional areas are located along the boundaries of use areas of differing densities, and along peripheral site boundaries. In these areas, care shall be given to reducing the impact of differing densities through the use of buffers and the strategic location of appropriately sized lots. For example, in areas where a larger lot area is adjacent to a smaller lot area, consideration shall be given to placing lots adjacent to the boundary that will minimize the size discrepancy.

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SECTION 8: FINAL PD SITE PLANS

- 8.1 **Submission of Final PD Site Plans and plats and additional information.** Following approval of the Preliminary PD Site Plan, the property owners shall submit a Final PD Site Plan for all or any portion or portions of the general use areas as are then ready for development. No building permit will be issued until a Final PD Site Plan and Final Subdivision Plat have been approved for the property by the Town Council and duly recorded.

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SECTION 9: TRANSITIONAL USE

After approval of the Preliminary Site Plan incorporated as part of this amendment to the Town of Castle Rock Zoning District Map, any portion of the Metzler Ranch PD which does not have an approved final site plan may be used for agricultural purposes. These uses may continue until a final site plan for such property, is approved or until such a time that the board of Trustees determines that the proximity of these uses to developed areas provides a negative impact to the health, safety or welfare of residents / owners of such developed areas.

Permitted Agricultural Uses include farming, ranching, gardening, and buildings accessory to these uses. In no event commercial feed yards, poultry or hog farms be permitted.

The existing residence located northwest of the intersection of Founder's Parkway and Crowfoot Valley Road shall be a transitional use.

Transitional Use Areas shall be closed to vehicular traffic and off-road recreational motor biking ~~excepting agricultural vehicles and implements, emergency vehicles, vehicles associated with the existing residence, vehicles engaged in utility and maintenance work, and designers of the developer and / or Town.~~

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; Provided however, that the Town Council reserves the right to prohibit such agricultural uses in areas for which no 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 the health, safety or welfare of the residents of such developed area(s).

SECTION 10: SEVERABILITY OF PROVISIONS

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 remain provisions shall remain in full force and effect.

PASSED, APPROVED AND ADOPTED AS AN EMERGENCY ORDINANCE this ____ of _____, 2010, by a vote of the Town Council of the Town of Castle Rock, Colorado of ____ for and ____ against constituting the extraordinary majority required by Section 2.02.100 of the Castle Rock Municipal Code.

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APPENDIX A:

Phasing Plan

**PHASING PLAN NOT INCLUDED HERE.
PHASING PLAN IS AN EXHIBIT TO THE
DEVELOPMENT AGREEMENT WITH COPIES
IN PLANNING AND IN ENGINEERING FILES**

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