

# PROMENADE AT CASTLE ROCK PLANNED DEVELOPMENT PLAN AMENDMENT NO. 1

LOCATED IN SECTION 22 AND SECTION 27, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE 6TH P.M.  
TOWN OF CASTLE ROCK, COUNTY OF DOUGLAS, STATE OF COLORADO

**TITLE CERTIFICATION**  
I, David W. Knapp, AN AUTHORIZED REPRESENTATIVE OF LAND TITLE GUARANTEE COMPANY, 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.  
David W. Knapp March 19, 2021  
AUTHORIZED REPRESENTATIVE DATE  
LAND TITLE GUARANTEE COMPANY

NOTARY BLOCK  
SUBSCRIBED AND SWORN TO BEFORE ME THIS 19<sup>TH</sup> DAY OF March  
20 21 BY David W. Knapp AS AUTHORIZED REPRESENTATIVE  
OF Land Title Guarantee Company  
WITNESS MY HAND AND OFFICIAL SEAL.  
cdj  
NOTARY PUBLIC  
MY COMMISSION EXPIRES: February 10, 2024

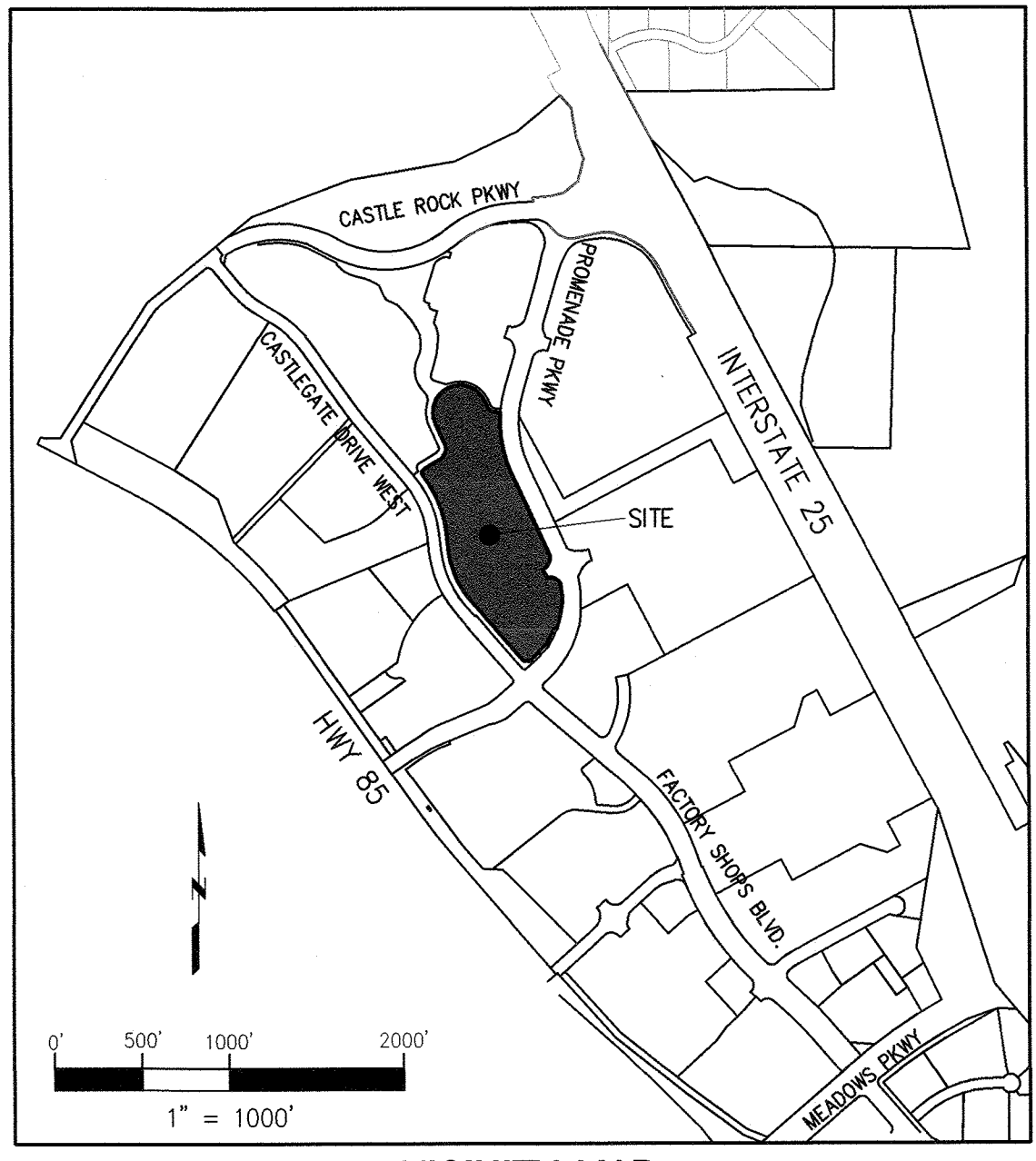
**ANDY JOHN STENMAN**  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20014018515  
My Commission Expires February 10, 2024

**OWNERSHIP CERTIFICATION**  
THE UNDERSIGNED ARE ALL THE OWNERS OF CERTAIN LANDS IN THE TOWN OF CASTLE ROCK, COUNTY OF DOUGLAS AND STATE OF COLORADO DESCRIBED HEREIN.  
CANDA RED CHOKECHERRY LLC, A COLORADO LIMITED LIABILITY COMPANY  
BY: PROMENADE CASTLE ROCK LLC, A DELAWARE LIMITED LIABILITY COMPANY ITS MANAGING MEMBER  
BY: ALBERTA CASTLE ROCK MANAGEMENT, LLC  
A COLORADO LIMITED LIABILITY COMPANY,  
ITS MANAGER

BY: Donald G. Provost  
DONALD G. PROVOST, MANAGER  
NOTARY BLOCK  
SUBSCRIBED AND SWORN TO BEFORE ME THIS 12 DAY OF March 20 21  
BY DONALD G. PROVOST AS MANAGER OF ALBERTA CASTLE ROCK MANAGEMENT, LLC, A COLORADO LIMITED LIABILITY COMPANY, MANAGER OF PROMENADE CASTLE ROCK LLC, A DELAWARE LIMITED LIABILITY COMPANY, AS MANAGING MEMBER OF CANDA RED CHOKECHERRY LLC, A COLORADO LIMITED LIABILITY COMPANY

WITNESS MY HAND AND OFFICIAL SEAL  
Michelle Sanchez  
NOTARY PUBLIC  
MY COMMISSION EXPIRES: June 7, 2021

**MICHELLE SANCHEZ**  
Notary Public - State of Colorado  
Notary ID 20174024139  
My Commission Expires Jun 7, 2021



**CONTACTS:**  
DEVELOPER: PROMENADE CASTLE ROCK LLC  
5750 DTC PARKWAY, SUITE 100  
GREENWOOD VILLAGE, CO 80111  
PHONE: 303-771-4004  
CIVIL ENGINEER: ELEVATION CONSULTING GROUP LTD  
PO BOX 280869  
LAKEWOOD, CO 80226  
PHONE: 303-204-5065  
SURVEYOR: AZTEC CONSULTANTS, INC.  
300 S. MINERAL AVE, SUITE 1  
LITTLETON, CO 80122  
PHONE: 303-713-1898  
ARCHITECT: GALLOWAY & COMPANY  
6162 S. WILLOW DRIVE, SUITE 320  
GREENWOOD VILLAGE, CO 80111  
PHONE: 303-260-7277  
PLANNER: LANDESIGN  
1360 WALNUT STREET. SUITE 102  
BOULDER, CO 80302  
PHONE: 720-274-0814

**SHEET INDEX**  
1 COVER SHEET  
2 PD PLAN

**LIENHOLDER SUBORDINATION CERTIFICATE**  
THE UNDERSIGNED ARE ALL THE MORTGAGEES AND LIENHOLDERS OF CERTAIN LANDS IN THE TOWN OF CASTLE ROCK, COUNTY OF DOUGLAS AND STATE OF COLORADO DESCRIBED HEREON. THE UNDERSIGNED BENEFICIARY OF THE LIENS CREATED BY THE INSTRUMENT RECORDED NOVEMBER 12, 2019 AT RECEPTION NUMBERS 201976417, 2019076425, 2019076428 AND 2019076462 AND, DOUGLAS COUNTY, COLORADO SUBORDINATES THE SUBJECT LIEN TO THE TERMS, CONDITIONS AND RESTRICTIONS OF THIS DOCUMENT.

DOUGHERTY FUNDING LLC  
BY: Scott Loving  
SCOTT LOVING  
SIGNED THIS 16 DAY OF March  
20 21

NOTARY BLOCK  
SUBSCRIBED AND SWORN TO BEFORE ME THIS 16 DAY OF MARCH  
20 21 BY SCOTT LOVING AS AUTHORIZED REPRESENTATIVE  
OF COLLIERS FUNDING (aka DOUGHERTY FUNDING LLC)  
WITNESS MY HAND AND OFFICIAL SEAL.  
Jan Rose Gilbert  
NOTARY PUBLIC  
MY COMMISSION EXPIRES: 01/31/2022

**Hannah Rose Gilbert**  
Notary Public - State of Minnesota  
My Commission Expires  
January 31, 2022

**OWNERSHIP CERTIFICATION**  
THE UNDERSIGNED ARE ALL THE OWNERS OF CERTAIN LANDS IN THE TOWN OF CASTLE ROCK, COUNTY OF DOUGLAS AND STATE OF COLORADO DESCRIBED HEREIN.  
CANADIAN BLUE FESCUE LLC, A COLORADO LIMITED LIABILITY COMPANY  
BY: PROMENADE CASTLE ROCK LLC, A DELAWARE LIMITED LIABILITY COMPANY ITS MANAGING MEMBER  
BY: ALBERTA CASTLE ROCK MANAGEMENT, LLC  
A COLORADO LIMITED LIABILITY COMPANY,  
ITS MANAGER

BY: Donald G. Provost  
DONALD G. PROVOST, MANAGER  
NOTARY BLOCK  
SUBSCRIBED AND SWORN TO BEFORE ME THIS 12 DAY OF March 20 21  
BY DONALD G. PROVOST AS MANAGER OF ALBERTA CASTLE ROCK MANAGEMENT, LLC, A COLORADO LIMITED LIABILITY COMPANY, MANAGER OF PROMENADE CASTLE ROCK LLC, A DELAWARE LIMITED LIABILITY COMPANY, AS MANAGING MEMBER OF CANADIAN BLUE FESCUE LLC, A COLORADO LIMITED LIABILITY COMPANY

WITNESS MY HAND AND OFFICIAL SEAL  
Michelle Sanchez  
NOTARY PUBLIC  
MY COMMISSION EXPIRES: June 7, 2021

**MICHELLE SANCHEZ**  
Notary Public - State of Colorado  
Notary ID 20174024139  
My Commission Expires Jun 7, 2021

**OWNERSHIP CERTIFICATION**  
THE UNDERSIGNED ARE ALL THE OWNERS OF CERTAIN LANDS IN THE TOWN OF CASTLE ROCK, COUNTY OF DOUGLAS AND STATE OF COLORADO DESCRIBED HEREIN.  
CLARY SAGE LLC, A COLORADO LIMITED LIABILITY COMPANY  
BY: PROMENADE CASTLE ROCK LLC, A DELAWARE LIMITED LIABILITY COMPANY ITS MANAGING MEMBER  
BY: ALBERTA CASTLE ROCK MANAGEMENT, LLC  
A COLORADO LIMITED LIABILITY COMPANY,  
ITS MANAGER

BY: Donald G. Provost  
DONALD G. PROVOST, MANAGER  
NOTARY BLOCK  
SUBSCRIBED AND SWORN TO BEFORE ME THIS 12 DAY OF March 20 21  
BY DONALD G. PROVOST AS MANAGER OF ALBERTA CASTLE ROCK MANAGEMENT, LLC, A COLORADO LIMITED LIABILITY COMPANY, MANAGER OF PROMENADE CASTLE ROCK LLC, A DELAWARE LIMITED LIABILITY COMPANY, AS MANAGING MEMBER OF CLARY SAGE LLC, A COLORADO LIMITED LIABILITY COMPANY

WITNESS MY HAND AND OFFICIAL SEAL  
Michelle Sanchez  
NOTARY PUBLIC  
MY COMMISSION EXPIRES: June 7, 2021

**MICHELLE SANCHEZ**  
Notary Public - State of Colorado  
Notary ID 20174024139  
My Commission Expires Jun 7, 2021

**OWNERSHIP CERTIFICATION**  
THE UNDERSIGNED ARE ALL THE OWNERS OF CERTAIN LANDS IN THE TOWN OF CASTLE ROCK, COUNTY OF DOUGLAS AND STATE OF COLORADO DESCRIBED HEREIN.  
COMMON PURPLE LILAC LLC, A COLORADO LIMITED LIABILITY COMPANY  
BY: PROMENADE CASTLE ROCK LLC, A DELAWARE LIMITED LIABILITY COMPANY ITS MANAGING MEMBER  
BY: ALBERTA CASTLE ROCK MANAGEMENT, LLC  
A COLORADO LIMITED LIABILITY COMPANY,  
ITS MANAGER

BY: Donald G. Provost  
DONALD G. PROVOST, MANAGER  
NOTARY BLOCK  
SUBSCRIBED AND SWORN TO BEFORE ME THIS 12 DAY OF March 20 21  
BY DONALD G. PROVOST AS MANAGER OF ALBERTA CASTLE ROCK MANAGEMENT, LLC, A COLORADO LIMITED LIABILITY COMPANY, MANAGER OF PROMENADE CASTLE ROCK LLC, A DELAWARE LIMITED LIABILITY COMPANY, AS MANAGING MEMBER OF COMMON PURPLE LILAC LLC, A COLORADO LIMITED LIABILITY COMPANY

WITNESS MY HAND AND OFFICIAL SEAL  
Michelle Sanchez  
NOTARY PUBLIC  
MY COMMISSION EXPIRES: June 7, 2021

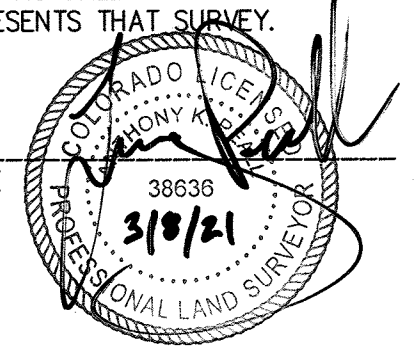
**MICHELLE SANCHEZ**  
Notary Public - State of Colorado  
Notary ID 20174024139  
My Commission Expires Jun 7, 2021

**PURPOSE STATEMENT**  
THE PURPOSE OF THIS AMENDMENT TO THE PROMENADE AT CASTLE ROCK PDP IS TO REVISE THE PERMITTED USES OF PLANNING AREA 3 ONLY TO ADD MULTI-FAMILY AND OPEN SPACE PRIVATE USES. THIS PDP AMENDMENT TOGETHER WITH THE PROMENADE AT CASTLE ROCK PDP MAKE UP THE ENTIRETY OF THE ZONING PLAN FOR THE PROMENADE AT CASTLE ROCK.

PDP COMPARISON CHART											
PROMENADE AT CASTLE ROCK PDP PDP15-005						PROMENADE AT CASTLE ROCK PDP AMENDMENT NO. 1 PDP20-0002					
PROJECT #	ZONING (USE AREA)	GROSS PLANNING AREA	MAX DWELLING UNITS	% OF TOTAL PROPERTY	MAX BLDG GROUND COVERAGE	PROJECT PLANNING AREA	ZONING (USE AREA)	GROSS PLANNING AREA	MAX DWELLING UNITS	% OF TOTAL PROPERTY	MAX BLDG GROUND COVERAGE
3	BUSINESS/COMMERCIAL	16.70	N/A	100.0%	0.25	3A	MULTI-FAMILY	9.92	300	59.4%	N/A
						3B	BUSINESS/COMMERCIAL	4.87	N/A	29.2%	0.25
						3C	OPEN SPACE PRIVATE	0.50	N/A	3.0%	N/A
						3 (remaining)	BUSINESS/COMMERCIAL	1.41	N/A	8.4%	N/A
TOTAL		16.70		100.0%		TOTAL		16.70		100.0%	

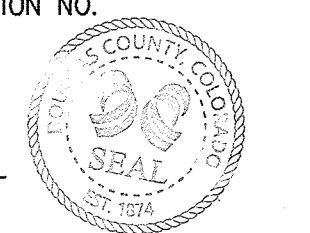
NOTE: 25% MAXIMUM BUILDING GROUND COVERAGE FOR EACH BUSINESS/COMMERCIAL PLANNING AREA ALLOWED CONSIDERING AGGREGATE OF THE BUSINESS/COMMERCIAL PLANNING AREAS DO NOT EXCEED 100,000 SQUARE FEET TOTAL.

**SURVEYOR'S CERTIFICATION**  
I, ANTHONY K. PEALL, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE SURVEY AND LEGAL DESCRIPTION REPRESENTED BY THIS PLAN DEVELOPMENT PLAN AMENDMENT WAS MADE UNDER MY SUPERVISION AND THE MONUMENTS SHOWN THEREON ACTUALLY EXIST AND THIS PLAN DEVELOPMENT PLAN AMENDMENT ACCURATELY REPRESENTS THAT SURVEY.  
ANTHONY K. PEALL  
PLS #38636  
AZTEC CONSULTANTS, INC.  
300 E. MINERAL AVE, SUITE 1  
LITTLETON, CO 80122  
DATE: 4/12/2021



**PLANNING COMMISSION RECOMMENDATION**  
THIS PLAN DEVELOPMENT PLAN AMENDMENT WAS RECOMMENDED FOR APPROVED BY THE PLANNING COMMISSION OF THE TOWN OF CASTLE ROCK, COLORADO ON THE 12<sup>TH</sup> DAY OF February 20 21.  
Janice VanCort 4/12/2021  
CHAIR DATE  
ATTEST: [Signature] 4/12/2021  
DIRECTOR OF DEVELOPMENT SERVICES DATE

**DOUGLAS COUNTY CLERK AND RECORDER'S CERTIFICATION**  
THIS PLAN DEVELOPMENT PLAN AMENDMENT WAS FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF DOUGLAS COUNTY AT 10:21 AM ON THE 15<sup>TH</sup> DAY OF April 20 21 AT RECEPTION NO. 2021042642  
DOUGLAS COUNTY CLERK AND RECORDER  
BY: Andi Nuth - Deputy



**TOWN COUNCIL APPROVAL**  
THIS PLAN DEVELOPMENT PLAN AMENDMENT WAS APPROVED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO ON THE 2nd DAY OF March 20 21.  
[Signature] 4/13/2021  
MAYOR DATE  
ATTEST: [Signature] 4-13-2021  
TOWN CLERK DATE



PROMENADE AT CASTLE ROCK PLANNED DEVELOPMENT PLAN AMENDMENT NO. 1  
PROJECT NO. PDP20-0002

PROMENADE AT CASTLE ROCK  
**COVER SHEET**  
CASTLE ROCK, COLORADO

P.O. BOX 280869  
LAKEWOOD, CO 80226  
PHONE: (303) 204-5065

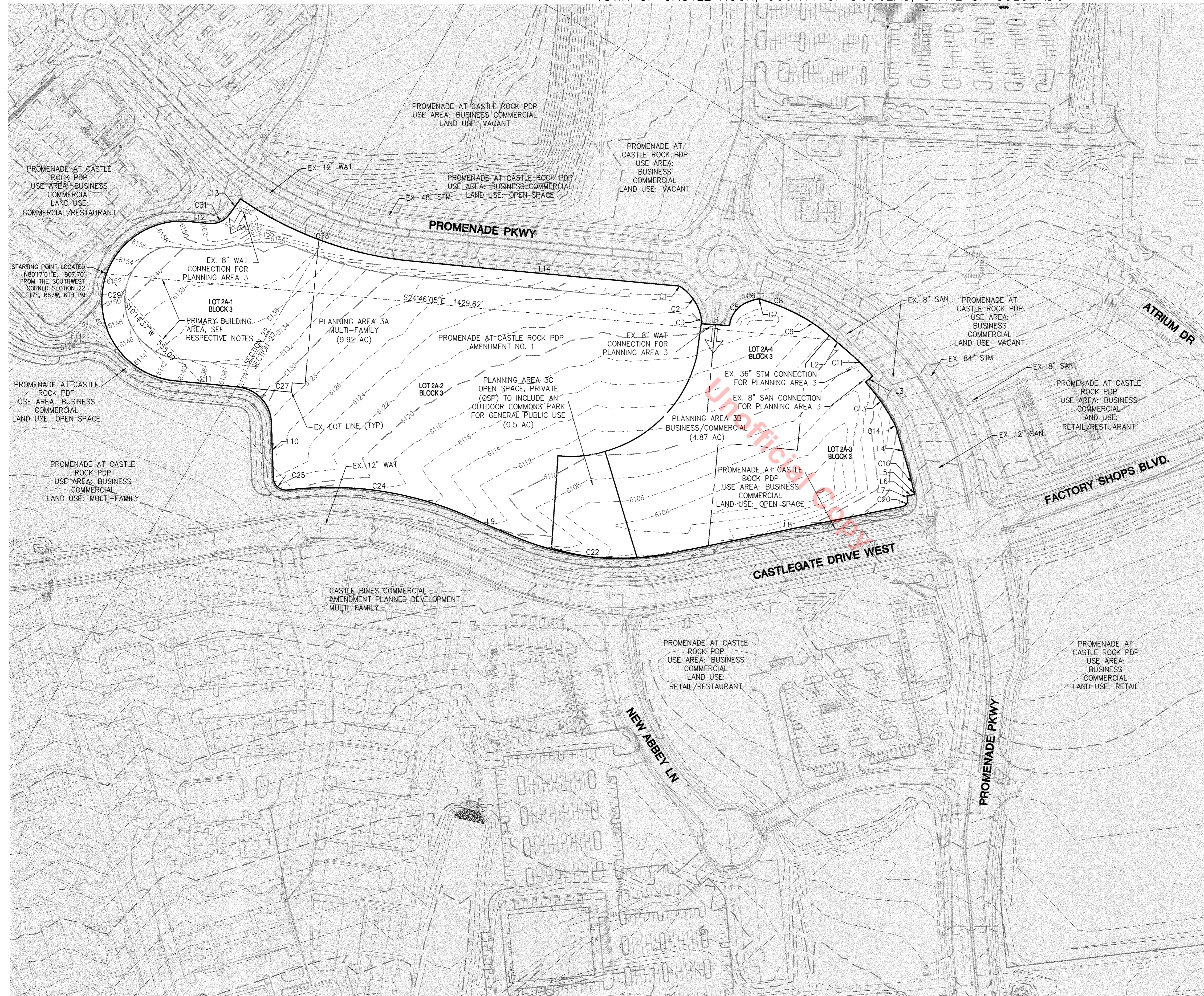
**Elevation Consulting**

DATE: 10/06/20 JOB NO. 2020019 CHECKED BY: LUT

SHEET  
**1**  
SHEET 1 OF 2

# PROMENADE AT CASTLE ROCK PLANNED DEVELOPMENT PLAN AMENDMENT NO. 1

LOCATED IN SECTION 22 AND SECTION 27, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE 6TH P.M.  
TOWN OF CASTLE ROCK, COUNTY OF DOUGLAS, STATE OF COLORADO



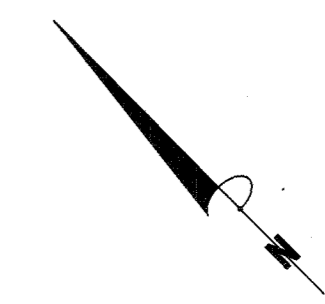
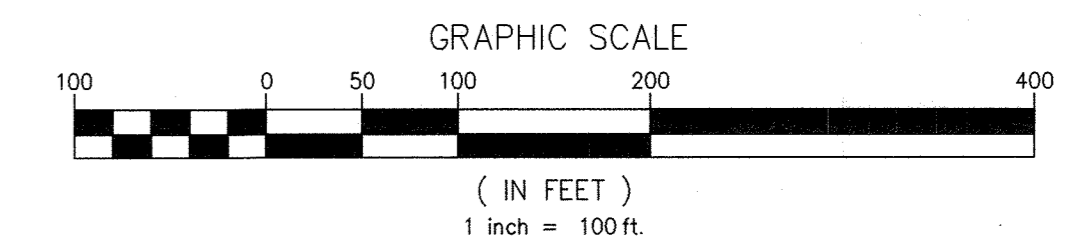
Line Table			Curve Table				
Line #	Length	Direction	Curve #	Delta	Radius	Length	Chord
L1	55.52'	S26° 23' 52"E	C1	029° 08' 30"	15.00'	7.63'	S10° 01' 45"E 7.55'
L2	45.88'	S10° 20' 19"W	C2	039° 24' 15"	94.00'	64.65'	S24° 14' 38"W 63.38'
L3	18.50'	N71° 06' 43"W	C3	021° 35' 35"	54.00'	20.35'	S54° 44' 33"W 20.23'
L4	87.90'	S44° 13' 24"W	C5	058° 04' 33"	54.50'	55.24'	S85° 15' 43"E 52.91'
L5	3.79'	S48° 40' 12"W	C6	016° 17' 38"	89.50'	25.45'	S48° 50' 20"E 25.37'
L6	15.00'	N41° 19' 48"W	C7	028° 21' 24"	15.00'	7.42'	S26° 30' 49"E 7.35'
L7	6.15'	S48° 40' 12"W	C8	008° 43' 44"	481.00'	73.28'	S07° 58' 15"E 73.21'
L8	457.40'	N41° 19' 48"W	C9	013° 56' 57"	316.00'	76.93'	S03° 21' 50"W 76.74'
L9	100.00'	N06° 33' 27"W	C11	008° 32' 58"	481.00'	71.77'	S14° 36' 48"W 71.71'
L10	107.51'	N58° 16' 49"E	C13	011° 48' 25"	462.50'	95.31'	S24° 47' 30"W 95.14'
L11	125.57'	N24° 22' 57"W	C14	013° 31' 41"	65.00'	15.35'	S37° 27' 33"W 15.31'
L12	38.09'	S24° 11' 12"E	C16	005° 05' 32"	451.50'	40.13'	S46° 07' 26"W 40.11'
L13	37.25'	S83° 57' 29"E	C20	090° 00' 00"	12.50'	19.63'	N86° 19' 48"W 17.68'
L14	521.86'	S24° 36' 00"E	C22	034° 46' 21"	523.50'	317.71'	N23° 56' 38"W 312.86'
C24	030° 26' 50"				676.50'	359.50'	N21° 46' 52"W 355.28'
C25	095° 17' 06"				25.00'	41.58'	N10° 38' 16"E 36.95'
C27	082° 39' 46"				72.00'	103.88'	N16° 56' 56"E 95.10'
C29	180° 11' 45"				156.00'	490.62'	N65° 42' 30"E 312.00'
C31	059° 46' 16"				44.00'	45.90'	S54° 04' 20"E 43.85'
C33	029° 01' 49"				711.00'	360.24'	S10° 05' 06"E 356.40'

### PDP STANDARD NOTES

- THE MINERAL RIGHTS ASSOCIATED WITH THIS DEVELOPMENT HAVING NOT BEEN SEVERED, NOTIFICATION OF DEVELOPMENT HEARINGS BEFORE PLANNING COMMISSION AND TOWN COUNCIL MUST BE PROVIDED TO OWNERS OF MINERAL ESTATES.
- THIS SITE LIES WITHIN FEMA FLOOD ZONE X PER MAP 08035C01676G DATED MARCH 16, 2016. NO STRUCTURES SHALL BE PERMITTED IN THE APPROVED 100-YEAR FLOOD PLAIN.
- THIS SITE IS WITHIN THE TOWN OF CASTLE ROCK YELLOW WATER PRESSURE ZONE.
- ALL-WEATHER (CONCRETE OR ASPHALT) SURFACED ACCESS ROADS CAPABLE OF WITHSTANDING THE IMPOSED LOADS OF FIRE APPARATUS (75,000 LBS.) AND ALL REQUIRED FIRE HYDRANTS SHALL BE INSTALLED AND MADE SERVICEABLE PRIOR TO AND DURING ALL CONSTRUCTION.
- RIGHT-OF-WAY FOR INGRESS AND EGRESS FOR EMERGENCY VEHICLES IS GRANTED-OVER, ACROSS, ON AND THROUGH ANY AND ALL PRIVATE ROADS AND DRIVES.

### PRIMARY BUILDING AREA NOTES

- PRIMARY BUILDING AREAS ARE LIMITED TO PRIMARY BUILDINGS WITH FLAT ROOFS AT AN ELEVATION OF 6,188' OR LESS NAVD-88 DATUM.
- AREAS OUTSIDE OF THE PRIMARY BUILDING AREA ARE LIMITED TO BUILDINGS AT ELEVATION OF 6,176' OR LESS, NAVD-88 DATUM, AS MEASURED FROM THE PEAK OF THE ROOF.



01/27/21 PDP20-0002 RESUBMITTAL  
 07/20/21 PDP20-0002 RESUBMITTAL  
 12/09/20 PDP20-0002 RESUBMITTAL  
 11/09/20 PDP20-0002 RESUBMITTAL  
 DATE: 10/06/20 JOB NO.: 2020019 CHECKED BY: LJT  
 P.O. BOX 280869  
 LAKEWOOD, CO 80226  
 PHONE: (303) 204-5065  
**Elevation Consulting**  
 PROMENADE AT CASTLE ROCK  
**PD PLAN**  
 CASTLE ROCK, COLORADO  
 SHEET  
**2**  
 SHEET 2 OF 2

**ORDINANCE NO. 2021-004**

**AN ORDINANCE AMENDING THE TOWN OF CASTLE ROCK'S ZONE DISTRICT MAP BY APPROVING THE PROMENADE AT CASTLE ROCK PLANNED DEVELOPMENT PLAN AMENDMENT NO. 1; APPROVING THE AMENDED PROMENADE AT CASTLE ROCK PLANNED DEVELOPMENT ZONING REGULATIONS; AND APPROVING THE PROMENADE AT CASTLE ROCK BLOCK 3A DEVELOPMENT AGREEMENT**

**WHEREAS**, Promenade Castle Rock, LLC (the "Master Developer") has requested an amendment to the PD Planned Development zoning of the property described in the attached *Exhibit 1* (the "Property"); and

**WHEREAS**, the Master Developer has requested approval of the Promenade at Castle Rock Planned Development Plan Amendment No.1 (the "PD Plan Amendment No. 1") attached as *Exhibit 2*; and

**WHEREAS**, the Master Developer has requested approval of the Amended Promenade at Castle Rock PD Zoning Regulations (the "Amended Zoning Regulations") attached as *Exhibit 3*, insofar as the same affect the Property; and

**WHEREAS**, the Master Developer and the Town have agreed to certain terms and conditions pertaining to the development of the Property contained in the Promenade at Castle Rock Block 3A Development Agreement ("Block 3A DA") attached as *Exhibit 4*; and

**WHEREAS**, among other things, the Block 3A DA provides for the dedication to the Town of approximately 43 acres of open space located on the east side of Interstate 25; and

**WHEREAS**, the Town's Comprehensive Master Plan designates the Property as suitable for mixed use development, which is represented by the mixture of commercial and residential uses within the proposed development; and

**WHEREAS**, the PD Plan Amendment No. 1 and Amended Zoning Regulations are consistent with the Town's Vision 2030 and the Comprehensive Master Plan; and

**WHEREAS**, public hearings on the PD Plan Amendment No. 1 and Amended Zoning Regulations have been held before the Planning Commission and Town Council in accordance with the applicable provisions of the Castle Rock Municipal Code.

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

**Section 1. Zoning District Map Amendment.** The Town's Zoning District Map pertaining to the Property is amended to conform to the Promenade at Castle Rock Planned Development Plan Amendment No. 1.

**Section 2. Planned Development Plan Approval.** The Promenade at Castle Rock Planned Development Plan Amendment No. 1, in the form attached as *Exhibit 2*, is hereby approved.

**Section 3. Zoning Regulations Approval.** The Amended Promenade at Castle Rock PD Zoning Regulations in the form attached as *Exhibit 3* are hereby approved.

**Section 4. Development Agreement Approval.** The Promenade at Castle Rock Block 3A Development Agreement in the form attached as *Exhibit 4* is hereby approved. The Mayor and other proper Town officials are hereby authorized to execute the agreement by and on behalf of the Town of Castle Rock, Colorado.

**Section 5. 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.

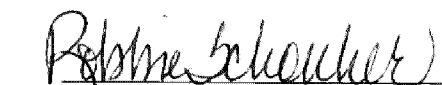
**Section 6. Safety Clause.** The Town Council finds and declares that this ordinance is promulgated and adopted for the public health, safety and welfare and this ordinance bears a rational relation to the legislative object sought to be obtained.

**APPROVED ON FIRST READING** this 16<sup>th</sup> day of February, 2021, 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

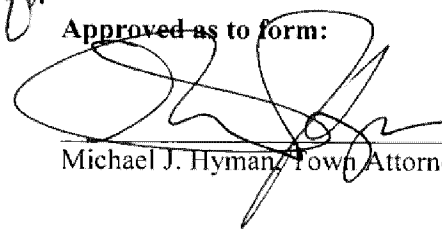
**PASSED, APPROVED AND ADOPTED** this 2<sup>nd</sup> day of March, 2021, by the Town Council of the Town of Castle Rock by a vote of 7 for and 0 against.

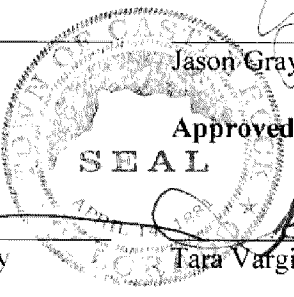
**ATTEST:**

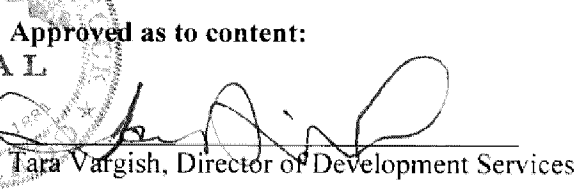
**TOWN OF CASTLE ROCK**

  
\_\_\_\_\_  
Lisa Anderson, Town Clerk

  
\_\_\_\_\_  
Jason Gray, Mayor

**Approved as to form:**  
  
\_\_\_\_\_  
Michael J. Hyman, Town Attorney



**Approved as to content:**  
  
\_\_\_\_\_  
Tara Vargish, Director of Development Services

**EXHIBIT 1**  
**LEGAL DESCRIPTION OF THE PROPERTY**

LOT 2A-1, 2A-2, 2A-3 AND 2A-4, BLOCK 3, PROMENADE AT CASTLE ROCK FILING NO. 1, AMENDMENT NO. 8, LOCATED WITHIN THE SOUTHWEST QUARTER OF SECTION 22 AND THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF CASTLE ROCK, COUNTY OF DOUGLAS, STATE OF COLORADO.

Unofficial Copy

# PROMENADE AT CASTLE ROCK PLANNED DEVELOPMENT PLAN AMENDMENT NO. 1

LOCATED IN SECTION 22 AND SECTION 27, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE 6TH P.M.  
TOWN OF CASTLE ROCK, COUNTY OF DOUGLAS, STATE OF COLORADO

### TITLE CERTIFICATION

I, the undersigned, being duly qualified and sworn to, do hereby certify that the above described plat is a true and correct copy of the original as shown to me by the applicant and that the same has been filed for record in the office of the County Clerk and Ex-Officio Register of Deeds for the County of Douglas, State of Colorado, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

APPROVED: \_\_\_\_\_  
COUNTY CLERK AND EX-OFFICIO REGISTER OF DEEDS

### NOTARY PUBLIC

I, \_\_\_\_\_, do hereby certify that the above described plat is a true and correct copy of the original as shown to me by the applicant and that the same has been filed for record in the office of the County Clerk and Ex-Officio Register of Deeds for the County of Douglas, State of Colorado, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

### LENNHOLTER SUBDIVISION CERTIFICATE

I, the undersigned, being duly qualified and sworn to, do hereby certify that the above described plat is a true and correct copy of the original as shown to me by the applicant and that the same has been filed for record in the office of the County Clerk and Ex-Officio Register of Deeds for the County of Douglas, State of Colorado, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

### OWNER'S CERTIFICATION

I, the undersigned, being duly qualified and sworn to, do hereby certify that the above described plat is a true and correct copy of the original as shown to me by the applicant and that the same has been filed for record in the office of the County Clerk and Ex-Officio Register of Deeds for the County of Douglas, State of Colorado, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

### OWNER'S CERTIFICATION

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### OWNER'S CERTIFICATION

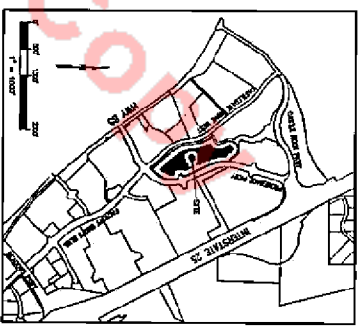
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**PURPOSE STATEMENT**  
The purpose of this amendment is to amend the original plat of the Promenade at Castle Rock, a Planned Development, as shown on the attached plat, to correct the boundary lines of the lots and to correct the area of the lots. The original plat was filed for record in the office of the County Clerk and Ex-Officio Register of Deeds for the County of Douglas, State of Colorado, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**LEGAL DESCRIPTION**  
The land shown on this plat is located in Section 22 and Section 27, Township 7 South, Range 67 West of the 6th P.M., Town of Castle Rock, County of Douglas, State of Colorado. The area of the land is approximately \_\_\_\_\_ acres.

TRACT NO.	SECTION	TOWNSHIP	RANGE	AREA		TOTAL AREA
				ACRES	SQ. FT.	
1	22	7	67	1.23	52,900	1.23
2	27	7	67	1.23	52,900	1.23
3	22	7	67	1.23	52,900	1.23
4	27	7	67	1.23	52,900	1.23
5	22	7	67	1.23	52,900	1.23
6	27	7	67	1.23	52,900	1.23
7	22	7	67	1.23	52,900	1.23
8	27	7	67	1.23	52,900	1.23
9	22	7	67	1.23	52,900	1.23
10	27	7	67	1.23	52,900	1.23
11	22	7	67	1.23	52,900	1.23
12	27	7	67	1.23	52,900	1.23
13	22	7	67	1.23	52,900	1.23
14	27	7	67	1.23	52,900	1.23
15	22	7	67	1.23	52,900	1.23
16	27	7	67	1.23	52,900	1.23
17	22	7	67	1.23	52,900	1.23
18	27	7	67	1.23	52,900	1.23
19	22	7	67	1.23	52,900	1.23
20	27	7	67	1.23	52,900	1.23

### BARNEYSBURG CERTIFICATION

I, the undersigned, being duly qualified and sworn to, do hereby certify that the above described plat is a true and correct copy of the original as shown to me by the applicant and that the same has been filed for record in the office of the County Clerk and Ex-Officio Register of Deeds for the County of Douglas, State of Colorado, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

### OWNER'S CERTIFICATION

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### CONTACTS

**DEVELOPER:** PROMENADE AT CASTLE ROCK, LLC  
1000 EAST 10TH AVENUE, SUITE 100  
CASTLE ROCK, CO 80109  
PHONE: 303-771-0044

**OWNER:** DEVALTER CONSULTING GROUP LTD  
1000 EAST 10TH AVENUE, SUITE 100  
CASTLE ROCK, CO 80109  
PHONE: 303-771-0044

**ARCHITECT:** AGRIE CONSULTANTS, INC.  
1000 EAST 10TH AVENUE, SUITE 100  
CASTLE ROCK, CO 80109  
PHONE: 303-771-0044

**PLANNERS:** 1000 EAST 10TH AVENUE, SUITE 100  
CASTLE ROCK, CO 80109  
PHONE: 303-771-0044

### SHEET INDEX

1 COVER SHEET  
2 P1 PLAN

### PLANNING COMMISSION RECOMMENDATION

I, \_\_\_\_\_, Planning Commissioner, do hereby recommend that the above described plat be approved for record in the office of the County Clerk and Ex-Officio Register of Deeds for the County of Douglas, State of Colorado, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

### TOWN COUNCIL APPROVAL

I, \_\_\_\_\_, Town Council Member, do hereby approve the above described plat for record in the office of the County Clerk and Ex-Officio Register of Deeds for the County of Douglas, State of Colorado, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

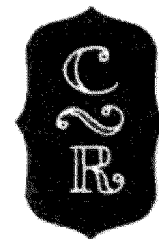
PROMENADE AT CASTLE ROCK  
**COVER SHEET**  
CASTLE ROCK, COLORADO

DATE: 10/28/2021  
JOB NO: 2021049644  
CHECKED BY: LIT

1  
2021



— *Promenade at* —  
**CASTLE ROCK**



**PD ZONING REGULATIONS  
Amendment No. 2**

**APPROVED** March 2, 2021

## Table Of Contents

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## **Section 1 General Provisions**

### **1.1 Adoption / Authorization**

The Town Council has adopted the Promenade at Castle Rock Planned Development Plan and Planned Development Zoning Regulations pursuant to section 17.34 of Title 17 of the Castle Rock Municipal Code after appropriate public notice and hearing.

### **1.2 Applicability**

The Promenade at Castle Rock Planned Development Plan and Planned Development Zoning Regulations shall run with the land and bind all landowners of record, their successors, heirs, or assigns in interest to the property.

### **1.3 Maximum Level of Development**

The total number of dwelling units or total 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 approved will be determined at the Site Development Plan / Plat stage of review based upon environmental constraints, utility and street capacity, compatibility with surrounding land uses, and other relevant factors.

### **1.4 Phasing**

This project will be developed in phases as the market will allow and as agreed in the Public Finance Agreement. The anticipated phasing for Promenade at Castle Rock will be in the following order: Planning Area 1, Planning Area 7, Planning Area 4, Planning Area 5, Planning Area 6, Planning Area 2, and Planning Area 3. The developer and Town of Castle Rock will determine the level of infrastructure improvements required to serve any given phase at the time of the Site Development Plan (SDP) for that Phase. Dust mitigation measures and erosion control measures will be implemented during the grading process in accordance with the Town standards. The order of phasing may be modified as the market dictates.

### **1.5 Relationship to the Town of Castle Rock Regulations**

All Town ordinances and regulations, as the same are amended from time to time, shall apply to and be enforceable in a Planned Development. Such Town ordinances and regulations shall govern and control over any conflicting provisions in the PD zoning regulations unless such conflicting provision is vested as an express development right under the applicable development agreement.

### **1.6 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 remaining provisions shall remain in full force and effect.

**1.7 Development Agreement with each Plat**

In addition to these regulations, certain provisions of the development of the Promenade at Castle Rock Planned Development are controlled by an agreement between the Town of Castle Rock and the PD property owners. This development agreement is subject to the Planned Development Plan as approved by the Town on the 2nd day of March, 2021 by Ordinance No. 2021-004.

Unofficial Copy

## **Section 2 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**

Promenade Castle Rock, LLC, a Colorado Limited liability company, or their successors or assigns as Master Developer.

### **2.5 Private Open Space**

Space, suitable for landscaping, play areas, dog parks, outdoor entertainment venues, passive and/or active recreation, gardens, view protection and enhancement, and/or other appropriate uses, which is held in common ownership.

## **Section 3 Control Provisions**

### **3.1 Use Area Boundaries**

There shall be limited flexibility in determining the exact location of Land Use Area Boundaries as depicted on the Planned Development Plan due to the scale of the drawings and the diagrammatic depiction on the Land Use Areas. However, a twenty percent (20%) change or adjustment to Land Use Area boundaries may be made with the Site Development Plan/Plat.

### **3.2 Road Alignments**

The Planned Development Plan is intended to depict general locations of roadways. Recognizing that final road alignments are subject to engineering studies, minor road realignments of streets are expected, and can be accomplished by the developer through the platting process without any amendment to these regulations or to the Planned Development Plan itself. Major road realignments, as determined by the Town of Castle Rock Development Services Director, shall follow the PD Amendment procedure as provided in the Town of Castle Rock Code.

## **Section 4 Overall Project Standards**

These P.D. regulations shall not preclude the application of Town ordinances, including revisions to this Title, which are of general application throughout the Town, unless such application would conflict with an express vested property right. The standard zoning requirements of the Town of Castle Rock Zoning Ordinance including off-street parking, development standards, landscaping, site development, accessory and temporary uses, and use by special review and variance processes shall apply to this P.D., except as modified by the following:

### **4.1 General Project Description**

The Promenade at Castle Rock P.D. consists of approximately 166 acres with a potential of 1,000,000 square feet of commercial space, and 660 multi-family units.

### **4.2 Development Standards**

The "Promenade at Castle Rock Architectural Design Guidelines and Standards" are the rules and regulations for the development of the Promenade at Castle Rock. These guidelines will establish the framework that will guide developers, users, tenants, and design teams through the process of creating a clear and consistent design aesthetic that will work in concert with each of its parts while contributing to the greater whole that is the Promenade at Castle Rock. While the goals of the Promenade at Castle Rock Design Guidelines and Standards are meant to provide a clear and consistent direction for the initial and future development, they are also intended to be reasonably flexible. As market conditions change and building uses and building types change over time, these guidelines encourage a level of design creativity that contributes to the uniqueness and sense of place that is envisioned for the Promenade at Castle Rock through the conceptual design book which establishes the place making concept for the Promenade at Castle Rock.

### **4.3 Architectural Standards**

All buildings shall conform to the Promenade at Castle Rock Architectural Design Guidelines and Standards. These guidelines shall specify a range of appropriate building materials, building heights and roof pitches (Appendix A of these PD Zoning Regulations). 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.

### **4.4 Additional Design Standards**

In addition to the Development Standards and other requirements set forth in these regulations, the Development will be subject to one or more Declaration of Easements, Covenants, and Restrictions (ECRs). Where there is conflict between the ECRs and the Development Standards, the more restrictive shall apply.

## **Section 4 Overall Project Standards**

### **4.5 Parking**

Off-street parking is required for all land uses. Except as otherwise specifically provided therein, 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 Site Development Plan, unless Developer can demonstrate to the satisfaction of the Town, at the time of Site Development Plan review, that provision of a lesser number of spaces or spaces of lesser size will provide adequate off-street parking for the proposed use. Required parking for the Multi-Family Residential District will be determined during the Site Development Plan review process.

### **4.6 Street Standards**

All streets within the Promenade at Castle Rock shall meet Town of Castle Rock design criteria or Town approved alternative street standards as deemed appropriate and necessary at later stages in design and development.

### **4.7 Lighting**

Lighting shall comply with the Town of Castle Rock Illumination Regulations, provided throughout the community and will adhere to the project theme.

### **4.8 Temporary Uses**

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

B. Temporary concrete, asphalt and mortar batching plants for the purposes of construction on the site or off-site project-related construction.

### **4.9 Fencing**

Fencing regulations will be addressed in the Site Development Plan.

### **4.10 Landscaping**

Landscaping shall, at a minimum, comply with the Town of Castle Rock Landscape and Irrigation Performance Standards and Criteria. Distinctive planting and landscape treatments are proposed throughout the planning areas. A palette of materials will provide color, texture and structure throughout the entire year. Plantings will be designed and placed based on hydrozones.

## **Section 4 Overall Project Standards**

Predominately, plantings with low water requirements and/or drought tolerant plants will be used throughout the planning areas. Soft and hard landscape treatments will be provided throughout the community and will adhere to the project theme.

### **4.11 Signs**

All signs shall comply with the Approved Promenade at Castle Rock Master Signage & Wayfinding Plan. All signs require an approved Sign Permit from the Town of Castle Rock. The sign regulations will allow certain signs to exceed standards found in Title 19 of the Town of Castle Rock Municipal Code.

### **4.12 Accessory Structures**

Accessory structures shall be subject to square footage limitations and architectural control limitations as established by Town Code and these zoning regulations.

### **4.13 Residential Buffering**

Buffering will be provided between commercial and residential uses. This buffer may be composed of plant material, fences and/or intervening streets (per Town's minimum width requirement) to provide an interesting, visually pleasing landscaped transition adjacent to residential property. 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. To maintain the overall character, quality, and connectivity of Planning Area 3, residential buffering between planning area 3A and planning area 3B is not required.

## Section 5 General Use Areas

### 5.1 Land Use Summary Table

The Land shall be divided into general use areas as the same are located on "Promenade at Castle Rock P.D. Plan", approved contemporaneously herewith, which is incorporated by reference into this Ordinance. The maximum density/floor area ratio may be transferred between planning areas as long as the aggregate for the planning areas does not exceed the total allowed. Said general use areas shall be of two types, as designated below. The aggregate number of acres within each type of use area shall be as follows:

Planning Area	Zoning	Gross Planning Area	Max. Dwelling Units	% of Total Property	Max. Building Ground Coverage
1	Business/Commercial	25.32 acres	N/A	15.2%	0.25
2	Business/Commercial	13.41 acres	N/A	8.1%	0.25
3	Open Space, Private	1.41 acres	N/A	0.8 %	N/A
3A	Multifamily Residential	9.92 acres	300	5.9%	N/A
3B	Business/Commercial	4.87 acres	N/A	2.9%	0.25
3C	Open Space, Private	0.50 acres	N/A	0.3%	N/A
4	Business/Commercial	29.96 acres	N/A	18.0%	0.25
5	Business/Commercial	14.73 acres	N/A	8.9%	0.25
6	Business/Commercial	29.76 acres	N/A	17.9%	0.25
7	Multifamily Residential	17.24 acres	660	10.4%	N/A
	Open Space, Public (POS-2)	15.02 acres	N/A	9.0%	N/A
	Open Space, Private	4.43 acres	N/A	2.6%	N/A
<b>Totals:</b>		<b>166.57 acres</b>		<b>100%</b>	
Note: 25% maximum building ground coverage for each Business/Commercial planning area allowed considering aggregate of the Business/Commercial planning areas do not exceed 1,000,000 square feet total.					

## **Section 6 Business/Commercial District**

### **6.1 Permitted Uses**

- A. Alcoholic beverage sales
- B. Automobile service/fuel station/wash/rental
- C. ATM/kiosk (stand-alone)
- D. Bed and Breakfast
- E. Hotel/Motel
- F. Office
- G. Medical office
- H. Restaurant
- I. Retail
- J. Services, commercial
- K. Services, personal
- L. Services, repair
- M. Veterinary clinic
- N. College/university/vo-tech
- O. Clinics/medical labs
- P. Places of worship
- Q. Private club
- R. Public facilities
- S. Commercial amusement, indoor
- T. Recreation, indoor
- U. Recreation, outdoor
- V. Parking (stand-alone lot/structure)
- W. Multi-modal transit facilities (i.e. bus stop/shelter)

### **6.2 Prohibited Uses**

- A. Sexually oriented business
- B. Auto body/vehicle, RV, boat and equipment services
- C. Asphalt/concrete plant
- D. Commercial warehousing and logistics
- E. Disposal services
- F. Heavy industry
- G. Light industry, wholesale, manufacturing, processing and fabrication
- H. Mini-storage facility
- I. Mineral extraction
- J. Oil and gas production
- K. Recycling center and salvage
- L. Storage yard
- M. Towing and storage of inoperable vehicle, small scale

## **Section 6 Business/Commercial District**

- N. Vehicle storage
- O. Cemetery
- P. Live-work unit
- Q. Airport

### **6.3 Use by Special Review**

- A. Nursery or greenhouse
- B. Kennel/doggy daycare
- C. Vehicle, equipment sales and leasing
- D. Utilities, public
- E. Assisted living/memory care
- F. Commercial amusement, outdoor
- G. Shooting range, indoor
- H. Helistop/heliport

### **6.4 Accessory Uses**

- A. Roadways, bike paths and pedestrian trails
- B. Solar collection devices
- C. Patio/gazebo/community gathering spaces
- D. Open spaces and lakes to include storm water drainage detention areas
- E. Parks, playgrounds and picnic areas
- F. Recycling/clothing drop-off

### **6.5 Building Ground Coverage**

Twenty-five percent (25%) 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 that building coverage does not exceed 25% of any Planning Area.

### **6.6 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 site development plan, 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

## **Section 6 Business/Commercial District**

least the following criteria:

- A. Topography of the site and visual impact of the proposed structure;
- B. The size of the site;
- C. Height of adjacent structures;
- D. Compatibility with adjacent structures;
- E. Site illumination impacts to adjacent streets and residentially zoned property;
- F. Traffic impact

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

### **6.7 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.

## **Section 7 Multi-Family Residential District**

### **7.1 Permitted Uses**

- A. Multi-family dwellings to include apartments, condominiums or townhomes.
- B. Private clubhouse or private recreation facility.
- C. Temporary leasing office and construction trailers.

### **7.2 Accessory Uses**

- A. Recycling/clothing collection drop-off
- B. Roadways, bike paths, pedestrian trails

### **7.3 Building Ground Coverage**

A maximum of six hundred sixty (660) dwelling units will be permitted.

### **7.4 Maximum Building Height**

The maximum building height which may be constructed by right in the multi-family residential district areas shall be sixty (60) feet. At the time of site development plan, 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'). Building elements such as towers, copulas, dormers, etc. can exceed sixty feet (60') but not to exceed seventy five feet (75'). Action on such a request shall be based on a consideration of at least the following criteria:

- A. Topography of the site and visual impact of the proposed structure
- B. The size of the site
- C. Height of adjacent structures
- D. Compatibility with adjacent structures
- E. Effect upon light to adjacent streets and properties
- F. 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.

### **7.5 Minimum Setbacks**

The minimum building setback shall comply with the following criteria:

- A. Minimum side yard:
  - 1. Principal building: Multiple 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. All attached dwelling units

## **Section 7 Multi-Family Residential District**

are allowed zero side yard setbacks where attached.

2. Accessory buildings: not located in the rear one-third of the lot- five feet (5').
3. All buildings: where abutting a street - fifteen feet (15').

### **B. Minimum rear yard:**

1. All buildings: fifteen feet (15').

### **C. Minimum front yard:**

1. Principal building: twenty feet (20').
2. Accessory building: five feet (5').

### **7.6 Intended Housing Types**

The plan is intended to permit a variety of housing opportunities, subject only to the above restrictions.

### **7.7 Parking**

Required parking for the Multi-Family Residential District will be determined during the Site Development Plan review process.

## **Section 8**

### **Open Space, Private (OSP)**

#### **8. Intent**

Land proposed to meet the PD open space requirements. Provide open areas for recreation, visual relief, buffering and wildlife habitat. Hard and soft surface trails shall provide pedestrian access throughout the open space system. The private natural park areas are not intended to become typical urban parks with large amounts of irrigated turf.

#### **8.2 Permitted Uses**

- A. Open space
- B. Natural private parks, formal parks, playgrounds, tot lots and picnic areas, excluding camping and overnight parking
- C. Private community/recreation centers (including private recreation facilities with food service and alcoholic beverage service)
- D. Irrigation, water storage, distribution and well facilities
- E. Parking
- F. Trails: pedestrian, bicycle (including interpretive signs and features)
- G. Gazebos, trellis, small structures, viewing platforms
- H. Community Information Center/Temporary Sales Office/Model Units and Construction Trailers (in areas designated as "private natural park" only)
- I. Such other public uses, not in consistent with the nature of surrounding use areas, as may be permitted by the Town of Castle Rock
- J. Facilities for the acquisition, treatment, and storage of water
- K. Facilities for the collection, treatment, and disposal of sewage
- L. Facilities for the collection, treatment, and disposal of reuse water

#### **8.3 Planning Area 3C - Outdoor Commons Park**

Commons Park is intended to be a shared use space not only for the residents of Promenade at Castle Rock, but also for the general public of the Town of Castle Rock community, to provide a variety of active and passive opportunities and areas of various sizes and experiences. The design of this open space shall be harmonious with the architectural forms and entries of surrounding buildings for an aesthetic and comfortable pedestrian experience. Commons Park will provide visitors with both lawn and planted greenspace, walking paths, seating opportunities, and a central gathering space to both build active community and offer rejuvenation in the outdoors. Commons Park will provide the following amenities to achieve this goal:

- A. Sidewalks (may be constructed with concrete or pavers).
- B. Walking Paths (may be constructed with pavers, crusher fines or other similar material).
- C. Lawn / Gathering Area (may be artificial turf or sod).

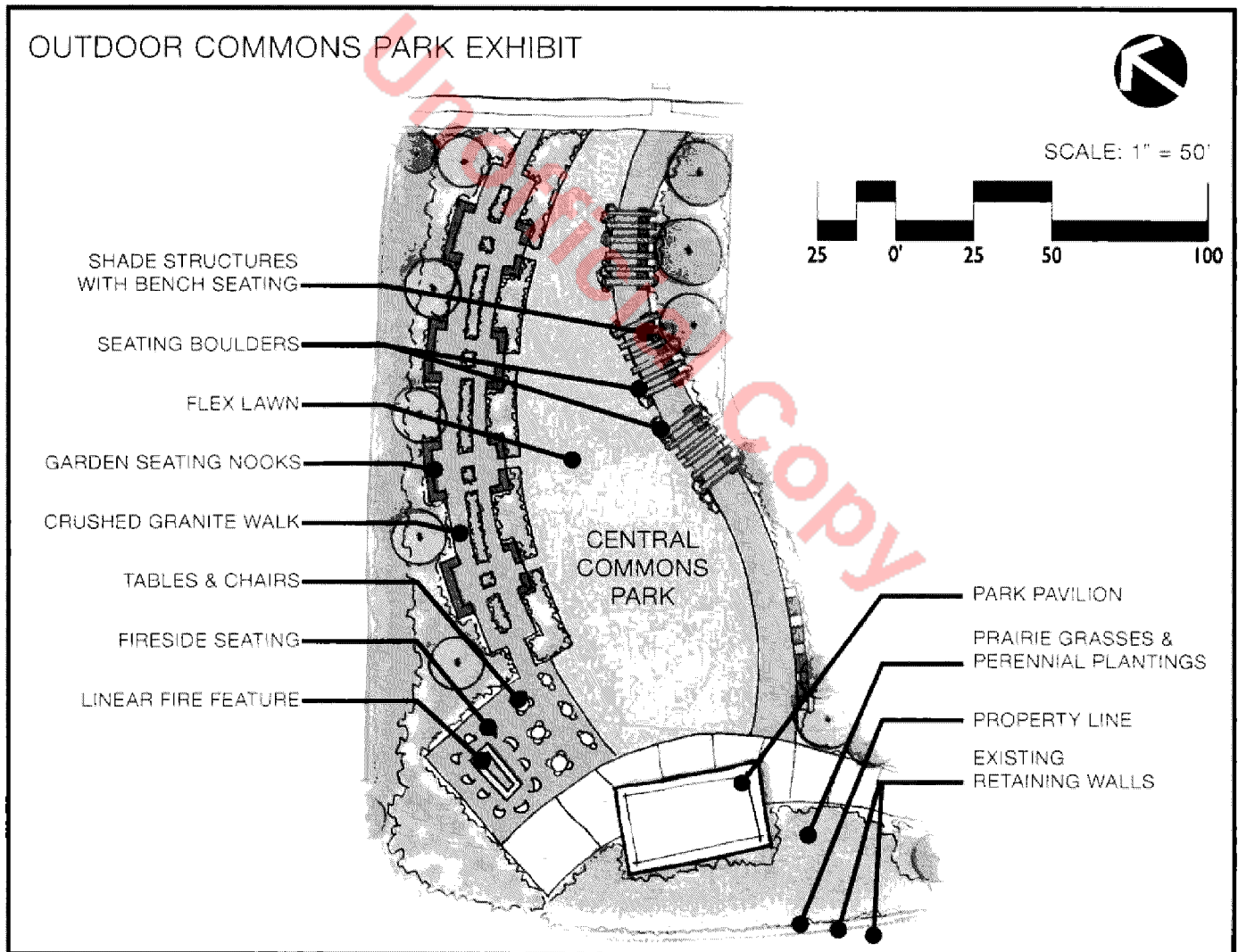
## Section 8 Open Space, Private (OSP)

D. Seating Opportunities

E. Pavilion / Small Structure / Trellis (Minimum: one to be provided).

F. Fire Feature / Fire Place (Minimum: one to be provided).

G. Planting / Landscape Areas



The Outdoor Commons Park Exhibit is a general concept of what the future Site Development Plan for the Outdoor Commons Park shall provide. The design of the park may change, as determined by the Town, due to development patterns and other factors surrounding the site but, at minimum amenities A through G shall be provided. The Town shall have approval authority to determine the final design at the Site Development Plan stage.

## **Section 9 Open Space, Public (POS-2)**

### **9.1 Intent**

The POS District is established to provide areas intended primarily for public uses.

### **9.2 Permitted Uses**

Permitted uses are allowed per the Town of Castle Rock's Municipal Code Title 17 section for POS-2, as amended.

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**Section 10**  
**Submission of Site Development Plans and/or Plats**

- 10.1** Following the approval of this Ordinance, the owners of tracts within the Land shall present a Site Development Plan/Plat for all or any portion or portions of the general use areas as they are ready for development. Public Land Dedication is exempt from this provision.
- 10.2** No structural building permit will be issued until a Site Development Plan/Plat for such areas have been presented to and approved by the Town. Public Land Dedication is exempt from this provision.
- 10.3** In those cases where the Subdivision Regulations of the Town of Castle Rock require approval of a plat 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 Site Development Plan, provided a plat has been approved which must contain the following language: No building permit will be issued for the erection of any structural improvement in any area described here on for which a Site Development Plan has not been approved.

Official Copy

— *Promenade at* —  
**CASTLE ROCK**



Unofficial Copy

**ARCHITECTURAL DESIGN GUIDELINES  
AND STANDARDS**

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## **Appendix A**

### **Architectural Design Guidelines & Standards**

#### ***General Information***

The Promenade at Castle Rock architecture is defined by Promenade at Castle Rock Visioning Book. The architecture for The Promenade at Castle Rock is an combination of Prairie and Mountain Village aesthetics. The contemporary rustic style creates simple, elegant compositions with a focus on illumination and transparency. The use of local materials: woods, metals, and natural stones, that be assembled in unique ways will create a project that is both familiar and new. The concept of porches will be used throughout the Promenade the use of large overhangs, storefronts and lighting elements. Promenade at Castle Rock shall reflect the dynamics and livelihood to enhance a regional shopping center while appropriately creating an inviting, casual and relaxed image.

While the vision for The Promenade at Castle Rock is defined by the Vision Book, for purposes of providing clarity for the varied types of uses that will occupy the Promenade, the Architectural Design Guidelines and Standards for the project are defined by the following four categories; High Visibility Village, Large Format/Value Retail, Pad Site and Stand Alone Tenants, and Residential. These categories are utilized to provide the standards based upon size and types of users that will be incorporated into the various districts, while still maintaining the overall intent of the Vision Book.

The **“High Visibility Village”**, is the pedestrian friendly, district for the project. This area is a pedestrian oriented marketplace that serves as the center of the development. “The High Visibility Village” combines a complementary mix of uses in a casual and charming outdoor environment meant to enhance both daytime and nighttime activities. Reference Exhibit A-1.

The **“Large Format/Value Retail”** district provides opportunities for national retail tenants to develop prototypical building footprints and individual development criteria essential to the success of their operation, yet provide compatible architectural detailing and finishes to the development. Reference Exhibit A-2.

The **“Pad Site and Stand-Alone Tenants”** district is located adjacent 1-25 and Meadows Parkway. These sites, along with the High Visibility Village, serve as the front door for the development and establish a high quality visualization of the project. The sites will primarily feature restaurants, banks, retail, and other commercial uses. Reference Exhibit A-3.

The **“Residential”** district provides opportunities for multi-family units to be developed along the northwest corner of the development. The site is adjacent Castlegate Drive North and existing multi-family developments to the west. Specific Design Guidelines and Standards for this district will be provided by the multi-family developer, but will be subject to review and approval by the PCRACC. Reference Exhibit A-4.

## **Appendix A**

### **Architectural Design Guidelines & Standards**

#### ***Section I: Architectural Design - High Visibility Village***

**Building Design** - The following is a summary of the design standards and guidelines for the High Visibility Village buildings. Please refer to the PD Plan and Zoning Code for additional requirements.

#### **Intent:**

The overall goal of the High Visibility Village is to create a small scale intimate village that incorporates a variety of retail and restaurant users. The village will be a pedestrian focused environment that provides the community with covered patios, generous walking areas, community gathering spaces and germane architecture that creates a front door presence for the overall development.

#### **Building Design Standards:**

- Buildings shall incorporate four sided design. All sides of a building open to view shall display a similar level of quality and architectural interest.
- Variation in the building facade by vertical or horizontal articulation, window and entry variations, patios, plazas or other landscaped pedestrian areas is encouraged. Strong vertical elements such as windows, pilasters, columns, stairs, and towers should be used to identify individual commercial spaces.
- Variations in roofline and building parapet walls shall be utilized to effectively break up massing and provide visual interest.
- Building design shall incorporate textured surfaces, projections, recesses, shadow lines, color, window patterns, overhangs, reveals, changes in parapet height to avoid monolithic shapes and surfaces.
- The primary entrance of a building or store shall have a clearly defined, visible entrance with distinguishing features such as a canopy, portico or other prominent element of the architectural design.
- Exterior building materials shall be selected from the approved material palette and may be augmented with tenant selected materials provided that they maintain the overall quality and style of the project and are deemed appropriate by the PCRACC.
- Building facades longer than forty feet shall employ techniques to provide additional interest and to subdivide the wall plane.
- Detailing is required to reflect the architectural style of the development.
- Buildings shall be designed using high quality, durable materials.
- Buildings that utilize CMU walls shall use integrally colored units. Painted CMU is not permitted.
- Buildings that utilize tilt wall concrete wall panels sufficient articulation and color patterning shall be incorporated to add a variety of texture and visual interest.
- The style and placement of exterior accent lighting shall enhance the building's architectural elements such as entry features, pilasters, columns, and landscaping.

## **Appendix A**

### **Architectural Design Guidelines & Standards**

#### **Building Design Guidelines:**

- Each building should have a well-designed base, middle and top. Architectural detailing or a change of materials or color at the ground level may be used to create the base. The different parts of a building's facade should be emphasized by use of color, arrangement of facade elements, or a change of materials.
- Large volumes or planes should be broken up into smaller ones in order to reduce the visual scale of a building. The mass of a building should be varied in form or divided to emphasize the various interior building functions. Building design should reinforce structural grid with pilasters and or colonnades.
- A variety of roof lines and parapet heights incorporating changes or elements should be provided at a maximum of every sixty lineal feet.
- Variations in rooflines can include gables, dormers and well-defined parapets. Offsets in the roofline break up the mass of the roof and are encouraged.
- Roof overhangs at pedestrian entries provide protection for shoppers and are encouraged.
- Roofing materials should be of a color and material consistent with the architectural character of the building and should convey a sense of permanence and quality.
- Horizontal Alignment of architectural elements such as windows, sills, cornices, banding, etc.
- Storefront to be dark bronze, anodized. Tenant may use prototype storefront if approved in advance by the PCRACC.
- Building detailing and accent materials are encouraged to add creativity and are not limited to the enclosed material palette. An example of these accent materials includes granite, wrought iron, slate, glass, tile, marble and others as appropriate.
- Light to medium intensity colors with low reflectivity are preferred as the background building color. Brighter colors may be used for accents, trim or highlighting architectural features. The warm, subdued hues of natural, earth colors are encouraged.
- Color can be used to impact the scale of a building by highlighting various architectural elements.
- Integration of fabric/canvas awnings, flat metal awnings, and trellises is encouraged.
- A variety of wall mounted light fixtures are encouraged, which fit the period or architectural style proposed. Unshielded lighting fixtures or wall packs are prohibited.
- Delivery, loading, trash, and other service areas must be screened or integrated into the building.
- Screening must be accomplished by a wall constructed of integrally colored CMU, architectural metal screening, stone, stucco, textured stained concrete, or brick to match the primary structure.
- Screening of all roof top or pad mounted mechanical units is required.

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### **Architectural Design Guidelines & Standards**

#### ***Section 2: Architectural Design - Large Format/Value Retail***

**Building Design** - The following is a summary of the design standards and guidelines for the Large Format/Value Retail tenants. Please refer to the PD Plan and Zoning Code for additional requirements.

**Intent:**

The overall goal of the Large Format/Value Retail districts within the overall development is to provide a place that is the heart of the shopping areas. Larger scale tenants bring a national presence to the projects and provide unique synergies amongst themselves. The Large Format/Value Retail districts will provide shoppers with a different experience than that of the Village areas, but should utilize similar design features to enhance the overall experience of the users. The Large Format/Value retail must pay particular attention to the scale of their development to help maintain the pedestrian experience through the use of public gathering areas, inviting pedestrian environments and interesting landscape features.

**Building Design Standards:**

- Buildings shall incorporate four sided design. All sides of a building open to view shall display a similar level of quality and architectural interest.
- Variation in the building facade by vertical or horizontal articulation, window and entry variations, patios, plazas or other landscaped pedestrian areas is encouraged. Strong vertical elements such as windows, pilasters, columns, stairs, and towers should be used to identify individual commercial spaces.
- Variations in roofline and building parapet walls shall be utilized to effectively break up massing and provide visual interest.
- Building design shall incorporate textured surfaces, projections, recesses, shadow lines, color, window patterns, overhangs, reveals, changes in parapet height to avoid monolithic shapes and surfaces.
- The primary entrance of a building or store shall have a clearly defined, visible entrance with distinguishing features such as a canopy, portico or other prominent element of the architectural design.
- Exterior building materials shall be selected from the approved material palette and may be augmented with tenant selected materials provided that they maintain the overall quality and style of the project and are deemed appropriate by the PCRACC.
- Building facades longer than forty feet shall employ techniques to provide additional visual interest and to subdivide the wall plane.
- Detailing is required to reflect the architectural style of the development.
- Buildings shall be designed using high quality, durable materials.
- Buildings that utilize CMU walls shall use integrally colored units. Painted CMU is not permitted.
- Buildings that utilize tilt wall concrete wall panels sufficient articulation and color patterning shall be incorporated to add a variety of texture and visual interest.
- The style and placement of exterior accent lighting shall enhance the building's architectural

## **Appendix A**

### **Architectural Design Guidelines & Standards**

elements such as entry features, pilasters, columns, and landscaping.

#### **Building Design Guidelines:**

- Each building should have a well-designed base, middle and top. Architectural detailing or a change of materials or color at the ground level may be used to create the base. The different parts of a building's facade should be emphasized by use of color, arrangement of facade elements, or a change of materials.
- Large volumes or planes should be broken up into smaller ones in order to reduce the visual scale of a building. The mass of a building should be varied in form or divided to emphasize the various interior building functions. Building design should reinforce structural grid with pilasters and or colonnades.
- A variety of roof lines and parapet heights incorporating changes or elements should be provided.
- Variations in rooflines can include gables, dormers and well-defined parapets. Offsets in the roofline break up the mass of the roof and are encouraged.
- Roof overhangs at pedestrian entries provide protection for shoppers and are encouraged.
- Roofing materials should be of a color and material consistent with the architectural character of the building and should convey a sense of permanence and quality.
- Horizontal alignment of architectural elements such as windows, sills, cornices, banding, etc.. is encouraged.
- Storefront to be dark bronze, anodized. Tenant may use prototype storefront if approved in advance by the PCRACC.
- Building detailing and accent materials are encouraged to add creativity and are not limited to the enclosed material palette. An example of these accent materials includes granite, wrought iron, slate, glass, tile, marble and others as appropriate.
- Light to medium intensity colors with low reflectivity are preferred as the background building color. Brighter colors may be used for accents, trim or highlighting architectural features. The warm, subdued hues of natural, earth colors are encouraged.
- Color can be used to impact the scale of a building by highlighting various architectural elements.
- Integration of fabric/canvas awnings, flat metal awnings, and trellises is encouraged.
- A variety of wall mounted light fixtures are encouraged, which fit the period or architectural style proposed. Unshielded lighting fixtures or wall packs are prohibited.
- Delivery, loading, trash, and other service areas must be screened or integrated into the building.
- Screening must be accomplished by a wall constructed of integrally colored CMU, architectural metal screening, stone, stucco, textured stained concrete, or brick to match the primary structure.
- Screening of all rooftop or pad mounted mechanical units is required.

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### **Architectural Design Guidelines & Standards**

#### ***Section 3: Architectural Design - Pad Sites and Stand-Alone Tenants***

**Building Design** - The following is a summary of the design standards and guidelines for the Pad Site tenants. Please refer to the PD Plan and Zoning Code for additional requirements.

**Intent:**

The overall goal of the Pad Site and Stand-Alone Tenants is to create continuity between the major districts and the individual sites. The Pad Site and Stand-Alone Tenants can vary in size dramatically and surrounding context should be evaluated to ensure that each building fits in with its surrounding environment. Pad Site and Stand-Alone Tenants should utilize similar design elements as the other districts as well as incorporate a similar level of Site Building and Pedestrian elements that contribute to the overall development.

**Building Design Standards:**

- Buildings shall incorporate four sided design. All sides of a building open to view shall display a similar level of quality and architectural interest.
- Variation in the building facade by vertical or horizontal articulation, window and entry variations, patios, plazas or other landscaped pedestrian areas is encouraged. Strong vertical elements such as windows, pilasters, columns, stairs, and towers should be used to identify individual commercial spaces.
- Variations in roofline and building parapet walls shall be utilized to effectively break up massing and provide visual interest.
- Building design shall incorporate textured surfaces, projections, recesses, shadow lines, color, window patterns, overhangs, reveals, changes in parapet height to avoid monolithic shapes and surfaces.
- The primary entrance of a building or store shall have a clearly defined, visible entrance with distinguishing features such as a canopy, portico or other prominent element of the architectural design.
- Exterior building materials shall be selected from the approved material palette and may be augmented with tenant selected materials provided that they maintain the overall quality and style of the project and are deemed appropriate by the PCRACC.
- Building facades longer than forty feet shall employ techniques to provide additional interest and to subdivide the wall plane.
- Detailing is required to reflect the architectural style of the development.
- Buildings shall be designed using high quality, durable materials.
- Buildings that utilize CMU walls shall use integrally colored units. Painted CMU is not permitted.
- Buildings that utilize tilt wall concrete wall panels sufficient articulation and color patterning shall be incorporated to add a variety of texture and visual interest.
- The style and placement of exterior accent lighting shall enhance the building's architectural elements such as entry features, pilasters, columns, and landscaping.

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#### **Building Design Guidelines:**

- Each building should have a well-designed base, middle and top. Architectural detailing or a change of materials or color at the ground level may be used to create the base. The different parts of a building's facade should be emphasized by use of color, arrangement of facade elements, or a change of materials.
- Large volumes or planes should be broken up into smaller ones in order to reduce the visual scale of a building. The mass of a building should be varied in form or divided to emphasize the various interior building functions. Building design should reinforce structural grid with pilasters and or colonnades.
- A variety of roof lines and parapet heights incorporating changes or elements should be provided.
- Variations in rooflines can include gables, dormers and well-defined parapets. Offsets in the roofline break up the mass of the roof and are encouraged.
- Roof overhangs at pedestrian entries provide protection for shoppers and are encouraged.
- Roofing materials should be of a color and material consistent with the architectural character of the building and should convey a sense of permanence and quality.
- Horizontal alignment of architectural elements such as windows, sills, cornices, banding, etc. Storefront to be clear aluminum, anodized. Tenant may use prototype storefront if approved in advance by the PCRACC.
- Building detailing and accent materials are encouraged to add creativity and are not limited to the enclosed material palette. An example of these accent materials includes granite, wrought iron, slate, glass, tile, marble and others as appropriate.
- Light to medium intensity colors with low reflectivity are preferred as the background building color. Brighter colors may be used for accents, trim or highlighting architectural features. The warm, subdued hues of natural, earth colors are encouraged.
- Color can be used to impact the scale of a building by highlighting various architectural elements. Integration of fabric/canvas awnings, flat metal awnings, and trellises is encouraged.
- A variety of wall mounted light fixtures are encouraged, which fit the period or architectural style proposed. Unshielded lighting and wall packs are prohibited.
- Delivery, loading, trash, and other service are as must be screened or integrated into the building.
- Screening must be accomplished by a wall constructed of integrally colored CMU, architectural metal screening, stone, stucco, textured stained concrete, or brick to match the primary structure.
- Screening of all rooftop or pad mounted mechanical units is required.

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### **Architectural Design Guidelines & Standards**

#### ***Section 4: Planning and Design - Residential***

##### **General:**

The Promenade at Castle Rock Residential development is planned for up to 660 units, moderately dense, residential community.

##### **Intent:**

The planning approach to the Promenade at Castle Rock Residential development is to infuse a quality layout of multiple buildings and simultaneously provide a pedestrian network connecting several important areas of the plan.

**Building Design:** - The following is a summary of the Design Standards and Guidelines for the residential parcel. Please refer to the Town of Castle Rock Zoning Code for additional requirements.

- Four sided design. All sides of a building shall display a similar level of quality and architectural interest.
- Building design will be residential in appearance.
- Entries shall be emphasized with additional detailing.
- Material will include architectural stone, cementations siding, architectural plaster, high performance windows and glass and detailing relating to the Castle Rock context.
- The development will maintain the overall and style of the master plan and use additional materials deemed appropriate by the PCRACC.
- Screening of mechanical units is required, when possible.
- Extensive local landscape and hardscape is to be provided.

##### **Signage and Environmental Features**

- Signage will primarily be low ground "way finding", with two identifying project signs at each entry.
- The Promenade at Castle Rock Tenant Sign Criteria shall govern signage.
- Low ground lighting will be utilized and cut offs will be used to mitigate sky lighting.

##### **Pedestrian Connections and Amenities:**

- A residential development shall provide pedestrian access throughout the site by linking to adjacent sidewalks, pathways, or transit stops when appropriate unless grade changes are prohibitive.
- Use of site furnishings such as benches, tables, chairs, and fabric umbrellas is encouraged.

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### **Architectural Design Guidelines & Standards**

#### ***Section 5: Site Design and Planning - All Commercial and Areas***

Special site design requirements and constraints apply particularly to the High Visibility area. There may be additional requirements as set forth by the PD Plan or the Zoning Code.

#### **Intent:**

To provide continuity throughout the overall development through site design and planning.

#### **Building Placement and Orientation:**

- Site and Buildings shall be designed to provide major views from 1-25 and Atrium Parkway.
- Building shall be situated to provide a strong visual and physical connection to the street.
- Development shall relate to the site's setting, considering impacts and enhancements to natural features and important view corridors.
- Orientation of new buildings shall consider adjacent buildings.
- Buildings should be located along the perimeter of a development with internal roadways and with parking screened by buildings from the public roads. The importance of spaces between buildings should be recognized, and these spaces should have a planned and useful shape and not simply be left over areas.
- A sense of entry shall be created into the development by using signage and landscaping.
- Commercial developments, where possible, are encouraged to provide vehicular access to adjoining properties or development in order to provide connectivity between projects.
- Trash storage areas, mechanical equipment and similar areas should not be visible or screened from the street.
- Loading docks should be screened so as not to be visible from the street, and should not be accessed directly from the street.

#### **Parking:**

- Parking shall be shared where such opportunities can be accommodated. Surface parking areas shall be broken up and appropriately landscaped. Each development site shall be required to demonstrate it has met its minimum parking requirements pursuant to the PD Plan Standards.
- Parking lots are encouraged to provide a well-defined pedestrian circulation system within the site in order to minimize conflicts between vehicles and pedestrians.
- Protected pedestrian walkways shall directly link to entrances and the internal circulation of the buildings and to parking areas, as well as other buildings.
- Trees, shrubs and ground covers shall be used in islands to break up large expanses of paving and provide shade. Water-efficient landscaping is to be used.
- Landscaping should be used to provide screening from parking areas from adjacent roadways.
- Parking areas should be separated from buildings by either walkways or landscaped strips, preferably both.
- Large parking areas should be broken up into smaller areas and provide pedestrian connectivity through the use of landscape medians and sidewalks.
- Shared parking between adjacent businesses and/or developments is encouraged, where practical.

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### **Architectural Design Guidelines & Standards**

#### **Site Utilities:**

- Site utilities shall be coordinated with the size and location of the Landlord provided services. All utilities shall comply with the Town of Castle Rock and other agency requirements.

#### **Grading:**

- Developments should be designed to be sensitive to and incorporate the existing grade. Buildings should be designed to take up grade transitions. Where this cannot occur, stepped retaining walls with landscaping should be used.
- In order to soften the visual appearance of walls comprised of two or more retaining walls, landscaping should be used at the base, the terrace between walls, and at the top of a retaining wall.
- All finish grades shall provide positive drainage to the storm water system.
- Finish grades shall comply with ADA and all Town of Castle Rock requirements.
- Site walls shall be allowed under the following conditions:
  - o Wall location and anchorage systems shall be coordinated with all underground utilities and shall not impact or restrict the use of the Landlord's common area,
  - o Walls shall not impact an adjacent site or create a hardship for the development of adjacent land,
  - o Walls shall be designed and sealed by a professional engineer licensed in the State of Colorado.

#### **Pedestrian Connections and Amenities:**

- A commercial development shall provide pedestrian access throughout the site by linking to adjacent sidewalks, pathways, or transit stops when appropriate unless grade changes are prohibitive.
- Buildings, which are placed immediately adjacent to the sidewalk, shall promote visibility and pedestrian orientation with plazas, outside dining or other pedestrian areas.
- Integration of raised planters or potted plants is encouraged.
- Use of site furnishings such as benches, tables, chairs, and fabric umbrellas is encouraged.

## Appendix A Architectural Design Guidelines & Standards

### **Section 6: Landscape and Irrigation Design**

#### **General Information:**

The following standards apply to the entire Promenade at Castle Rock Development including all privately owned lots and Public ROW's.

#### **Landscape Design Intent:**

Landscape plans submitted to the AGO for review will be evaluated for consistency of plant selection, design intent, and its compatibility with the overall established landscape theme. Designs must utilize water conservation including the concepts in xeriscaping. Designs should utilize indigenous, historically adaptable, low maintenance, hardy turf, plants, and trees.

#### **Street Right of Ways Trees:**

All public right of way street trees shall consist of the following trees spaced on center within the tree lawns per the Town of Castle Rock Landscape and Irrigation Performance Standards and Criteria Manual:

- A. *Celtis occidentalis* - Western Hackberry
- B. *Gymnocladus dioica* 'Espresso' - Espresso Kentucky Coffeetree
- C. *Gleditsia triacanthos inermis* 'Skyline' - Skyline Locust

#### **Approved Plant List:**

##### ***-DECIDUOUS SHADE TREES***

<i>Acer grandidentatum</i>	Schmidt/Big Tooth Maple
<i>Catalpa speciosa</i>	Northern Catalpa
<i>Celtis occidentalis</i>	Western Hackberry
<i>Gleditsia triacanthos inermis</i> 'Imperial'	Imperial Locust
<i>Gleditsia triacanthos inermis</i> 'Shademaster'	Shademaster Locust
<i>Gleditsia triacanthos inermis</i> 'Skyline'	Skyline Locust
<i>Gymnocladus dioica</i> 'Espresso'	Espresso Kentucky Coffeetree
<i>Sophora japonica</i>	Japanese Pagoda Tree
<i>Tilia cordata</i> 'Greenspire'	Greenspire Linden

##### ***-ORNAMENTAL DECIDUOUS TREES***

<i>Amelanchier x grandiflora</i> 'Autumn Brilliance'	Autumn Brilliance Serviceberry
<i>Cercis canadensis</i>	Eastern Redbud
<i>Crataegus crus-galli</i> var. <i>inermis</i>	Cockspur Thornless Hawthorn
<i>Koelreuteria paniculata</i>	Goldenrain Tree
<i>Prunus virginiana</i> 'shubert'	Canada Red Chokecherry
<i>Quercus gambelii</i>	Gambel Oak
<i>Syringa reticulata</i>	Japanese Tree Lilac

## Appendix A

### Architectural Design Guidelines & Standards

#### -EVERGREEN TREES

Abies concolor  
Picea pungens var. glauca  
Pinus edulis  
Pinus nigra  
Pinus ponderosa  
Pinus sylvestris

White Fir  
Colorado Blue Spruce  
Pinyon Pine  
Austrian Pine  
Ponderosa Pine  
Scotch Pine

#### -DECIDUOUS SHRUBS

Acer ginnala  
Amelanchier canadensis  
Berberis thunbergii 'Monlars'  
Caryopteris x clandonensis  
Cercocarpus intricatus  
Chamaebatiara millefolium  
Chrysothamnus nauseosus 'Dwarf Blue'  
Fallugia paradoxa  
Forestiera meomexicana  
Hypericum frondosum 'Sunburst'  
Ligustrum vulgare 'Lodense'  
Perovskia atriplicifolia  
Physocarpus opulifolius 'Donna May'  
Prunus besseyi 'Pawnee Buttes'  
Prunus besseyi 'Western'  
Rhus aromatica 'Gro-low'  
Rhus glabra 'Cismontana'  
Rhus trilobata  
Ribes alpinum  
Spiraea nipponica 'Snowmound'  
Syringa patula 'Miss Kim'  
Syringa vulgaris  
Viburnum rhytidophylloides 'Alleghany'

Amur Maple  
Shadblow Serviceberry  
Golden Nugget Barberry  
Blue Mist Spirea  
Littleleaf Mountain Mahogany  
Fembush  
Dwarf Rabbitbrush  
Apache Plume  
New Mexico Privet  
Sunburst Hypericum  
Lodense Privet  
Russian Sage  
Little Devil Ninebark  
Pawnee Buttes Sand Cherry  
Western Sand Cherry  
Gro-low Sumac  
Rocky Mountain Sumac  
Three Leaf Sumac  
Alpine Currant  
Snowmound Spirea  
Miss Kim Lilac  
Common Purple Lilac  
Alleghany Leatherleaf Viburnum

#### -EVERGREEN SHRUBS

Arctostaphylos x coloradensis 'Chieftain'  
Arctostaphylos x coloradensis 'Panchito'  
Arctostaphylos uva-ursi  
Cytisus purgan 'spanish gold'  
Juniperus horizontalis 'Blue Chip'  
Juniperus x media  
Juniperus sabina 'Buffalo'  
Mahonia aquifolium compacta

Chieftain Manzanita  
Panchito Manzanita  
Kinnikinnick  
Spanish gold broom  
Blue Chip Juniper  
Sea Green Juniper  
Buffalo Juniper  
Compact Oregon Grape Holly

## Appendix A Architectural Design Guidelines & Standards

Pinus mugo 'Slowmound'	Slowmound Mugo Pine
Yucca filamentosa	Adam's Needle

### *-ORNAMENTAL GRASSES*

Andropogon gerardii	Big Bluestem
Calamagrostis acutiflora 'Karl Foerster'	Feather Reed Grass
Festuca glauca 'Elijah Blue'	Blue Fescue
Helictotrichon sempervirens	Blue Avena Grass
Miscanthus sinensis	Maiden grass
Nassella tenuissima	Mexican Feather Grass
Oryzopsis hymenoides	Indian Rice Grass
Panicum virgatum 'Shenandoah'	Red Switch Grass
Pennisetum orientale 'Karley Rose'	Oriental Fountain Grass
Schizachyrium scoparium	Little Bluestem

### *-PERENNIALS*

Agastache rupestris 'sunset'	Sunset Hyssop
Aquilegia chrysantha 'paprika'	Pink Yarrow
Aquilegia sp.	Rocky Mountain Columbine
Aubrieta deltooides	Purple Rock Cress
Callirhoe involucrata	Prairie Winecups
Centranthus ruber	Jupiters Beard
Cerastium tomentosum	Snow-in-Summer
Coreopsis verticillata 'Moonbeam'	Moonbeam Coreopsis
Delosperma dyeri 'Psdold'	Red Mountain Ice Plant
Echinacea purpurea 'Alba'	White Coneflower
Eriogonum umbellatum	Buckwheat
Hemerocallis 'Stella De Oro'	Stella D'oro Daylily
Knipofia uvaria	Torch Lily
Liatris spicata	Gayfeather
Nepeta faassenii 'Walker's Low'	Walker's Low Catmint
Penstemon strictus	Rocky Mountain Penstemon
Salvia pachyphylla	Mojave Sage
Thymus praecox 'Pseuotolanuginosus'	Woolly Thyme
Sedum spectabile 'Autumn Joy'	Autumn Joy Sedum
Vinca minor 'Bowles'	Periwinkle

### *-ANNUALS(PLANTER POTS ONLY)*

Antirrhinum majus	Snap Dragons
Cosmos bipinnatus	Cosmos
Gomphrena globosa	Globe Amaranth
Ophiopogon planiscapus 'Nigrescens'	Black Mondo Grass

## Appendix A Architectural Design Guidelines & Standards

Pennisetum setaceum 'Rubrum'  
Salvia sclarea  
Tropaeolum majus 'Alaska'

Purple Fountain Grass  
Clary Sage  
Nasturtium

**Note: Plants not on this list can be used with approval from the PCRACC and the Town of Castle Rock during landscape plan review.**

### **Plant Material Specifications:**

A. Plant calipers, heights, container sizes and installation specifications shall conform to the American Association of Nurserymen and the Colorado Nursery Act Rules and Regulation Standards.

B. Minimum planting/installation sizes of plant material shall conform to Town of Castle Rock Landscape and Irrigation Performance Standards and Criteria Manual.

C. Mulches: Rock Mulch are required per the following specifications:

1. Rock mulch: 2" - 6" dia. multi-color river rock cobble to a minimum depth of 2".

D. Acceptable locations for mulch types:

1. Tree saucers in turf areas shall be wood mulch.
2. Shrub Beds are permitted to have all rock mulch (as specified above) except the individual plants which must have a double shredded cedar wood mulch, not chipped or chunks, ring around them. Cedar mulch shall be a fibrous material (1/1 to 3/1 pieces) capable of matting together and interlocking when moistened and settled. Tree wood mulch rings shall be 3-4' in diameter, wood mulch rings around shrubs shall be 1 1/2 the size of the rootball.
3. Building foundations may have a 3-4' wide border of specified rock mulch if not next to hardscape.

E. Geo Textile Fabric (Install and maintain in accordance with manufacturer's specifications): Dewitt pro-5 weed barrier fabric under all rock mulch shrub beds. No landscape fabric shall be used in wood mulch areas.

F. Approved Turf Grasses:

1. Sod (Install and maintain in accordance with manufacturer's specifications):
  - a. Legacy Buffalo Grass: Located through Green Valley Turf Company, 13159 N. US Highway 85, Littleton, CO 80125, (303) 798-6764.
  - b. Canadian Blue Fescue: Located through TurfMasters Company, 3327 Giddings Road, Fort Collins, CO 80524 (970) 493-8311.

G. Tree Wrap: Standard nursery crepe tape not less than 4" wide, designed to prevent winter sunscald. Secure every 24" by taping.

H. Steel Edger: All edging shall be 14 gauge, overlap at joints a minimum of 6-inches, and shall be fastened with a minimum of 4 pins per each 10 foot section. The top of all edging material shall be a rolled top and 1/2 inch above the finished grade of adjacent lawn or mulch areas. Color: Green.

I. Stakes and Guys: Stakes for Trees shall conform to planting details L-1 and L-2 of the Town of Castle Rock Landscape and Irrigation Performance Standards and Criteria Manual.

## **Appendix A**

### **Architectural Design Guidelines & Standards**

#### **Landscape Maintenance:**

Landscape maintenance is the responsibility of the individual lot owner/developer unless otherwise set forth in development agreements, purchase agreement, declarations, or any other agreements. Landscape maintenance shall consist of all regular and normal maintenance practices of landscaping including weeding, irrigation, fertilizing, pruning and mowing. Plant materials that exhibit significant levels of insects, pests, diseases and/or damage shall be appropriately treated by the individual lot owner/developer. All dead plant materials shall be removed and replaced immediately by owner/developer with living plant materials that match the ACC approved landscape plans.

Unofficial Copy

## **Appendix A Architectural Design Guidelines & Standards**

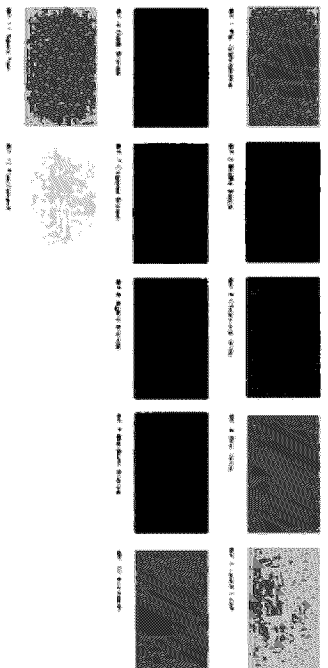
### ***Section 7: Building Materials***

General: The exterior materials palette on the following page is representative of the proposed materials and color ranges to be used throughout the Promenade at Castle Rock development. Specific products, manufacturers, and colors will be specified at the time of the initial Site Development Plan submittal.

Unofficial Copy



**METAL FLASHINGS**



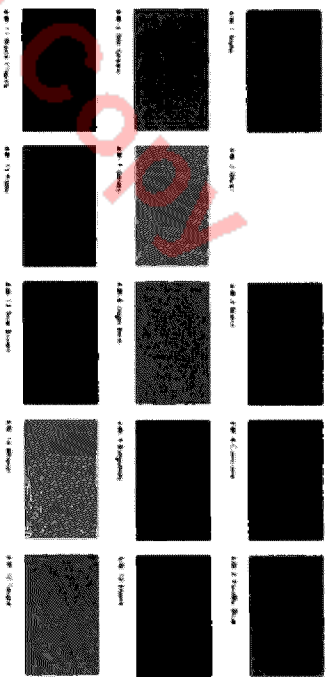
**GLASS**



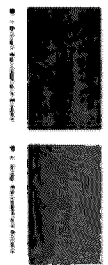
**STOREFRONT**



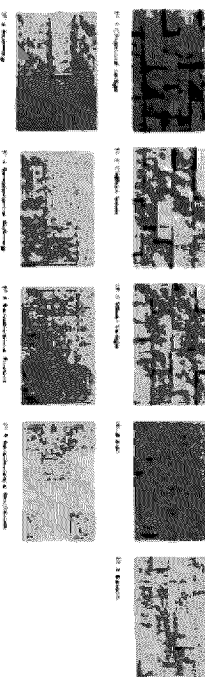
**FABRIC AWNINGS**



**WOOD**



**STONE**



## Appendix A Architectural Design Guidelines & Standards

### **Section 8: Submittals**

Promenade at Castle Rock Architectural Control Committee Review and Approval: All buildings, site, landscape and signage design reviewed and approved by the PCRACC as a condition of approval for the SDP. It is strongly encouraged that the tenants obtain PCRACC approval prior to their first SDP submittal. The followings items shall be submitted in their entirety for review by the PCRACC. Incomplete submittals will not be reviewed.

- Site plan including parking, building footprint, accessory structure locations, sidewalks, special hardscape areas, plazas, site furnishings and light pole locations.
- Grading plan, with any retaining walls called out with top of wall and bottom of wall information.
- Preliminary utility plan, with storm, sanitary, power, gas and water connection points clearly delineated.
- Landscape plan and details.
- Building elevations including material designations, vertical and horizontal dimensions, building mounted lighting, and designation of elevation (i.e.. North, South, etc.)
- Elevations of accessory structures such as trash enclosures, mechanical screens, etc.
- Samples of materials being used that are not a part of the Approved Exterior Finish Materials list.
- Lighting plan and photometries with fixture details.
- Sign submittal materials as listed in the High Visibility Tenant Signage Criteria.
- Requests for any waivers.
- Rendered building elevations and site plan are encouraged but not required.

The Promenade at Castle Rock Architectural Control Committee will review the submittal for completeness and issue a letter informing the applicant of PCRACC acceptance or rejection of the submittal. If the submittal is accepted, comments will be issued within 10 business days. If it is not accepted, a letter explaining concerns or identifying missing items will be returned with the submittal to the applicant.

Contact information:

Architectural Review:	Kristoffer Kenton, Galloway
Civil Review:	Lincoln Thomas, Vision Land Consultants
Signage Review:	Paul Mack, PLM Architecture
Lighting Review:	Jim Galloway, Galloway
Landscape Review:	Joe Wilson, Galloway
Owner's Representative:	Peter Cudlip, Alberta Development Partners.

***Promenade at Castle Rock Architectural Design Guidelines and Standards  
Exhibit A-1, High Visibility Village***



***Promenade at Castle Rock Architectural Design Guidelines and Standards  
Exhibit A-2, Large Format/Value Retail***



**Promenade at Castle Rock Architectural Design Guidelines and Standards**  
**Exhibit A-3, Pad Sites and Stand-Alone Tenants**



***Promenade at Castle Rock Architectural Design Guidelines and Standards  
Exhibit A-4, Residential***



**PROMENADE AT CASTLE ROCK  
BLOCK 3A DEVELOPMENT AGREEMENT**

**DATE:** March 2, 2021.

**PARTIES:** **TOWN OF CASTLE ROCK**, a home rule municipal corporation, 100 N. Wilcox Street, Castle Rock, Colorado 80104 (“Town”).

**Canda Red Chokecherry, LLC**, a Colorado limited liability company, **Canadian Blue Fescue, LLC**, a Colorado limited liability company, **Clary Sage, LLC**, a Colorado limited liability company, **Common Purple Lilac, LLC**, a Colorado limited liability company 5750 DTC Parkway, Suite 210, Greenwood Village, Colorado 80111 (collectively, “Block 3A Developer”).

**Promenade Castle Rock, LLC**, a Delaware limited liability company (“Master Developer”).

**Feather Reed Grass, LLC** (“FRG”)

**MORTGAGEE:** Colliers Funding LLC

**RECITALS:**

A. The parties have determined that it is in their mutual interest to enter into this agreement (“Block 3A DA”) governing the development of the property described in the attached *Exhibit 1* (“Block 3A”) which will govern the future development of Block 3A, in conjunction with the concurrent approval of the necessary amendments to the PD Plan, as defined herein.

B. The parties acknowledge that this Block 3A DA contains reasonable conditions and requirements to be imposed upon the development of Block 3A, and that these restrictions are imposed to protect and enhance the public health, safety and welfare.

C. Mortgagee is a Party to this Block 3A DA solely for the purpose of subordinating its lien and interest in Block 3A to the terms and conditions of this Block 3A DA.

**COVENANTS:**

**THEREFORE**, in consideration of these mutual promises, the parties agree and covenant as follows:

**ARTICLE I  
DEFINITIONS**

**1.01 Defined Terms.** Any initially capitalized term used in this Block 3A DA which is not separately defined in this Block 3A DA shall have the meaning ascribed to it in the Master Development Agreement. The following words when capitalized in the text shall have the meanings indicated:

**Block 3A:** also referred to as **Planning Area 3 in the Block 3A PD Plan Amendment**, the real property described in the attached *Exhibit 1*.

**Block 3A DA or Agreement:** this Promenade at Castle Rock Block 3A Development Agreement and any amendments to this Agreement.

**Block 3A PD Plan Amendment:** the amendment to the Development Plan applicable to Block 3A approved by Town Council Ordinance 2021-004 on March 2, 2021 titled "Ordinance Amending the Town of Castle Rock's Zone District Map by Approving The Promenade At Castle Rock Planned Development Plan Amendment No. 1; Approving The Amended Promenade At Castle Rock Planned Development Zoning Regulations; And Approving The Promenade At Castle Rock Block 3A Development Agreement" and recorded in the Records on \_\_\_\_\_, at Reception No. \_\_\_\_\_.

**Master Development Agreement:** the Promenade at Castle Rock Development Agreement dated March 3, 2015, between the Town, Promenade Castle Rock, LLC, and Promenade at Castle Rock Metropolitan District Nos. 1-3 and recorded on July 22, 2015, at Reception No. 2015051492 of the Records.

**Party(ies):** individually or collectively, Town, Block 3A Developer or Master Developer.

**PC East:** the real property located east of I-25, which is to be dedicated to the Town pursuant to this Agreement, and which is more fully described in *Exhibit 2*.

**PD Plan or PDP:** the Promenade at Castle Rock Planned Development Plan, an Amendment to a Portion of the Castle Pines Commercial PD (2000 Amendment) approved by Ordinance No. 2015-09 and recorded at Reception No. 2015051491 in the Records, as amended by the Block 3A PD Plan Amendment.

**Public Finance Agreement (PFA):** the Second Amended and Restated Public Finance Agreement dated March 2, 2021 between the Town, Promenade Castle Rock, LLC, and Promenade at Castle Rock Metropolitan District Nos. 1-3.

**Sit-Down Restaurant:** a restaurant that serves moderately-priced food and drink with table service on non-disposable plates. Sit-Down restaurants comprise a market segment between fast-food

establishments and fine-dining restaurants and often have a full bar with separate bar staff, a full beer menu, and a limited wine menu. They are frequently, but not necessarily, affiliated with a restaurant chain or franchise.

Certain other terms are defined in the text of the Agreement and shall have the meaning indicated.

**1.02 Cross-reference.** Any reference to a section or article number, without further description shall mean such section or article in this Agreement.

## **ARTICLE II APPLICATION AND EFFECT**

**2.01 Condition Precedent.** This Block 3A DA is conditioned on the Block 3A PD Plan Amendment taking effect upon its terms as approved by Town Council, after the expiration of the period of legal challenge to such approval, of if such legal challenge is timely perfected, the judicial confirmation of the validity of the Town Council approval which judicial determination is no longer subject to further judicial review or contest. If the approval of the Block 3A PD Plan is set aside by final judicial decree, this Block 3A DA shall be of no further force or effect.

**2.02 Binding Effect.** Block 3A is both benefited and burdened by the mutual covenants of this Block 3A DA, and such covenants shall constitute real covenants binding upon successors in interest to Block 3A, including any mortgagees or lienholders subsequently acquiring title to Block 3A, irrespective of whether specific reference to this Block 3A DA is made in any instrument affecting title to Block 3A. Upon conveyance of all, or a portion of Block 3A, the Block 3A Developer (grantor) may elect to assign the obligations imposed by this Block 3A DA applicable to the portion of Block 3A conveyed, and grantor shall then be relieved of all obligations imposed by this Block 3A DA applicable to the portion of Block 3A conveyed, provided that the grantee assumes such responsibility. Notwithstanding the foregoing, it is anticipated that the Districts may undertake development of some or all of the Facilities serving Block 3A, and the Town agrees to accept performance by the Districts of the obligations assumed by a grantee under this Block 3A DA. Grantor shall not be relieved of any default under this Agreement attributable to the action or inaction of the grantor while the grantor was in title to such portion of Block 3A.

**2.03 Applicability of Master Development Agreement.** The Master Development Agreement shall remain in force and effect as to Block 3A, except (i) as modified by this Block 3A DA, or (ii) to the extent this Block 3A DA contains provisions not addressed in the Master

Development Agreement. In the event of a conflict between the Master Development Agreement and this Block 3A DA, the latter shall govern and control.

**2.04 Developer Responsibility.** Town shall accept the Districts' performance of the Block 3A Developer's obligations under this Agreement. However, the owner of the Property upon which development approval is granted shall have the ultimate responsibility for performance of the covenants and obligations of this Agreement.

### **ARTICLE III BLOCK 3A CHANGE OF USE**

**3.01 Change of Use.** In accordance with the Block 3A PD Plan Amendment, the Block 3A Developer will be allowed to construct up to 300 multifamily units on Block 3A in addition to any other multifamily permitted within the PD Plan. Upon execution of Block 3A DA, the Block 3A Developer will deposit the sum of \$200,000.00 with the Town in the form of pre-paid permit fees (the "Fees"). The Fees shall be applied to any permit, impact or other development fees imposed by the Town for non-residential development in Planning Area 3. If the Block 3A Developer receives a building permit from the Town for the construction of a Sit-Down Restaurant or a minimum 10,000 square-foot commercial building within four (4) years from the date the Fee deposit is made, the Block 3A Developer shall receive a credit for the Fees from the Town. If the Block 3A Developer does not receive a building permit during the four (4)-year period, the Fees shall be forfeited to the Town.

**3.02 Commercial Use Goals.** The Block 3A Developer shall use commercially reasonable best efforts to secure unique tenants for the commercial space within Block 3A. This may include Sit-Down Restaurants, scratch kitchen concepts, seafood, steak, and other interesting food and beverage concepts.

**3.03 Landscaping.** During the first phase of construction and prior to the Town's issuance of certificates of occupancy for any buildings in Block 3A, the Block 3A Developer shall complete construction of: (i) landscaping within Block 3A; (ii) landscaping adjacent to roadways within Block 3A, including Promenade Parkway and Castlegate Drive West; and (iii) retaining walls adjacent to roadways within Block 3A, including Promenade Parkway and Castlegate Drive West.

**3.04 Commons Park.** The Open Space Private Use Area, as described in the Block 3A PD Plan Amendment, shall consist of a 0.5-acre outdoor commons park for use by the general public. The Block 3A Developer shall provide sufficient public parking adjacent to the outdoor commons park in Planning Area 3B, as described in the Block 3A PD Plan Amendment; provided that no parking spaces shall be allowed to be constructed within the boundaries of the Open Space Private Use Area. The Block 3A Developer shall complete construction of the outdoor commons park and required parking spaces prior to the Town’s issuance of certificates of occupancy for any buildings in Block 3A.

**ARTICLE IV  
PUBLIC FINANCE AGREEMENT**

**4.01 Town Fees.** Master Developer and Block 3A Developer acknowledge that the Second Amendment to the PFA deletes Section 5.5 of the Public Finance Agreement, and that neither Town, Master Developer, nor the Block 3A Developer has any current or prospective right or obligation under Section 5.5 of the original PFA. The invocation of Section 5.05 shall not affect the finality of the deletion of Section 5.5 of the PFA.

**ARTICLE V  
DEDICATION OF PC EAST TO TOWN**

**5.01 Dedication of Open Space.** FRG agrees that within ten business days after the final, non-appealable approval by the Town of the Block 3A PD Plan Amendment allowing the multi-family units contemplated by this Block 3A DA, that FRG will convey PC East to the Town in compliance with this Article V, subject to use restrictions as provided in 5.03. This conveyance satisfies the land dedication requirements outlined in Title 16 – Subdivision Regulations of the Town of Castle Rock Municipal Code.

**5.02 Manner of Conveyance.** FRG shall convey PC East to Town by quit claim deed (the “Deed”), including any water or water rights appurtenant to the Property, subject to those title matters which are contained in Schedule B, Part II (“Permitted Exceptions”) of the Commitment for Title Insurance issued by Land Title Guarantee Company (“Title Company”) dated March 17, 2021, Order No. ABD70638234.11 (the “Commitment”). The Permitted Exceptions are attached as *Exhibit 3*. FRG shall not permit or suffer any additional liens or encumbrances affecting title to

PC East (excluding the restrictive covenants provided for in 5.03) prior to the tender and recordation of the Deed. Real property taxes for 2019 payable in 2020 shall be paid by FRG, 2020 taxes payable in 2021 shall be prorated between FRG and Town through the date of Deed recordation. Town shall obtain and pay for such title insurance on the PC East as it determines. The Title Company shall serve as the closing agent for conveyance and FRG and Town shall tender such documents and information as the Title Company may reasonably require to enable recordation of the Deed and issuance of title insurance to Town in accordance with the Commitment. FRG and Town shall each pay one half of usual and customary fees and charges other than taxes and title insurance premiums collected by the Title Company at closing. The provisions of this Section 5.03 supersede Article VIII of the Master Development Agreement with respect to conveyance of PC East. The Town may obtain a Phase I environmental report and conduct any other desired due diligence relative to the conveyance of PC East at its own expense.

**5.03 Use Restrictions.** PC East shall be occupied and used by Town exclusively for open space and associated passive uses which enhance and complement its open space values. Accordingly, Town shall accept those restrictions to be made part of the Deed which are set forth in the attached *Exhibit 4*. Under no circumstances shall the Town allow PC East to be used for any commercial purpose.

**5.04 Remediation.** FRG shall pay for 50% of the costs for the remediation of PC East required as a result of asbestos in the building currently located on the property, up to a maximum amount of \$200,000.00. The Town has already secured a bid for the proposed remediation, and FRG has reviewed and approved the bid. Within ten (10) days after the Town provides FRG with notice that it has paid for the remediation work, FRG shall pay to the Town fifty percent (50%) of the amount owed, up to the maximum cap of \$200,000.00.

**5.05 Failure to Dedicate.** Should FRG fail to convey PC East to Town in accordance with this Article V, thereafter the Town shall have no obligation to permit any residential development on Block 3A. This suspension of residential development entitlements shall continue until such time as the conveyance of PC East is accomplished in accordance with this Article V. This shall be the Town's sole remedy irrespective of Article VI of this Agreement.

**ARTICLE VI  
DEFAULT AND REMEDIES**

**6.01 Incorporation.** The provision of Article X of the Master Development Agreement shall apply equally to a default by one or more of the Parties under this Block 3A DA, subject to the limitation on remedy of Section 5.05.

**ARTICLE VII  
GENERAL PROVISIONS**

**7.01 Amendment.** Any and all changes to this Agreement, in order to be mutually effective and binding upon the parties and their successors, must be in writing and duly executed by the signatories or their respective representatives, heirs, successors or assigns. The Town Manager and Town Attorney and officers on behalf of the Master Developer, the Block 3A Developer and Districts executing this Agreement are authorized to make corrections and clarifications to this Agreement, so long as the changes are consistent with the intent and understanding of the Parties at the time of approval by the governing bodies, and execution of such amendment will constitute approval of such changes by the Parties.

**7.02 Interpretation.** In this Agreement, unless the context otherwise requires:

- (a) all definitions, terms and words shall include both the singular and the plural;
- (b) words of the masculine gender include correlative words of the feminine and neuter genders, and words importing singular number include the plural number and vice versa; and
- (c) the captions or headings of this Agreement are for convenience only and in no way define, limit or describe the scope or intent of any provision, article or section of this Agreement.

**7.03 Notice.** The addresses of the parties to this Agreement are listed below. Any and all notices allowed or required to be given in accordance with this Agreement may be given personally, sent via nationally recognized overnight carrier service, or by registered or certified mail, return receipt requested. If given by registered or certified mail, the same will be deemed to have been given and received three days after a registered or certified letter containing such notice, properly addressed, with postage prepaid, is deposited in the United State mail. If personally delivered or sent via nationally recognized overnight courier service, a notice will be deemed to have been given and received the first to occur of one business day after being deposited with a

nationally recognized overnight air courier service or upon delivery to the Party to whom it is addressed. In the event of transfer of the Property to the address of such grantee as indicated in the recorded instrument whereby such grantee acquired an interest in the Property.

If to Town:                   Town Attorney  
Town of Castle Rock  
100 N. Wilcox Street  
Castle Rock, CO 80104

If to Block 3A  
Developer:                   Canda Red Chokecherry, LLC,  
Canadian Blue Fescue, LLC,  
Clary Sage, LLC, and Common Purple Lilac, LLC  
c/o Alberta Development Partners, LLC  
5750 DTC Parkway, Suite 210  
Greenwood Village, CO 80111  
Attention: Don Provost  
Telephone No: (303) 771-4004  
Email: [dgp@albdev.com](mailto:dgp@albdev.com)

If to Master  
Developer:                   Promenade Castle Rock, LLC  
5750 DTC Parkway, Suite 210  
Greenwood Village, CO 80111

With copy to:               Brownstein Hyatt Farber Schreck, LLP  
410 Seventeenth Street, Suite 2200  
Denver, CO 80202  
Attn: Robert Kaufmann, Esq.

If to Mortgagee:           Colliers Funding LLC  
90 South Seventh Street  
Suite 4300  
Minneapolis, MN 55402  
Attn: Loan Servicing Department

With a copy to:             Fabyanske, Westra, Hart & Thomson, P.A.  
333 South Seventh Street  
Suite 2600  
Minneapolis, MN 55402  
Attn: Rory O. Duggan, Esq.

**7.04 Verification.** The Town, the Master Developer, and the Block 3A Developer shall provide the other written verification regarding the status, performance or completion of any action

required of the Town, the Master Developer, or the Block 3A Developer under the Agreement or by the terms of any other agreement.

**7.05 Entire Agreement.** This instrument embodies the whole agreement of the Parties. There are no promises, terms, conditions or obligations other than those contained herein; and this Agreement shall supersede all previous communications, representations or agreements, either verbal or written.

(Signatures on next page)

Unofficial Copy









**Exhibit 1**  
**Legal Description of Property in Block 3A**

**LOTS 2A-1 THROUGH 2A-4, INCLUSIVE, BLOCK 3, PROMENADE AT CASTLE ROCK FILING NO. 1, AMENDMENT NO. 8 AS RECORDED JUNE 14, 2016 UNDER RECEPTION NO. 2016037680, COUNTY OF DOUGLAS, STATE OF COLORADO.**

Unofficial Copy

**Exhibit 2**

**LEGAL DESCRIPTION OF THE PC EAST PROPERTY**

**PARCEL 1:**

A PARCEL OF LAND SITUATED IN THE SOUTHEAST 1/4 OF SECTION 22, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, COUNTY OF DOUGLAS, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 22,

THENCE S00°05'12"W, 502.24 FEET ALONG THE WEST LINE OF SAID SOUTHEAST 1/4 OF SAID SECTION 22 TO THE NORTHEASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 87;

THENCE S27°46'30"E ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE 204.50 FEET TO THE TRUE POINT OF BEGINNING;

THENCE N89°28'00"E, 1,193.76 FEET;

THENCE N00°05'12"E, 680.71 FEET TO A POINT ON THE NORTH LINE OF SAID SOUTHEAST 1/4, SAID POINT BEING A DISTANCE OF 1289.30 FEET FROM THE NORTHWEST CORNER OF SAID SOUTHEAST 1/4;

THENCE N89°36'57"E, 377.00 FEET;

THENCE S13°47'03"E 1,646.59 FEET TO A POINT WHICH IS 1148 FEET NORTH OF THE SOUTH LINE OF SAID SECTION 22;

THENCE N89°09'35"W AND PARALLEL WITH SAID SOUTH LINE OF SECTION 22, 1,500.94 FEET, MORE OR LESS, TO THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID U.S. HIGHWAY NO. 87;

THENCE N25°07'45"W AND ALONG SAID HIGHWAY RIGHT-OF-WAY LINE A DISTANCE OF 31.70 FEET;

THENCE N27°46'30"W AND ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 965.34 FEET TO THE TRUE POINT OF BEGINNING,

COUNTY OF DOUGLAS, STATE OF COLORADO.

**EXCEPTING FROM PARCEL 1 THE FOLLOWING PARCEL:**

RW 227

A TRACT OR PARCEL OF LAND NO. RW-227 OF THE DEPARTMENT OF TRANSPORTATION, STATE OF COLORADO PROJECT NO. 2010-03, IN THE SE QUARTER OF SECTION 22, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE 6<sup>TH</sup>

PRINCIPAL MERIDIAN, IN DOUGLAS COUNTY, COLORADO, AS RECORDED FEBRUARY 11, 2013 AT RECEPTION NO. 2013012022, SAID TRACT OR PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SECTION CORNER COMMON TO SECTIONS 22, 23, 26 AND 27; THENCE N 89°34'35" W., A DISTANCE OF 1377.54 FEET ALONG THE SOUTH LINE OF SAID SECTION 22; THENCE N 00°25'25" E, A DISTANCE OF 1148.03 FEET, MORE OR LESS, TO A POINT ON THE SOUTHERLY LINE OF SAID PARCEL, SAID POINT BEING THE TRUE POINT OF BEGINNING, WHENCE SAID SECTION CORNER BEARS S 49°46'08" E., A DISTANCE OF 1793.20 FEET;

1. THENCE ALONG SAID SOUTHERLY LINE N 89°34'28" W, A DISTANCE OF 719.74 FEET TO THE SOUTHWESTERLY CORNER OF SAID PARCEL, SAID POINT ALSO BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 25 (JULY 2013);
2. THENCE ALONG SAID RIGHT-OF-WAY LINE, DEPARTING SAID SOUTHERLY LINE, N 25°20'10" W., A DISTANCE OF 26.86 FEET;
3. THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE, N 28°09'12" W, A DISTANCE OF 655.02 FEET;
4. THENCE DEPARTING SAID RIGHT-OF-WAY LINE, S 46°17'05" E., A DISTANCE OF 341.35 FEET;
5. THENCE N 68°38'18" E., A DISTANCE OF 73.34 FEET;
6. THENCE S 69°27'48" E., A DISTANCE OF 185.83 FEET;
7. THENCE S 88°16'40" E., A DISTANCE OF 176.99 FEET;
8. THENCE S 65°42'00" E., A DISTANCE OF 211.00 FEET;
9. THENCE S 56°19'05" E., A DISTANCE OF 108.55 FEET;
10. THENCE S 26°56'23" E., A DISTANCE OF 202.39 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING.

**PARCEL 2:**

THE SOUTH 1148.0 FEET OF SECTION 22 LYING EAST OF INTERSTATE HIGHWAY NO. 25, EXCEPT THE EAST 1036.86 FEET THEREOF, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, COUNTY OF DOUGLAS, STATE OF COLORADO.

**EXCEPTING FROM PARCEL 2 THE FOLLOWING PARCEL:**

RW 228

A TRACT OR PARCEL OF LAND NO. RW-288 OF THE DEPARTMENT OF TRANSPORTATION, STATE OF COLORADO PROJECT NO. 2010-03, IN THE SE QUARTER OF SECTION 22, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, IN DOUGLAS COUNTY, COLORADO, AS RECORDED AT RECEPTION NO. 2013018555, SAID TRACT OR PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SECTION CORNER COMMON TO SECTIONS 22, 23, 26 AND 27; THENCE N 89°34'35" W, A DISTANCE OF 1377.54 FEET ALONG THE SOUTH LINE

OF SAID SECTION 22; THENCE N 00°25'25" E., A DISTANCE OF 1148.03 FEET, MORE OR LESS, TO A POINT ON THE NORTHERLY LINE OF SAID PARCEL, SAID POINT BEING THE TRUE POINT OF BEGINNING, WHENCE SAID SECTION CORNER BEARS S 49°46'08" E., A DISTANCE OF 1793.20 FEET;

1. THENCE DEPARTING SAID NORTHERLY LINE, S 06°55'16" E., A DISTANCE OF 68.27 FEET;
2. THENCE S 06°44'55" W., A DISTANCE OF 145.15 FEET;
3. THENCE S 20°18'59" W., A DISTANCE OF 230.40 FEET;
4. THENCE S 14°34'11" W., A DISTANCE OF 322.93 FEET;
5. THENCE S 03°36'50" W., A DISTANCE OF 163.67 FEET;
6. THENCE S 17°59'51" E., A DISTANCE OF 217.57 FEET;
7. THENCE S 61°50'48" W., A DISTANCE OF 15.98 FEET, TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 25 (JULY 2013);
8. THENCE ALONG SAID RIGHT-OF-WAY LINE, N28°09'12" W., A DISTANCE OF 1100.26 FEET;
9. THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE N 25°31'24" W., A DISTANCE OF 170.20 FEET TO THE NORTHWESTERLY CORNER OF SAID PARCEL;
10. THENCE DEPARTING SAID RIGHT-OF-WAY LINE, ALONG THE NORTHERLY LINE OF SAID PARCEL, S 89°34'28" E., A DISTANCE OF 719.74 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING.

AND

EXCEPT THAT PORTION CONVEYED BY DEED RECORDED AUGUST 30, 2016 AT RECEPTION NO. 2016059261 IN THE REAL PROPERTY RECORDS OF THE COUNTY OF DOUGLAS, STATE OF COLORADO.

**PARCEL 3:**

EASEMENT RIGHTS APPURTENANT TO PARCELS 1 AND 2, HEREIN, AS CONTAINED IN DOCUMENT RECORDED AUGUST 19, 1996, IN BOOK 1364 AT PAGE 242, OVER AND ACROSS A PARCEL OF LAND DESCRIBED IN DEED TO BENEFICIAL LIVING SYSTEMS, INC., A COLORADO NON-PROFIT CORPORATION RECORDED APRIL 13, 1990, IN BOOK 906 AT PAGE 1072, IN THE REAL PROPERTY RECORDS OF THE COUNTY OF DOUGLAS, STATE OF COLORADO.

**Exhibit 3**

1. Any facts, rights, interests, or claims thereof, not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
2. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
3. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
5. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date of the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment
6. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
7. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water.
8. EXISTING LEASES AND TENANCIES, IF ANY.
9. RIGHT OF PROPRIETOR OF A VEIN OR LODE TO EXTRACT AND REMOVE HIS ORE THEREFROM SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES AS RESERVED IN UNITED STATES PATENT RECORDED JULY 02, 1883, IN BOOK M AT PAGE 265.
10. EASEMENT GRANTED TO AMERICAN TELEPHONE AND TELEGRAPH COMPANY, FOR COMMUNICATION SYSTEM, AND INCIDENTAL PURPOSES, BY INSTRUMENT RECORDED AUGUST 31, 1951, IN BOOK 103 AT PAGE 315.
11. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN LETTER RECORDED NOVEMBER 25, 1964 IN BOOK 160 AT PAGE 370.
12. EASEMENT GRANTED TO SILVER HEIGHTS MUTUAL WATER AND SEWER CO., FOR WATER AND SEWER LINES, AND INCIDENTAL PURPOSES, BY INSTRUMENT RECORDED FEBRUARY 02, 1965, IN BOOK 161 AT PAGE 492, EXCEPT AS RELINQUISHED BY DEED RECORDED AUGUST 31, 1992 IN

BOOK 1083 AT PAGE 398 AND DEED RECORDED JULY 28, 1993 IN BOOK 1139 AT PAGE 810.

13. A RIGHT-OF-WAY EASEMENT AS GRANTED TO PLATEAU NATURAL GAS COMPANY IN INSTRUMENTS RECORDED OCTOBER 15, 1958 IN BOOK 187 AT PAGES 403 AND 406.

ASSIGNMENT TO NORTHERN NATURAL GAS COMPANY RECORDED MARCH 26, 1970 IN BOOK 202 AT PAGE 365.

14. EASEMENT GRANTED TO SILVER HEIGHTS WATER AND SANITATION DISTRICT, FOR WATER AND/OR SEWER PIPELINES, APPURTENANCES, AND INCIDENTAL PURPOSES, BY INSTRUMENT RECORDED OCTOBER 27, 1977, IN BOOK 317 AT PAGE 249.

15. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN PRELIMINARY P.D. PLAN, CASTLE PINES COMMERCIAL PLANNED UNIT DEVELOPMENT RECORDED OCTOBER 13, 1987 UNDER RECEPTION NO. 8729368 AND AMENDMENT THERETO RECORDED APRIL 24, 1992 UNDER RECEPTION NO. 9213909.

16. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN GRANT OF EASEMENT RECORDED AUGUST 19, 1996 IN BOOK 1364 AT PAGE 242.

17. EASEMENT GRANTED TO DEPARTMENT OF TRANSPORTATION, STATE OF COLORADO, FOR DRAINAGE STRUCTURES, AND INCIDENTAL PURPOSES, BY INSTRUMENT RECORDED OCTOBER 16, 2002, UNDER RECEPTION NO. 2002107714.

18. EASEMENT GRANTED TO QWEST CORPORATION, FOR TELECOMMUNICATIONS, ELECTRICAL AND GAS FACILITIES, APPURTENANCES, AND INCIDENTAL PURPOSES, BY INSTRUMENT RECORDED AUGUST 25, 2010, UNDER RECEPTION NO. 2010053425.

19. EACH AND EVERY RIGHT OR RIGHTS OF ACCESS TO AND FROM ANY PART OF THE RIGHT OF WAY OF COLORADO STATE HIGHWAY NO. I-25, AS RELINQUISHED IN INSTRUMENT RECORDED AUGUST 22, 2014 UNDER RECEPTION NO. 2014047635.

20. EXCLUSION OF ANY AND ALL WATER AND WATER RIGHTS, DITCHES AND DITCH RIGHTS AND ALL OTHER WATER RIGHTS OF ANY KIND AS SET FORTH IN SPECIAL WARRANTY DEED RECORDED AUGUST 29, 2014 UNDER RECEPTION NO. 2014049419 AND QUITCLAIM DEED RECORDED AUGUST 29, 2014 UNDER RECEPTION NO. 2014049420.

21. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN GRANT OF OF EASEMENT RECORDED JUNE 03, 2015 UNDER RECEPTION NO. 2015036204.
22. EASEMENT AGREEMENT, AS GRANTED TO QWEST CORPORATION D/B/A CENTURYLINK QC, A COLORADO CORPORATION, RECORDED APRIL 19, 2016, UNDER RECEPTION NO. 2016023461.
23. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN OPTIONS TO PURCHASE TAXABLE PROPERTY BY AND BETWEEN FEATHER REED GRASS, LLC, A COLORADO LIMITED LIABILITY COMPANY AND PETER CUDLIP, BRYAN C. MCFARLAND, DONALD G. PROVOST AND NICOLE C. HASELDEN; AND AN AGREEMENT FOR SALE AND PURCHASE OF REAL ESTATE BY AND BETWEEN FEATHER REED GRASS, LLC, A COLORADO LIMITED LIABILITY COMPANY AND ROBERT L. WALTER, ALL AS MEMORIALIZED BY MEMORANDUM OF AGREEMENT RECORDED AUGUST 02, 2017 UNDER RECEPTION NO. 2017052615.
24. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN FINAL RULE AND ORDER RECORDED DECEMBER 06, 2016 UNDER RECEPTION NO. 2016088563.
25. EASEMENT GRANTED TO THE INTERMOUNTAIN RURAL ELECTRIC ASSOCIATION, FOR UTILITY LINES, AND INCIDENTAL PURPOSES, BY INSTRUMENT RECORDED DECEMBER 07, 2020, UNDER RECEPTION NO. 2020119971.
26. EASEMENT GRANTED TO THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF DOUGLAS, STATE OF COLORADO,, FOR STORM WATER MANAGEMENT IMPROVEMENTS, AND INCIDENTAL PURPOSES, BY INSTRUMENT RECORDED DECEMBER 28, 2020, UNDER RECEPTION NO. 202012891.

**Exhibit 4**

RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO:

Brownstein Hyatt Farber Schreck, LLP  
410 17th Street, Suite 2200  
Denver, CO 80202  
Attention: Orlene Mitchell

---

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**QUITCLAIM DEED**

**[Statutory Form - C.R.S. § 38-30-116]**

FEATHER REED GRASS, LLC, a Colorado limited liability company ("**Grantor**") with a legal address of 5750 DTC Parkway, Suite 210, Greenwood Village, CO 80111, for the consideration of Ten Dollars (\$10.00) and other good and valuable consideration, in hand paid, does hereby sell and quitclaim to the TOWN OF CASTLE ROCK, COLORADO, a Colorado home rule municipal corporation ("**Grantee**"), which has an office at 100 N. Wilcox Street, Castle Rock, CO 80104, all of Grantors' right, title and interest in and to the following real property, with all its appurtenances, located in the County of Douglas, State of Colorado, to wit:

See Exhibit A attached hereto and incorporated herein.

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances and privileges thereunto belonging or in anywise thereunto appertaining, and all of the estate, right, title, interest, and claim whatsoever of Grantor, either at law or in equity, to the only proper use and benefit of Grantee and Grantee's heirs, successors, and assigns forever.

SUBJECT TO the matters set forth on Exhibit B attached hereto and incorporated herein by this reference.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2021.

***[Signature Page Follows]***

IN WITNESS WHEREOF, Grantor has executed this Quitclaim Deed on the date set forth above.

**GRANTOR:**

**FEATHER REED GRASS, LLC,**  
a Colorado limited liability company

By: Promenade Castle Rock, LLC,  
a Delaware limited liability company,  
Managing Member

By: Alberta Castle Rock Management, LLC,  
a Colorado limited liability company,  
its Manager

By: \_\_\_\_\_  
Name: Donald G. Provost  
Its: Manager

STATE OF COLORADO )  
 ) ss.  
COUNTY OF )

The foregoing Quitclaim Deed was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 2021, by Donald G. Provost, as Manager of Alberta Castle Rock Management, LLC, a Colorado limited liability company, as Manager of Promenade Castle Rock, LLC, a Delaware limited liability company, as Managing Member of Feather Reed Grass, LLC, a Colorado limited liability company.

Witness my hand and official seal.

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

**EXHIBIT A**

**Legal Description of the PC East Property**

**PARCEL 1:**

A PARCEL OF LAND SITUATED IN THE SOUTHEAST 1/4 OF SECTION 22, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, COUNTY OF DOUGLAS, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 22,

THENCE S00°05'12"W, 502.24 FEET ALONG THE WEST LINE OF SAID SOUTHEAST 1/4 OF SAID SECTION 22 TO THE NORTHEASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 87;

THENCE S27°46'30"E ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE 204.50 FEET TO THE TRUE POINT OF BEGINNING;

THENCE N89°28'00"E, 1,193.76 FEET;

THENCE N00°05'12"E, 680.71 FEET TO A POINT ON THE NORTH LINE OF SAID SOUTHEAST 1/4, SAID POINT BEING A DISTANCE OF 1289.30 FEET FROM THE NORTHWEST CORNER OF SAID SOUTHEAST 1/4;

THENCE N89°36'57"E, 377.00 FEET;

THENCE S13°47'03"E 1,646.59 FEET TO A POINT WHICH IS 1148 FEET NORTH OF THE SOUTH LINE OF SAID SECTION 22;

THENCE N89°09'35"W AND PARALLEL WITH SAID SOUTH LINE OF SECTION 22, 1,500.94 FEET, MORE OR LESS, TO THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID U.S. HIGHWAY NO. 87;

THENCE N25°07'45"W AND ALONG SAID HIGHWAY RIGHT-OF-WAY LINE A DISTANCE OF 31.70 FEET;

THENCE N27°46'30"W AND ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 965.34 FEET TO THE TRUE POINT OF BEGINNING,

COUNTY OF DOUGLAS, STATE OF COLORADO.

**EXCEPTING FROM PARCEL 1 THE FOLLOWING PARCEL:**

RW 227

A TRACT OR PARCEL OF LAND NO. RW-227 OF THE DEPARTMENT OF TRANSPORTATION, STATE OF COLORADO PROJECT NO. 2010-03, IN THE SE QUARTER OF SECTION 22, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, IN DOUGLAS COUNTY, COLORADO, AS RECORDED FEBRUARY 11, 2013 AT RECEPTION NO. 2013012022, SAID TRACT OR PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SECTION CORNER COMMON TO SECTIONS 22, 23, 26 AND 27; THENCE N 89°34'35" W., A DISTANCE OF 1377.54 FEET ALONG THE SOUTH LINE OF SAID SECTION 22; THENCE N 00°25'25" E, A DISTANCE OF 1148.03 FEET, MORE OR LESS, TO A POINT ON THE SOUTHERLY LINE OF SAID PARCEL, SAID POINT BEING THE TRUE POINT OF BEGINNING, WHENCE SAID SECTION CORNER BEARS S 49°46'08" E., A DISTANCE OF 1793.20 FEET;

1. THENCE ALONG SAID SOUTHERLY LINE N 89°34'28" W, A DISTANCE OF 719.74 FEET TO THE SOUTHWESTERLY CORNER OF SAID PARCEL, SAID POINT ALSO BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 25 (JULY 2013);
2. THENCE ALONG SAID RIGHT-OF-WAY LINE, DEPARTING SAID SOUTHERLY LINE, N 25°20'10" W., A DISTANCE OF 26.86 FEET;
3. THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE, N 28°09'12" W, A DISTANCE OF 655.02 FEET;
4. THENCE DEPARTING SAID RIGHT-OF-WAY LINE, S 46°17'05" E., A DISTANCE OF 341.35 FEET;
5. THENCE N 68°38'18" E., A DISTANCE OF 73.34 FEET;
6. THENCE S 69°27'48" E., A DISTANCE OF 185.83 FEET;
7. THENCE S 88°16'40" E., A DISTANCE OF 176.99 FEET;
8. THENCE S 65°42'00" E., A DISTANCE OF 211.00 FEET;
9. THENCE S 56°19'05" E., A DISTANCE OF 108.55 FEET;
10. THENCE S 26°56'23" E., A DISTANCE OF 202.39 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING.

**PARCEL 2:**

THE SOUTH 1148.0 FEET OF SECTION 22 LYING EAST OF INTERSTATE HIGHWAY NO. 25, EXCEPT THE EAST 1036.86 FEET THEREOF, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, COUNTY OF DOUGLAS, STATE OF COLORADO.

**EXCEPTING FROM PARCEL 2 THE FOLLOWING PARCEL:**

RW 228

A TRACT OR PARCEL OF LAND NO. RW-288 OF THE DEPARTMENT OF TRANSPORTATION, STATE OF COLORADO PROJECT NO. 2010-03, IN THE SE QUARTER OF SECTION 22, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, IN DOUGLAS COUNTY, COLORADO, AS RECORDED AT

RECEPTION NO. 2013018555, SAID TRACT OR PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SECTION CORNER COMMON TO SECTIONS 22, 23, 26 AND 27; THENCE N 89°34'35" W, A DISTANCE OF 1377.54 FEET ALONG THE SOUTH LINE OF SAID SECTION 22; THENCE N 00°25'25" E., A DISTANCE OF 1148.03 FEET, MORE OR LESS, TO A POINT ON THE NORTHERLY LINE OF SAID PARCEL, SAID POINT BEING THE TRUE POINT OF BEGINNING, WHENCE SAID SECTION CORNER BEARS S 49°46'08" E., A DISTANCE OF 1793.20 FEET;

1. THENCE DEPARTING SAID NORTHERLY LINE, S 06°55'16" E., A DISTANCE OF 68.27 FEET;
2. THENCE S 06°44'55" W., A DISTANCE OF 145.15 FEET;
3. THENCE S 20°18'59" W., A DISTANCE OF 230.40 FEET;
4. THENCE S 14°34'11" W., A DISTANCE OF 322.93 FEET;
5. THENCE S 03°36'50" W., A DISTANCE OF 163.67 FEET;
6. THENCE S 17°59'51" E., A DISTANCE OF 217.57 FEET;
7. THENCE S 61°50'48" W., A DISTANCE OF 15.98 FEET, TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 25 (JULY 2013);
8. THENCE ALONG SAID RIGHT-OF-WAY LINE, N28°09'12" W., A DISTANCE OF 1100.26 FEET;
9. THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE N 25°31'24" W., A DISTANCE OF 170.20 FEET TO THE NORTHWESTERLY CORNER OF SAID PARCEL;
10. THENCE DEPARTING SAID RIGHT-OF-WAY LINE, ALONG THE NORTHERLY LINE OF SAID PARCEL, S 89°34'28" E., A DISTANCE OF 719.74 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING.

AND

EXCEPT THAT PORTION CONVEYED BY DEED RECORDED AUGUST 30, 2016 AT RECEPTION NO. 2016059261 IN THE REAL PROPERTY RECORDS OF THE COUNTY OF DOUGLAS, STATE OF COLORADO.

**PARCEL 3:**

EASEMENT RIGHTS APPURTENANT TO PARCELS 1 AND 2, HEREIN, AS CONTAINED IN DOCUMENT RECORDED AUGUST 19, 1996, IN BOOK 1364 AT PAGE 242, OVER AND ACROSS A PARCEL OF LAND DESCRIBED IN DEED TO BENEFICIAL LIVING SYSTEMS, INC., A COLORADO NON-PROFIT CORPORATION RECORDED APRIL 13, 1990, IN BOOK 906 AT PAGE 1072, IN THE REAL PROPERTY RECORDS OF THE COUNTY OF DOUGLAS, STATE OF COLORADO.

**EXHIBIT B**

**Use Restrictions**

- No part of the Property or any space on or in any building constructed or located within the Property may be used, leased, sold, or otherwise authorized for use for any commercial purpose.

Unofficial Copy

MORTGAGEE JOINDER

By execution of this Agreement, Mortgagee subordinates its lien and interest in the Property created by the Deed of Trust, Security Agreement, and Fixture Financing Statement, recorded in the Records of Douglas County, Colorado at Reception No. 2019076462, the Deed of Trust, Security Agreement, and Fixture Financing Statement, recorded in the Records of Douglas County, Colorado at Reception No. 2019076428, the Deed of Trust, Security Agreement, and Fixture Financing Statement, recorded in the Records of Douglas County, Colorado at Reception No. 2019076425, and the Deed of Trust, Security Agreement, and Fixture Financing Statement, recorded in the Records of Douglas County, Colorado at Reception No. 2019076417 to the real covenants and restrictions of this Agreement. Mortgagee shall have no affirmative obligation hereunder, nor shall Town have the right to seek performance of this Agreement from Mortgagee except in the event Mortgagee acquires legal title to the Property, in which event Mortgagee shall be bound by the terms, conditions and restrictions of this Agreement.

MORTGAGEE:

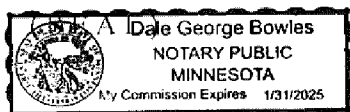
COLLIERS FUNDING LLC,  
a Delaware limited liability company

By: *Gregory Bolin*  
Name: Gregory Bolin  
Its: Senior Vice President

STATE OF MINNESOTA )  
 ) ss.  
COUNTY OF DAKOTA )

The foregoing instrument was acknowledged before me this 2<sup>nd</sup> day of April, 2021 by Gregory Bolin as Senior Vice President of Colliers Funding LLC, a Delaware limited liability company.

Witness my official hand and seal.  
My commission expires: .



*Dale Bowles*  
Notary Public