

# **The Pinery Planned** **Development Guide 5<sup>th</sup>** **Amendment**

Compilation of text of Amendments 5, 8, 9 and 17

Map updated through 22<sup>nd</sup> amendment

As of July 2015

## **Pre-Preamble**

This document represents a compilation of all amendments for The Pinery Planned Development Guide specific to the area portioned off by the 5<sup>th</sup> amendment. (See map in Exhibit A for boarder of 5<sup>th</sup> amendment area). It has been placed in this format for clarity, ease of navigation and understanding.

There are three different versions of The Pinery Planned Development Guide. Each version pertains to a different land area of The Pinery PD. This guide (5<sup>th</sup> amendment) is controlling for the land area in the southern portion of the areas both east and west of Hwy 83. It superseded the 3<sup>rd</sup> amendment (1989) for these areas, and the 11<sup>th</sup> amendment (2001) subsequently superseded part of this 5<sup>th</sup> amendment (the land area west of Cherry Creek in the southwestern portion).

The map in Exhibit A is the most updated version of the map (22<sup>nd</sup> amendment) for the area of the 5<sup>th</sup> amendment as of July 2015. This is different than the map included in the original document.

An official version of the Development Guide, updated through the 17<sup>th</sup> amendment, is also in a PDF form. The text in this document is only a summary and may contain inaccurate information. It should not be relied upon and should be reviewed in conjunction with the PDF.

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## Article I- Preamble and Statement of Commitments

### A. Preamble

The Pinery PD Master Plan and Development Guide provides comprehensive controlling document for the regulation of land within The Pinery PD Master Plan area, a planned community in the unincorporated area of Douglas County, State of Colorado. Douglas County approved the zoning for Pinery PD Master Plan on July 26, 1972. At the time the zoning for The Pinery Planned Development was approved, there were no legal requirements for the developer to submit a Development Guide to Douglas County.

On May 11, 1984, Senior Corp. ("Senior") requested a minor adjustment to the eastern portion of The Pinery PD Master Plan; this adjustment was approved as a minor adjustment by the Douglas County Planning Director. At the request of the Douglas County Planning staff, a Development Guide for The Pinery PD Master Plan, Adjustment (May 31, 1984) area was completed and recorded in 1985 (hereinafter 1985 Development Guide). Senior requested a Major Plan Amendment on December 19, 1986, for the entire Pinery PD Master Plan and a rezoning to include an additional four hundred and eighty (480) acres and forty and 2/10 (40.2) acres (Filing 10) in The Pinery PD Master Plan. The Development Guide has been extended to all property within The Pinery PD Master Plan area, as amended by the Major Plan Amendment/Rezoning. (April 7, 1987) (Hereinafter "Pinery PD Plan"), and modifications to the Development Guide were suggested. On February 15, 1989, Senior submitted a Major Plan Amendment for the selected portions of The Pinery east of State Highway 83 and south of the old Pinery, approximately one thousand six hundred ninety five (1,695) acres. The 1989 plan amendment decreased the density on the east side from two thousand seven hundred thirty-six (2,736) units to nine hundred forty-one (941) units. For approximately one thousand one hundred (1,100) acres of the southeast portion of The Pinery, the density was reduced from two thousand two hundred forty-nine (2,249) units to four hundred fourteen (414) units, resulting in primarily two and one-half (2.5) acre lots. This low density area is known as High Prairie Farms. Senior had one hundred thirty (130) units in a density reserve pool for this southeast area. These reserve units could be allocated to any Planning Area(s) on the east side by a Minor Plan Amendment. Concomitant with the reduced densities in the 1989 Plan Amendment, modifications were made in the infrastructure, such as parks, open space, roads and schools. The Development Guide, approved August 8, 1989, was controlling for all property as delineated on The Third Amendment to the Pinery PD Plan and, as the comprehensive Development Guide, superseded the 1985 and 1987 Development Guides.

In September of 1993, the Pinery Joint Venture (PJV) purchased approximately 2,993 acres from Senior Corp.; 1,742 acres west of State Highway 83, and 1,251 acres east of State Highway 83: This purchase did not include the approximate 470 acres west of Highway #83 known as the Pinery Northwest. This 470 acres remains under the control of the Pinery Third Amendment Development Guide. In October of 1993, PJV sold 137 acres in the Filing 1-A plat on the east side which also remains controlled by the Third Amendment Development Guide. The Fourth Amendment to the Pinery PD Plan was a minor amendment approved by the Planning Director on August 25, 1994, to transfer 22 units from west of Highway 83 to east, leaving a total of 3,483 units on the west. The Fifth Amendment, originally submitted in 1994 with 1,114 acres, was subsequently revised in 1995 to 960 acres allowing 771 units. Concomitant with the

increased density in this 1995 Plan Amendment, modifications are made in the infrastructure such as open space, roads, sanitary sewer, and possibly schools. This Development Guide, approved October 11, 1995, is controlling for all property as affected by the Pinery Fifth Amendment and the approximate 1742 acres west of Highway #83 known as the Pinery Southwest, and supersedes the 1989 Development Guide for these areas.

This Development Guide sets forth land uses and development standards for the continued development of The Pinery Fifth Amended PD Plan area. The Development Guide also establishes variations in standards and requirements for development which are divergent from the standards and services outlined in the Douglas County Zoning Resolutions and substantive resolutions.

While preparing this 1995 Fifth Plan Amendment to The Pinery PD Master Plan and revisions to the Development Guide, PJV had numerous meetings and consultations with adjacent property owners, representatives of adjacent Homeowners Associations, the Douglas County School District, the Douglas County Parks and Open Space Department, the Douglas County Engineering Staff, the Douglas County Planning Staff and Douglas County officials. The PD Master Plan and this Guide have been modified several times to incorporate and address specific issues and concerns raised at those meetings. In order to facilitate this planned development, PJV has provided certain agreements and commitments which shall be, after the approval of this Development Guide and PD Plan, binding upon PJV, its successors and assigns, with respect to the land within The Pinery PD Plan which it owns, as set forth in the Development Guide. Such commitments are contained in the following Section B.

## **B. Statement of Commitments**

Douglas County approved zoning for The Pinery Planned Development, pursuant to a request to Terracor, on July 26, 1972. Terracor filed for bankruptcy and pursuant to the bankruptcy plan (Order of November 29, 1982 Confirming the Second Amended Consolidated Chapter 11 Plan of the Debtor (Terracor) of November 4, 1982), and the Douglas County Agreement (October 4, 1982), funds aggregating \$657,000.00 were provided to Douglas County to complete roadway and drainage improvements. During the review of the 1984 Pinery PD Master Plan Adjustment, concerns were raised about impacts of The Pinery development on regional and local infrastructure and facilities. Senior committed to requested mitigations in the 1985 Development Guide. In December of 1986, Senior requested a Major Plan Amendment to transfer density from portions of The Pinery east of State Highway 83 to portions of The Pinery west of State Highway 83. This reduced the overall density on the Pinery east of State Highway 83 from three and 14/100 (3.14) to one and 65/100 (1.65) dwelling units per acre. Senior requested that an additional four hundred eighty (480) acres west of State Highway 83 and forty and 2/10 (40.2) acres east of State Highway 83 (later dedicated to Douglas County for Open Space purposes) be included in the planned development, but with no additional units added to the total units approved in 1972. With the transfer of density and rezoning, the overall density of the Pinery west of State highway 83 is one and 58/100 (1.58) dwelling units per acre. Local residents, the Douglas County School District, the Douglas County Parks and Open Space Department, the Douglas County Engineer, the Douglas County Planning Staff and Douglas County Commissioners raised concerns about the impacts of The Pinery development on the regional and local infrastructure, services and facilities. In response to their concerns about major roadways, such as Jordan Road Extended, North Pinery Parkway Extended, Parker Frontage Road, State Highway 83, North and South Pinery Parkway and Villages of Castle Rock

Road; schools; local and regional parks; and mass transportation, etc., Senior, its successors and assigns, committed to provide mitigations, which were recognized to mitigate impacts associated with The Pinery PD Plan area. Subsequent to the 1993 purchase by Pinery Joint Venture, and as a part of the 1995 Major Plan Amendment and Development Guide revision, those mitigations were reviewed to determine which had been accomplished by Senior as of the 1993 purchase date, and which remain to be accomplished by PJV. PJV, its successors and/or assigns, hereby commits to provide the following mitigations, which are recognized to mitigate impacts remaining from the previous Development Guide, and include also mitigations as required in the BOCC approval of the Fifth Amendment and Development Guide:

1. State Highway 83 Intersections - That State Highway 83 intersection improvements for South Pinery Parkway, Bayou Gulch Road (west side of State Highway 83), should they be required by the State Highway Department, will be paid for by PJV, as may be required by the Board of County Commissioners at the time of platting. Douglas County recognizes that Senior in 1988/1989 completed the following: improvements, including signalization, to the intersections of State Highway 83 and North Pinery Parkway, High Prairie Drive (South Pinery Parkway), and Bayou Gulch at Ponderosa High School and dedication of land adjacent to State Highway 83 for highway slope easements. Additional intersection improvements may be necessary to accommodate development of the Pinery properties west of State Highway 83 and due to the increased density provided by the approval of this Fifth Amendment.
2. State Highway 83 Commercial Intersections- That intersection improvements on State Highway 83 necessary for access to The Pinery commercial parcels adjacent to State Highway 83 will be determined by the State Highway Department, and funding of these highway intersection improvements shall be a condition at final plat approval for The Pinery commercial parcels adjacent to State Highway 83.
3. Jordan Road Right-of-Way- Following approval and recordation of the 1987 Pinery PO Plan and Development Guide, PJV shall, upon request of the Douglas County Commissioners, convey by Special Warranty Deed with a title commitment warranting title to Douglas County, that property owned by PJV which is necessary for a right-of-way, not to exceed one hundred fifty (150) feet total, for the proposed Jordan Road extension, as extended from Bayou Gulch Road through PJV property and as illustrated on The Pinery PO Plan. If not requested by Douglas County prior to the platting of affected parcels, PJV will dedicate, as appropriate, portions of the right-of-way for Jordan Road with final plats.
4. Jordan Road - Construction/Design - Prior to and/or concurrently with the development of the southern portions of the Pinery PD Plan west of State Highway 83, PJV commits to participate in the design, funding and construction of that portion of Jordan Road within the PD Plan. If between 101 and 600 dwelling units are approved on a Final Plan or Final Plats of the Pinery PD property located west of Cherry Creek, and at that time, there are not two existing points of public roadway access to this area which comply with all Douglas County Standards, then a bridge spanning Cherry Creek (the "Cherry Creek Bridge") shall be constructed with (2) 12-foot drive lanes, a 3-foot paved shoulder on each side of the road and a 4-foot sidewalk on one side. If between 601 and 775 dwelling units are approved on a Final Plat or Final Plats for the Pinery PD property located west of Cherry Creek, the Cherry Creek Bridge shall be constructed in accordance with specifications set forth in the

preceding sentence. If more than 775 dwelling units are approved on a Final Plat or Final Plats for the Pinery PO property located west of Cherry Creek, the Cherry Creek Bridge shall be constructed in accordance with all then current Douglas County Standards and the Pinery Planned Development Master Plan and Development Guide.

5. Villages of Castle Rock Road (Crowfoot Valley Road)- Following approval and recordation of the 1995 Pinery PD Plan and Development Guide, PJV shall, upon request of the Douglas County Commissioners, convey to Douglas County by Special Warranty Deed with a title commitment warranting title to Douglas County, a right-of way not to exceed one hundred fifty (150) feet total width, across the lands owned by PJV for the extension of the Villages of Castle Rock Road into The Pinery, as illustrated on The Pinery PD Plan. If not requested by Douglas County prior to platting of affected parcels, PJV will dedicate, as appropriate, portions of the right-of-way for Villages of Castle Rock Road with final plats.
6. Access Points - All access points, road locations and Planning Area boundaries on the PD Plan are conceptual in nature and may be altered, with County approval, as Minor Plan Amendments at the time of platting, site plan approval, Development Guide amendment, and/or roadway design approval.
7. Access to the Szymanski Subdivision - Lot 1 of the Szymanski Subdivision does not have adequate access. However, if Lot 1 of the Szymanski Subdivision is developed for compatible, low density residences (two and one-half (2.5) acres or larger lots), PJV will allow access through High Prairie Farms. If such access is provided, road maintenance costs will be shared.
8. Phasing - West Side - PJV agrees to submit to Douglas County a phasing plan for the unplatted PD Plan area west of Cherry Creek, with the first residential plat submitted for the property west of Cherry Creek. Such phasing plan shall be supported by a traffic study which addresses the impact of the continued development of the PD Plan area west of Cherry Creek on the area roads. The acceptance of the phasing plan by the Douglas County Commissioners will be based on adequate regional roadway infrastructure.
9. Plat Fees -That each subdivision developer, upon approval and recordation of their respective final subdivision plats within The Pinery PD Plan Area, shall pay \$200.00 per platted dwelling unit to Douglas County, an estimated total payment of \$950,200.00, to be used at the discretion of Douglas County to mitigate for local and regional impacts of The Pinery PD Plan.
10. Timing of Dedication- Rights-of-way for arterial streets, as generally noted on the Plan, shall be reserved for dedication to Douglas County. Final location and dedication of these properties to Douglas County shall occur upon request of the county or at final plat of these properties, whichever occurs first, and at no acquisition cost to the County, provided however that such conveyance shall not trigger or relieve, in and of itself, any construction of improvements by the developer. PJV shall provide Douglas County with easements in parks and open space areas, not dedicated to the County, necessary for maintenance of drainage facilities. PJV shall provide Douglas County with easements for public use of the regional trails, and Douglas County agrees to use monies including, but not limited to,

impact fees from The Pinery PD Plan Development, to finance, construct and maintain regional trails within this PD Plan.

11. Park-n-Ride - PJV will provide, at the request of the County and the Regional Transportation District, a four (4) acre site at a mutually agreeable location, for a mass transit Park-n-Ride.
12. Regional Trails Plan - PJV has included Master Regional Trails on the 1995 Pinery PD Plan. Each final plat will indicate locations of private local trails if present, within the final plat and their connections with the regional trails.
13. School Sites - Transfer/Grading - The final configuration and transfer of school sites to the Douglas County School District will occur with the platting of adjacent residential developments. The Douglas County School District may request transfer of the school site east of State Highway 83 prior to platting of the adjacent residential area, only after PJV has final platting at least one hundred twenty-five (125) lots east of State Highway 83. If the Douglas County School District requests transfer of the school site prior to platting of the adjacent residential area, the School District shall be responsible for platting the school site or obtaining a subdivision exemption prior to PJV's transfer of the land to the School District. Areas of dedicated school sites with slopes in excess of six (6) percent will be overlotted graded by PJV, its successors or assigns, at a time agreed upon with the Douglas County School District.
14. School Sites - Floodplain - PJV will provide a twenty-five (25) acre junior high school site in PA7, which site will be located completely outside the designated one hundred (100) year floodplain.
15. School Financing Regulations - Upon adoption by the Douglas County Board of County Commissioners of a uniform and equitable regulation for financing the construction of County-wide schools, PJV will agree to comply with such regulation.
16. Sidewalks- PJV will provide sidewalks as required by the Douglas County Roadway Standards in effect at the time of final platting, or as approved with variances at the time of each final plat.
17. Geologic Hazard Areas- The County and the School District relied upon information on the Colorado Geologic Survey Map of 1978, prepared by James M. Soule, to determine that portions of PA2 and PA9 on the west side of Highway 83 may have a high risk of possible slope failure. If the current Colorado Geologic Survey Map, at the time of platting of PA2 and PA9, indicates that PA2 and PA9 are areas with high risk of slope failure, then PJV will have a geologic study of the areas identified with high risk of slope failure in PA2 and PA9 prepared by a qualified geotechnical engineer prior to final plat. The study should indicate that there is no severe risk of slope failure or that engineering may be done to mitigate potential impacts of slope failure. If engineering to mitigate slope failures in PA9 would result in extra expenses to the school district, then the school site will be relocated, if requested by the Douglas County School District, to a portion of PA2 that does not have a high risk of slope failure and PA9 may be changed to single family residential by a Minor Plan Amendment. Colorado Geological Survey will be a referral agency for all platting with the Pinery PD west of Highway 83.

18. Drainage/Creek Crossing Design - PJV commits that the designs for major road or arterial crossings of Cherry Creek and major drainages will be submitted as part of the street plans at the time of platting to Douglas County for review and approval.
19. Drainage Plans - A Drainage Plan shall be provided at the time of submittal of a sketch plan, for the entire basin affected by the plan under application. Such plans shall be consistent with the standards of Douglas County Storm Drainage Design and Technical Criteria.
20. Over lot Grading - Over lot grading will be carefully controlled to minimize impact to existing trees and significant vegetation. PJV will not over lot grade areas, prior to obtaining a grading permit, as required by Douglas County. Roads or bridges being constructed in accordance with approved County plans and permits, construction of county approved drainage improvements and grading of school sites, at the request of the school district, shall not be considered as over lot grading; however, PJV shall concurrently submit copies of such improvement plans to the Douglas County engineer for review and approval.
21. Water Conservation - Design of landscaped areas adjacent to and part of the roadways will include water conservation practices, such as plantings with low water demand, native vegetation and efficient irrigation practices. Water conservation will also be encouraged in other common landscaped areas.

The following commitments #22 through #44 apply only to portions of the Pinery PD property located east of Highway 83.

22. Democrat Road Curve - PJV will dedicate to Douglas County an eighty (80) foot right-of-way to relocate the Democrat Road curve along the outer boundaries of Planning Area 71 in order to provide a curve radius of six hundred and fifty (650) feet. PJV will dedicate said right-of-way and improve the curve, including paving, concurrent with the final platting of Planning Area 71 or at the issuance of a residential building permit for the two hundred fiftieth (250th) lot within Planning areas 61, 64, 65, 66, 67, 68, 69, 70, and 71 whichever occurs first.
23. Temporary Access- PJV agrees to provide Douglas County with a temporary easement for access from The Pinery Filing No. 7A through Planning Areas 70 and/or 71. The location of the access shall be constructed and maintained by, and be the sole responsibility of Douglas County. Douglas County agrees to terminate the access upon the platting of Planning Areas 70 and 71, or any portions thereof, at PJV's request, if the access is not maintained or use of the access harms PJV's adjacent properties. PJV will not be responsible for providing any substitute, alternate or relocated access and Douglas County will not delay or deny any requests to develop Planning areas 70 or 71 because of the temporary access.
24. High Prairie Drive - High Prairie Drive is to be constructed approximately in the existing Democrat Road location adjacent to the southern boundary of the Misty Pines Subdivision. The design of High Prairie Drive shall, to the extent practical, minimize earthwork cuts and fills by following natural existing contours of the land. The design shall also attempt to mitigate impacts due to disturbance of existing vegetation and trees and impacts to Misty Pines properties. The Misty Pines Homeowner's Association shall be allowed to participate

in the development and evaluation of alternative proposed High Prairie Drive designs prior to submittal of such plans to the County for approval. Final design of High Prairie Drive adjacent to Misty Pines shall include a landscape plan, prepared by a Colorado landscape architect, to mitigate the visual impacts of High Prairie Drive. Existing eight (8) foot to twenty-five (25) foot high trees, that need to be removed for the construction of High Prairie Drive will, when practical, be transplanted and maintained for one (1) growing season along the north side of the proposed High Prairie Drive adjacent to Misty Pines. Existing Ponderosa Drive and existing Selly Road shall be reconstructed at their points of intersection with High Prairie Drive, if necessary, to improve the design of High Prairie Drive.

Prior to the preliminary platting of any Pinery filing which would extend High Prairie Drive beyond its intersection with Irish Pat Murphy Drive, PJV agrees to coordinate with the Misty Pines Homeowners Association to address the potential Ponderosa Drive traffic shortcutting problem. PJV acknowledges that Misty Pines residents have suggested two possible solutions, in the following order of priority:

- a. Extend High Prairie Drive (if not to its full cross-section, at least with twenty-four (24) feet minimum pavement width), to complete the loop to existing North Pinery Parkway.
- b. Reconstruct the Ponderosa Drive cross intersection at North Pinery Parkway to replace it with two offset tee intersections.

25. In Lieu of Democrat Road Curve - Improvements will be made to the Democrat Road Curve, as specified above (Mitigation, No. 22), or in lieu thereof, the equivalent of \$185,000.00 will be donated to Douglas County upon request of the County Commissioners, to be used for road improvements as directed by the County Commissioners.

26. County Regulations - PJV and Douglas County agree that any off-site mitigation/impact fee and service cost recovery regulations, guidelines or other authority of general applicability adopted or promulgated by the County shall apply to The Pinery if such regulations, guidelines or other authority are of general applicability to the development of all other land for the County.

27. Gondolier Farms Parcel - Prior to recordation of the Fifth Amendment PD Plan and Development Guide, PJV agrees to convey to Douglas County all of PJV's interest in and to an approximate 198 acre site (Exhibit D, attached) in the Gondolier Farms property. The County and PJV acknowledge that, by conveying this property, PJV is foregoing the right to develop approximately 620 residential units currently zoned on their portion of the Gondolier Property, and that the County's approval of this Pinery Fifth Amended PD Plan and Development Guide will authorize a portion of these forfeited units to be developed on the Pinery Property. The County agrees to limit uses on the Gondolier Property to public open space, public recreation facilities, a school site, and/or equestrian facilities.

Douglas County further agrees that in dedicating an approximate 12 acre site in the easterly portion of the Pinery, and conveying the approximate 198 acre site in Gondolier Farm, PJV is deemed to have completed all school site dedication and cash-in-lieu requirements contained in the County Subdivision Resolution as applied to the approximate 960 acre Pinery Fifth Amendment plan area.

28. Connector Road - PJV agrees to construct a roadway connecting High Prairie Drive with the northeasterly corner of the Gondolier Farms property.
29. "Exhibit C" showing the conceptual lotting plan shall be included in The Pinery 5th Amendment rezoning project file (ZR 94-023) and will provide the general basis for the Sketch Plan. The Sketch Plans for this area shall be in substantial compliance with the conceptual lotting plan "Exhibit C" as determined by Douglas County Planning. The total number of 'h acre lots shall not exceed 159. This plan shall be revised to reduce from 8 to a maximum of 5 the number of lots adjacent to Pinery Filing #5, but the total number of lots which may be developed on the subject property shall remain 771. The developer will delay the build-out of this parcel for a period of four years and, during those four years, shall seek an alternative site for the lot that lies closest to the Thunderhill Road.
30. A detailed tree inventory and tree preservation plan shall be provided to Douglas County Planning as part of the submittal for each Sketch Plan within The Pinery 5<sup>th</sup> Amendment. This inventory shall identify trees greater than 6" dbh (diameter breast height), and significant massings of scrub oak, that may be impacted by roadway or house construction. The tree preservation program shall be conducted in accordance with the items described in Paragraph 5 of The Pinery 5th Amendment Letter of Understanding dated September 28, 1995 from Pinery Joint. Venture to the Pinery Homeowners Association. Trees designated to be relocated would be relocated first to buffer areas with an available, adequate water source. And, in the event a buffer zone is lacking adequate screening, additional trees may be planted.
31. If, in the opinion of the County Engineering Department based on level of service or other objective standards, traffic conditions warrant improvements to the intersections of Pinery Parkway and High Prairie Drive (South Pinery Parkway) to State Highway 83 as a result of build out of this proposed rezoning, PJV (their successors and/or assigns) shall be responsible for their pro-rata share of such improvements prior to the hearing of any Sketch Plans by the Douglas County Board of Commissioners.
32. Three pocket parks, as shown on the conceptual lotting plan Exhibit A, shall be constructed by PJV (their successors or assigns), at their expense. A minimum of one park must be constructed concurrently with each 250 units constructed. Each park shall be 2 to 3 acres in size and shall contain at a minimum a tot lot, a covered shelter and an open play area (turf area, volleyball court, basketball court etc.). The location of these parks shall be identified prior to approval of the first sketch plan within every 250 unit planned. In addition, PJV will donate to Douglas County the amount of \$150,000.00 to be used to construct park facilities on the 198 acre Gondolier parcel. This sum is to be payable by PJV concurrent with recordation of the first final plat in the Fifth Amendment plan area.

Douglas County agrees .that in constructing the three pocket parks, conveying the 198 acre Gondolier parcel, and donating the \$150,000.00, PJV is deemed to have completed all local and regional park dedication and cash-in-lieu requirements contained in the County Subdivision Resolution as applied to the approximate 960 acre Pinery Fifth Amendment plan area.

33. PJV and the community would work together to come up with a street lighting program. This program would have to meet with County and appropriate agency approvals. The purpose of the program is to provide for lighted intersections, but on the balance of the streets to have front yard lighting. Subject to the appropriate authorities' approval, street lighting shall have hoods or shades so that lighting is focused downward.
34. A phasing plan shall be submitted with the first sketch plan showing the location of the development by phases. No more than 150 lots shall be final platted in any 12-month period. Phasing will proceed in a contiguous manner from west to east with the exception of the loop connection for Elizabeth and Powell Streets. A commitment shall be included to block the ends of Powell, Elizabeth, and Ponderosa during construction until houses are occupied.
35. Building envelopes shall be established for each lot at the time of Sketch Plan. Such building envelopes shall observe no-build/indigenous landscape areas as follows:
  - 100' along the south and east boundaries shown on "Exhibit C"
  - 50' along common property boundaries with Pinery Filings 5, 6, and 7.
36. All fencing abutting open space areas shall be unpainted and of the open rail type, and any privacy fencing shall be set back from lot lines.
37. The main trail to be constructed in the diagonal gulch corridor shall be concrete, at least 5" thick and 8' in width (except in sections where tree preservation makes a narrower trail more desirable), and shall be constructed in a manner subject to Douglas County review and approval. The developer shall consult with a professional in trail construction in constructing such trail. There shall be an adequate equestrian trail system permitting access for abutting horse properties to go through The Pinery 5th Amendment and connect with the County trail system.
38. Douglas County Engineering shall review the updated Traffic Study for the proposed development regarding impact to the intersection of Sunridge Hollow Road and Ponderosa Drive. Based on Douglas County Engineering's review of the Traffic Study, should the impact warrant improvements to such intersection, the developer shall contribute a pro-rata share of such improvements. In addition, the developer shall have a traffic consultant review the existing conditions on Ponderosa Road and make recommendations to the County if improvements are required.
39. Final plats for this development shall depict utility easements which minimize environmental disturbance. To the extent feasible and subject to approval by the appropriate authorities, utility easements shall be located along front property lines and other areas containing infrastructure.
40. PJV shall cause its builders to participate in the Douglas County School Facilities Trust Fund Foundation on the same terms as those approved by the foundation from time to time for other builders.
41. PJV will limit the irrigated/finished landscape areas for all lots within the plan as follows:

Lot Size	Maximum Irrigated Area	Maximum Turf Area
Less than ½ acre	8,000 S.F.	6,000 S.F.
½ acre to 1 acre	9,000 S.F.	6,000 S.F.
Greater than 1 acre	10,000 S.F.	7,500 S.F.

These limits will also be subject to the Architectural Control Guidelines and Covenants and Declarations pertaining to the property

42. PJV will work with the appropriate agencies and the County's Public Works Department to insure there is an appropriate grading plan and road cross sections to attempt to minimize construction impacts. Such guidelines may include: (i) increasing range of road grades; (ii) a master grading plan for each phase to be submitted as part of the Sketch Plan process; (iii) a requirement for builders to submit, for each lot, individual grading plans that must conform to the master grading plan; (iv) that the master grading plan be available for public review as part of the Sketch Plan process; (v) that there will be no clear cutting on any of the lots; (vi) that PJV identify areas where overlot grading may be required. Alternative road standards will be subject to review and approval by Douglas County at the time of Sketch Plan review.
43. Where residential lots in the Fifth Amendment plan area directly abut residential lots existing as of 1995, building heights along this perimeter will be consistent with height restrictions of those existing adjacent lots.
44. PJV will create a mandatory Master Homeowners Association for the Fifth Amendment plan area, and may create individual mandatory Homeowner Associations as plat filings are completed. Declarations of Covenants, Conditions, and Restrictions will be prepared, along with separate architectural guidelines, and will be provided for review by the Pinery Homeowners Association and Douglas County prior to approval of the first final plat. The finalized covenants will be recorded concurrent with recordation of the first final plat.

## C. Ownership Certification

### C. OWNERSHIP CERTIFICATION

THE PINERY JOINT VENTURE, a Colorado joint venture	
By: Harry Colorado, Inc., a joint venturer	
By: <u><i>Harry Rosenbaum</i></u>	
Harry Rosenbaum	
President	
Province of <u>Ontario</u>	)
Municipality of <u>Metco Toronto</u>	) ss.
The foregoing instrument was acknowledged before me this <u>12<sup>th</sup></u> day of March, 1996 by Harry Rosenbaum as President of Harry Colorado, Inc., a joint venturer of The Pinery Joint Venture, a Colorado joint venture.	
Witness my hand and official seal.	
My commission expires: <u>Aug. 8, 1998</u>	
<u><i>Phyllis Joyce Tenn</i></u>	
Notary Public	PHYLLIS JOYCE TENN, Notary Public, Municipality of Metropolitan Toronto, limited to the attestation of instruments and the taking of affidavits, for Great Gulf Group of Companies. Expires August 8, 1998.
THE PINERY JOINT VENTURE, a Colorado joint venture	
By: Haydn Colorado, Inc., a joint venturer	
By: <u><i>Haydn Matthews</i></u>	
Haydn Matthews	
President	
Province of <u>Ontario</u>	)
Municipality of <u>Metco Toronto</u>	) ss.
The foregoing instrument was acknowledged before me this <u>12<sup>th</sup></u> day of March, 1996 by Haydn Matthews as President of Haydn Colorado, Inc., a joint venturer of The Pinery Joint Venture, a Colorado joint venture.	
Witness my hand and official seal.	
My commission expires: <u>Aug. 8, 1998</u>	
<u><i>Phyllis Joyce Tenn</i></u>	
Notary Public	PHYLLIS JOYCE TENN, Notary Public, Municipality of Metropolitan Toronto, limited to the attestation of instruments and the taking of affidavits, for Great Gulf Group of Companies. Expires August 8, 1998.

"Ownership Certification

I/we, a (one of the following: qualified title insurance company, title company, title attorney or attorney at law), duly qualified, insured or licensed by the State of Colorado, do hereby certify that I/we have examined the title of all lands depicted and described hereon and that title to such land is owned in fee simple by Pinery Joint Venture at the time of this application.

  
Greg Erpelting  
Empire Title & Escrow Corporation

3/13/96  
Date

State of Colorado )  
                          ) ss  
County of Denver )

Subscribed and sworn before me this 13<sup>th</sup> day of

March, 1996.

My Commission expires 4/28/96.

Elizabeth A. Howard  
Notary Public

### D. County Certification

D. COUNTY CERTIFICATION

### E. Clerk and Recorder Certification

E. CLERK AND RECORDER CERTIFICATION

## Article II: General Provisions

### A. Application

Provisions of this Development Guide shall apply to the undeveloped portions of The Pinery, east and west of State Highway 83, as delineated on the Pinery Fifth Amended PD Plan attached hereto as Exhibit "A" and referred to hereinafter as the "PD Plan". The legal descriptions for all areas covered by this Guide are attached as Exhibit "B". Please see these for any exceptions which may not be contained within the PD Plan.

This Development Guide shall not control the use of property or affect the rights of property owners within any portion of the Pinery platted prior to 1995, or any portion of the Pinery outside of the boundary illustrated on the attached PD Plan.

Provided, however, that this provision shall not limit, affect, or preclude in any way the ability of Pinery Joint Venture to extend the provisions of this Development Guide to other land as provided for in the Douglas County Zoning Resolution.

#### GENERAL PROVISIONS

##### 1. Authority

This Development Plan is authorized by Section 15 - Planned Development District of the Douglas County Zoning Resolution adopted pursuant to the Colorado Planned Unit Development Act of 1972.

##### 2. Applicability

The provisions of this Development Plan shall run with the land. The landowners, their successors, heirs, or assigns shall be bound by the Planning Director or Board of County Commissioners.

##### 3. Adoption

The adoption of this Development Plan shall evidence the findings and decision of the Douglas County Board of Commissioners that this Development Plan for the Pinery/High Prairie Farms Fifth Amendment to the PD Plan is in general conformity with the Douglas County Master Plan; is authorized by the provision of Section 15 of the Douglas County Zoning Resolution; and that such Section 15 and this Development Plan comply with the Colorado Planned Unit Development Act of 1972, as amended.

##### 4. Relationship to County Regulations

The provisions of this Development Plan shall prevail and govern the development of The Pinery Fifth Amended PD, provided, however, that where the provisions of this Development Plan do not address a particular subject, the relevant provisions of the Douglas County Zoning Resolution, as amended, or any other applicable resolutions or regulations of Douglas County, shall be applicable.

5. Enforcement

To further the mutual interest of the residents, occupants, and owners of the Planned Development and of the public in the preservation of the integrity of the Plan, the provisions of this Plan relating to the use of the land and the location of common open space shall run in favor of Douglas County and shall be enforceable at law or in equity by the County without limitation on any power or regulation otherwise granted by law.

6. Conflict

Where there is more than one provision within the Development Plan that covers the same subject matter, the provision which is most restrictive or imposes higher standards or requirements shall govern unless determined otherwise by the Director of Planning and Community Development.

7. Maximum Level of Development

The total number of dwellings or the total commercial, business, or industrial intensity approved for development within the Planning Areas is the maximum development requested for platting or construction {plus approved density transfers, if any). The actual number of dwellings or level of development for commercial, business, or industrial properties may be less due to subdivision or site improvement plan requirements or other requirements of the Board of County Commissioners.

8. Project Tracking

At the time of subdivision final plat, the applicant shall provide a summary of the development, to date, along with the final plat submittal to the Planning Division, in order to assure maximum development limits are not exceeded.

## Article III- Control Provisions

### A. Transfer of Density

Four thousand two hundred and sixty-nine (4,269) residential dwelling units shall be the maximum number of dwelling units within all residential land use categories as set forth in the PD Plan for The Pinery, except as provided below. The total number of permitted dwelling units within one or more Planning Areas may be increased through a transfer of dwelling units from one or more other Residential Planning Areas, up to a maximum of twenty (20) percent for any one (1) particular Planning Area. In the Planning Areas affected by this 5th Amendment (61, 64, 65, 66, 67, 68, 69, 70, 71), density transfer among Planning Areas shall be limited to five (5) percent. The transfer of dwelling units shall be considered a Minor Amendment of the PD Plan as provided for in this Development Guide. The resulting PD Plan Amendment shall be monitored at the Planning Department as provided for herein.

### B. Planning Area Boundaries

The Planning Area boundary is the boundary as shown in the PD Plan. Modifications in Planning Area boundaries, and arterial and collector street modifications may be accomplished by the developer at the time of sketch plan review, without any amendment to this Guide or to the Plan itself.

### C. Road Alignments

The PD Plan is intended to depict general locations of roads and Planning Areas. In granting sketch plan approval, the Planning Department or Board of County Commissioners shall allow modifications for the purpose of establishing:

1. Final road alignments.
2. Final configuration of lot and tract sizes and shapes.
3. Final building envelopes.
4. Final access and parking location.
5. Landscaping adjustments and drainage improvements/layout.

### D. Borrow Sites

Any area within The Pinery, except public school, park and open space land may be used by PJV and its assigns as a borrow site for construction materials. However, dedicated land may be used for borrow sites with prior authorization from Douglas County. If lands proposed for dedication (as shown on the PD Plan) are to be used for borrow sites, prior authorization from Douglas County shall be obtained. No material from a borrow site shall be used for commercial purposes outside The Pinery. Uses permitted for borrow material within The Pinery shall include, but not be limited to, overlot fill, street subbase and base course, utility bedding, foundation backfill, floor subbase and landscaping. Use of borrow sites shall comply with the erosion control standards of The Pinery East Metropolitan District. However, if The Pinery East Metropolitan District has not adopted erosion control standards, use of the borrow sites shall comply with Douglas County's erosion control criteria. If both criteria are in effect, the most restrictive shall apply. Once a borrow site becomes permanently inactive, it shall be reclaimed by the extractor or the landowner, including regrading and reseeding with appropriate native vegetation.

## Article IV- Definitions

### A. Word Usage

In the interpretation of this Guide, the provisions and rules of this section shall be observed and applied, in conjunction with the provisions of the Douglas County Zoning Resolution, as may be amended, except when the context requires otherwise:

1. Words used or defined in one tense or form shall include other tenses and derivative forms.
2. The masculine gender shall include the feminine and the feminine shall include the masculine.

### B. Definitions

1. Abutting- Having a common border with, or being separated from such common border by an alley or easement.
2. Adjacent - When used to indicate land in the immediate vicinity of a parcel or lot, means land which shares a boundary line with the parcel or lot in question.
3. Apartment House - A residential structure containing three (3) or more dwelling units for non-transient residency on a rental or lease basis.
4. Arterials. Major- Arterials which are defined as major in The Pinery include Jordan Road, North Pinery Parkway (west of SH83) and Crowfoot Valley Road.
5. Arterials. Minor - Arterials which are defined as minor in The Pinery include Village Road extended and the North Pinery Parkway (east of SH83).
6. Buffer - A unit of land which may be required between land uses to eliminate or minimize negative effects or conflicts between them. Buffers may include a combination of natural and/or man-made berming, natural and/or improved landscaping, entryway features, fences, walls and passive open space uses such as trails. Buffer areas shall be kept free of buildings, parking and storage areas. Such open space buffers shall be provided by the developer whose project establishes the land use situation requiring the open space buffer.

If a buffer was previously provided by an adjacent property, whether or not part of the parcel or project, such buffer shall not be required.

If the projects establishing open space buffer requirements are separated by a public street right-of-way or private street easement, only the standard street setback shall be required.

7. Building Line - A line on a lot, generally parallel to a lot line or road right-of-way line, located a sufficient distance therefrom to provide the minimum setbacks required by this Guide. The building line delineates the area in which buildings are permitted subject to all applicable provisions of this Guide.

8. Building - Principal or Main - A building or buildings which may contain more than one (1) dwelling unit, in which is conducted one or more of the principal permitted uses of the lot or project in which it is situated and including areas such as garages, carports and storage sheds, which are attached to or architecturally integrated with the principal building.
9. Building Setback - The distance between the building line and the adjacent street right-of-way property line, private street easement line or external parcel boundary. In the case of attached dwellings, building setbacks shall apply only to the outermost extremities of the total building. (See definition of Setback.)
10. Caretaker Residence - A dwelling unit accessory to any building arranged, designed and intended for occupancy by a person or persons owning, employed in or dealing with, and responsible for security and maintenance of such building or the uses permitted therein.
11. Child Care Center/Nursery School/Day Care Centers – A facility by whatever name known, which is maintained for the whole or part of a day on a regular basis for the care of cumulatively six (6) or more children under the age of sixteen (16) years and not related to the owner, operator or manager thereof on a full-time basis plus two (2) children on a part-time basis. Full-time shall be seven (7) hours or more whether such facility is operated with or without stated educational purposes. The term shall include facilities commonly known as "day care centers", "day nurseries", "nursery schools", "kindergartens", "preschools", "play groups", "play schools", "day camps", "summer camps" and "day centers" for children.
12. Club - The association of individuals joining together for social interaction or some other common objective. It is an association with limited membership controlled by its members into which admission cannot be obtained by any person at his pleasure, or in which property is actually owned or secured in common or held for the benefit of the members.
13. Commercial Retail -A commercial use characterized by the selling of tangible goods, wares and merchandise directly to the consumer and not typically for resale including, but not limited to, such uses as drug stores, department stores, discount stores, banks and financial institutions, groceries and automobile service stations, including gas pumps.
14. Commercial Service -A commercial use characterized by the selling of services and intangibles directly to the consumer including, but not limited to, motels, hotels, restaurants and similar uses.
15. Community Use - A use or facility which provides for recreational, educational, cultural or entertainment needs of the development within which the land area is located, for the benefit of the user of that development, or in the case of a public use or facility, for the benefit of the larger community.
16. Conventional Residential Development- A form of development consisting of lots and buildings wherein each lot fronts on a street; buildings conform to traditional front, side and rear yard requirements; and commonly owned and special use areas, if any, are secondary and supplementary to the development design.

17. Corral, Private- An accessory structure to a residence for the keeping of riding animals residing on the premises or in the development for use by the residents and their guests and not for the purpose of profit.
18. Density, Gross -A ratio of number of dwelling units per acre calculated by dividing the number of dwelling units within the boundary of one or more Residential Planning Areas or portion thereof by the number of acres contained within the Planning Area(s) or portion thereof, including all land within said Planning Area(s) or portion thereof reserved or dedicated for open space, recreation, educational, community and public use, including public street rights-of-way and private street easements.
19. Development- Any man made change to improved or unimproved real estate including, but not limited to, buildings, structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
20. Douglas County Sign Regulations - The Sign Regulations adopted by Douglas County as part of the Douglas County Zoning Resolution on November 15, 1982 and the amendments thereto adopted February 2, 1987, codified as Part II, Section 19 of the Douglas County Zoning Resolutions.
21. Dwelling - A building used primarily for residential occupancy, but excluding therefrom mobile homes, hotels, motels, tents, seasonal vacation cabins and other buildings designed or used primarily for temporary occupancy.
22. Dwelling Unit, Atrium - An alternative type of single family detached or attached dwelling unit in which tile private individual open space associated with each dwelling unit is consolidated into a private yard surrounded by building or walls forming an atrium. This atrium replaces the conventional front, side and rear yards associated with traditional single family detached dwelling units.
23. Dwelling Unit, Clustered Single Family- A type of single family detached or attached dwelling unit development which combines reduced lot size with compensation amounts of open space within the proposed development.
24. Dwelling Unit, Multi-family -A type of dwelling unit designated for and occupied by more than four (4) families each in spate areas within one (1) structure.
25. Dwelling Unit, Patio - An alternative type of single family detached or attached dwelling unit in which the private individual open space associated with each dwelling unit is consolidated into a garden or patio area commonly located toward the side or rear of the lot. This patio area replaces the conventional front side and rear yards associated with traditional single family detached dwelling units.
26. Dwelling Unit, Single Family - A dwelling unit type which includes both single family detached or attached dwelling units.
27. Dwelling Unit, Single Family Attached- A type of dwelling unit designated for and occupied by not more than four (4) families each in separate areas within one (1) structure.

28. Dwelling Unit, Single Family Detached- A type of dwelling unit designated for and occupied by not more than one (1) family and having no roof, wall or floor in common with any other dwelling unit.
29. Dwelling Unit, Townhome- A type of single-family attached or multi-family dwelling unit in which each single unit goes from ground to roof and is separated from other townhome dwelling units by a common wall. Each townhome dwelling unit has individual outside access. Although townhome dwelling units have no side yards, front and rear yards can exist.
30. Equestrian Training Facilities, Private - An accessory use to a residence consisting of an outdoor area used by horses for training or exercise purposes including, but not limited to, riding rings, jumps and paddocks.
31. Dwelling Unit, Zero (0) Lot Line- An alternative type of single family detached dwelling unit which is situated on a lot so that one or more sides rest directly on the boundary line of the lot.
32. Exterior Storage- Outdoor storage of fuel, raw materials, products and equipment. In the case of lumber yards, exterior storage includes all impervious materials stored outdoors.
33. Family - A group of persons living together as a single housekeeping unit who are related by blood, marriage or adoption or an unrelated group of not more than three (3) persons living together as a single housekeeping unit and who share the use of common facilities.
34. Fence - An enclosing structure other than part of a building of sufficient strength and dimension to prevent straying from within or intrusion from without.
35. Gasoline Service Stations - A building or premise in or on which principal use is the retail sale of gasoline, oil or other fuel for motor vehicles and which may include, as an incidental use only, facilities used for polishings, greasing, washing or otherwise cleaning or light servicing of motor vehicles but may not include liquefied petroleum gas distribution facilities, facilities for major repairs, wrecker services or rental operations.
36. Group Care Facilities - A facility where three (3) or more persons are provided supervision and a planned treatment of counseling, therapy or other rehabilitative social services in a family environment. Such residence must be licensed by or operated by a federal, state, county or local/judicial/health/welfare agency or serve only referrals from such agencies as group care facilities, group foster care, children's homes, halfway houses, rehabilitative centers, maternity or senior citizen homes.
37. Household Pets- Any species of animal completely kept as a pet, as a custom in the community, within households, not of a type commonly raised as livestock on a farm, and the keeping of which is not prohibited by county ordinance.
38. Loading or Unloading Space -An off-street space or berth on the same site with a building or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

39. Lot - A lot is a portion of a subdivision intended as a unit for transfer of property ownership or for development and designated as a lot on a recorded plat or, in the absence thereof, on a plat on file in the office of the Douglas County Assessor.
40. Lot Area, Minimum - The total area within the property lines of the lot, excluding adjacent rights-of-ways.
41. Lot Boundary- Any line separating a lot from a street, alley, another lot or any other land not part of the lot.
42. Lot, Corner Lot -A lot situated at the junction of two (2) or more intersecting streets.
43. Lot Line, Front - The property line dividing a lot from a street or highway and there shall be only one (1) front lot line.
44. Lot Line, Rear- The line opposite the front lot line.
45. Lot Line, Side- Any lot lines other than front lot lines or rear lot lines.
46. Open Space - Public or private land and aquatic areas which are required, regulated or managed to protect the natural environment and significant cultural resources, provide recreation opportunities, shape the pattern of development or any combination thereof, including but not limited to natural and landscaped common areas, drainage ways and elements with a limited number of buildings and accessory uses compatible with the intended use.
47. Open Space Common- The total area and structures which are designed, designated and maintained for common use and enjoyment by the owners of the project(s) and their tenants, employees, etc., such as recreation areas and facilities, private yards, landscaped areas, open space areas, drainage areas and natural areas .
48. Parcel- The area within the boundary lines of a development.
49. Park-n-Ride Facilities - A type of public transit facility which allows for the parking of vehicles and bus shelters, storage and repair facilities excluded.
50. Planning Area (PA) - Land use parcels identified by a circled number on the recorded PD Plan.
51. Planning Zone - Land Use classification, identified by a circled letter on the recorded PD Plan, to which the developer commits a minimum acreage; the specific location of which will be determined during final plat of adjacent parcels.
52. Principal Use - The specific primary purpose or activity for which land or any building thereon is designed, arranged or intended, or for which it is occupied or maintained.

53. Project - One (1) or more lots planned, designed and developed as a unified entity, such as a condominium development, single family development, patio home or cluster development, commercial or office development. A project can include a Planning Area or portion thereof.
54. Property Owner's Association- An association of property owners within a project(s) created to govern the area with powers including, but not limited to: the setting and collection of expenses assessments from the members of the association, the control and maintenance of common areas and the enforcement of protective covenants.
55. Public Use/Building- Uses which are owned by and operated for the public by a school district, special district, city, county, state or federal government.
56. Public Utility - Every firm, partnership, association, cooperative, company, cooperation and governmental agency which is engaged in providing bus, electric, rural electric, telephone, telegraph, communications, gas, water, sewerage, television or street transportation services.
57. Quasi-Public Use- Uses operated by recognized religious, philanthropic or educational institutions on a non-profit basis on which goods, merchandise and services are not provided for sale on the premises.
58. Recreational Facilities - The following classes of recreational facilities have these meanings:
- a. Public recreational facilities means public parks, swimming pools, golf courses and other such facilities owned or operated by or under the direction of a government agency, special or metropolitan district, or a nonprofit corporation which is considered public.
  - b. Private recreational facilities includes golf courses, tennis courts, swimming pools, country clubs or recreational facilities for fraternal organizations, all of which are owned and operated by either nonprofit organizations with a limited membership or by private persons who own the facilities and are the users of them.
  - c. Commercial recreational facilities include bowling alleys, health spas( swimming pools, tennis courts, miniature golf facilities, and the like, operated on a commercial basis for use by the paying public, excluding amusement parks.
59. Residential Land Use Category - Major residential land use designations as indicated on the Fourth Major Plan Amendment (1994) and any amendments thereto. Residential land use categories include estate, single family, multifamily "A", multi-family "B" and multi-family "C".
60. Restaurant/Fast Food - An establishment whose principal business is the sale of goods and/or beverages which are readily available: (1) within the restaurant building, (2) within a motor vehicle parked on the premises, or (3) off the premises as carry out orders and whose principal method of operation includes the following characteristics: food and/or beverages are usually served in inedible containers or in paper, plastic or other disposable containers.

61. Riding, Hiking and Biking Trails -A trail or passageway arranged, designed and intended for use by equestrians, pedestrians or cyclists using non-motorized bicycles.
62. Right-of-Way or Passageway - An area or strip of land, either publicly or privately owned, over which a right-of-passage has been recorded for use by vehicles, equestrians or pedestrians.
63. School - Elementary, junior and senior high schools as well as any public, parochial or private school for any grades between kindergarten and twelfth that is either accredited by the Colorado Department of Education or recognized by the Department of Education or compulsory education.

This includes buildings used specifically for teaching or teaching related activities, such as administration, but not including ancillary school facilities such as maintenance areas, bus parking, storage yards or similar structures or areas.

64. Service Industries -A use characterized by the selling of services, as opposed to the manufacture of products, such as repairing services, printing facilities, recording studios and recreational vehicle storage and warehousing.
65. Setback- The distance extending across the full width or depth of the lot between the designated lot line and the nearest line or point of the building and parking lots where specified herein.
66. Shopping Center- A group of retail and service establishments located in a complex which is planned, developed, owned or managed as a unit, with off-street parking provided on the property.
67. SH83- State Highway 83
68. Sign- A sign is any object or device situated outdoors which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business; product, service, event or location by any means including, words, letters, figures, designs, symbols, fixtures, colors, motion, illumination or projected images.

Signs do not include the following:

- a. Flags of nations or an organization of nations, states and cities, fraternal, religious and civic organizations.
- b. Merchandise, pictures or models of products or services incorporated in a window display.
- c. Time and temperature devices not related to a product.
- d. National, state, religious, fraternal, professional and civic symbols or crests.
- e. Works of art which in no way identify a product.

- f. Scoreboards located on athletic fields.
69. Sign, Area Measurement - The area of a sign shall be measured in conformance with the regulations as herein set forth provided that the structure containing the sign, including stone monuments, wood structures, the backing or bracing of a sign shall be omitted from measurement. Decorative landscape elements including fences, walls and monuments which are integrated with the sign design shall not be included to determine sign area. Where there are not more than two (2) faces and where the faces are back-to-back, parallel or at less than a ninety (90) degree angle, the total area of all sign faces shall determine the area of the sign.
70. Sign, Consolidated - A sign which serves as common or collective identification for two (2) or more uses on the same sign.
71. Sign, Development -A temporary sign used by a builder or developer to announce or advertise property for sale, rent or lease.
72. Sign, Development Center Identification - A sign which identifies a group of businesses and/or offices which form a development, business/office park or shopping center.
73. Sign, Directional -A sign for the purpose of directing the public to a real estate development (existing or under construction), a community service use (such as, schools, parks, golf courses, equestrian centers or open spaces) , a building or a facility within the PD Plan area.
74. Sign, Entryway- A sign and/or monument which identifies the development through use of a sign which contains a name and/or logo.
75. Sign Face - The surface of a sign upon, against or through which the message is displayed or illustrated. Sign face shall exclude elements considered to be structural or landscaping, such as fences, walls, stone monuments and the like.
76. Sign, Identification - means and includes the following:
- a. A name plate which establishes the identity of an occupant by listing his name and business or professional title.
  - b. A sign which establishes the identity of a building or building complex by name or symbol only.
  - c. A sign which indicates street address or combines name plate and street address.
  - d. A sign which identifies a use or facility such as a park, golf course, school or community center.
  - e. A commemorative sign, such as a cornerstone, memorial or plaque, when such is cut into a masonry surface or constructed of bronze or other incombustible material and is made an integral part of the structure.

As used herein the term "identification sign" shall not be construed to include a sign advertising a commodity service offered on the premises, other than to indicate only the business name.

77. Sign, Political- A sign, banner, picture or other device either temporary or permanent in nature, which is intended to urge the voting public for support of a candidate, political party or political philosophy in any national, state, city or local governmental subdivision election or any combination thereof.
78. Sign Structure- Any supports, uprights, braces or framework of a sign. Supports are further defined to be that portion of the supporting member or members extending from the ground level to the lowest point of the sign.
79. Sign, Temporary - A sign, banner or other advertising device or display constructed of cloth, canvas, cardboard, wallboard, plywood or other light temporary material, with or without structural frame, intended for temporary display including, but not limited to, the following purposes, decorative displays for holidays, announcing a special event or promoting a political campaign or special election. Time limitations for the use of a temporary sign are contained in Article VI, Section B.
80. Sign, Time/Temperature/Date - A sign which displays the current time, outdoor temperature and/or date of the month.
81. Solar Collector- Any of a variety of devices (e.g., flat plate concentrating, vacuum tube, greenhouse) used to collect solar energy and convert it to any other form of energy. Solar collectors are installed on roofs, walls or detached from a principal structure.
82. Special Use (Uses Permitted by Special Review) -A use allowed in the indicated district only by permit issued by the Board of County Commissioners. Permission may be granted, granted with conditions or denied in accordance with the provisions of this Guide and the applicable provisions of the Douglas County Zoning Resolution, and as hereafter amended.
83. Stable, Private - A building or portion thereof and accessory structures used to shelter and feed horses, which are used exclusively by the owners or occupants of the property upon which the stable is situated and their guests. No fee shall be charged for any service connected therewith.
84. Story- The part of a building between the surface of a floor and the ceiling immediately above.
85. Street Frontage - A lineal frontage or frontages of a lot or parcel abutting on a private or public street which provides principal access to or visibility of the premises.
86. Street, Private - A privately owned access way generally not constructed to County specifications and not maintained by the County.
87. Street, Public- A dedicated right-of-way constructed to County specifications for a stated design classification. It includes engineered drainage, based on the one hundred (100) year

storm frequency, and all traffic control devices necessary for the safe movement of traffic. It is maintained by the County Department of Highways.

88. Width of Lot - The distance parallel to the front lot line, measured between side lot lines through the part of the building or structure where the lot is narrowest.

## Article V- Land Use Regulations

### A. Residential Planning Areas- General

1. Intent- To provide for residential development and associated uses.
2. Uses Permitted by Right - Unless specifically stated elsewhere in this Article, the following uses are permitted by right in all Residential Planning Areas:
  - a. Single family detached dwelling units. No more than one unit will be allowed per platted lot.
  - b. Attached or detached private garages.
  - c. Commonly associated accessory uses, incidental to the principal use or building and located on the same site as the principal use or building including, but not limited to, storage sheds, private greenhouses, home occupations, private tennis courts and private swimming pools.
  - d. Household pets. (Number limited per Douglas County requirements.)
  - e. Private and/or common open space. Open space development standards shall apply, Article V, Section I.
  - f. Private recreational uses, country clubs, golf courses, common horse stables and/or corral facilities (for use by occupants or owners within the development only), common recreational facilities including, but not limited to: tennis courts, swimming pools, and jogging, riding, hiking and biking trails. The Planning Department may require some level of site plan review for uses in this paragraph. Parks development standards shall apply, Article V, Section I.
  - g. Parks, playgrounds and other recreational areas. Parks standards shall apply, Article V, Section I.
  - h. Any other uses consistent with the purposes of this section and compatible with the uses set forth herein may be allowed at the discretion of the Planning Director. Other uses not itemized or not reasonably similar to those listed shall not be allowed unless and until the use is approved by the County according to the procedures for "Uses Not Itemized" contained within the Douglas County Zoning Resolution, and as hereafter amended.
3. Uses Permitted by Special Review - Unless specifically stated otherwise elsewhere in this Article the following uses are permitted by special review in all Residential Planning areas:
  - a. Churches, church schools and synagogues.
  - b. Nursery schools and day/child care centers.

- c. Group care facilities.
  - d. Public and quasi-public buildings and structures, such as police stations, fire stations, libraries and emergency care facilities.
  - e. Caretaker’s residences.
4. Additional Restrictions- For additional conditions which apply to specific locations within The Pinery, refer to Article V, Section E.
5. Development Standards - Unless specifically stated in this Article, the following standards apply to all Residential Planning Areas:
- a. Building Setback from Major Roads. Building setback from major county arterials or from State Highway 83 (Parker Road) shall be a minimum of forty (40) feet.
  - b. Conventional and Alternative Development Standards. In the following Sections of this Article, a distinction is made between "Conventional" and "Alternative" Development Standards. Either of these forms of development, as defined for each Land Use Category, is permissible within a given Planning Area or portion thereof.

## B. Estate Residential Planning Area

(Planning Areas 66, & 69)

- 1. Intent - To provide for residential development for single family detached dwelling units and associated uses.
- 2. Uses Permitted by Right - See Article V, Section A.2.
- 3. Uses Permitted by Special Review- See Article V, Section A.3.
- 4. Conventional Development Standards (Applicable to all Estate Residential Planning Areas, especially Areas 66 & 69)
  - a. Building Setbacks. The minimum principal building or accessory building setback from any public street right-of-way, private street easement line or from any other property line shall be:

	<b>Dwelling Unit</b>	<b>Accessory Building</b>
<b>Building Front</b>	40 feet	30 feet
<b>Building Sides</b>	25 feet	15 feet
<b>Building Rear</b>	30 feet (100, NBA)	15 feet

- b. Lot Area. The minimum lot area (net) shall be thirty thousand (30,000) square feet.

- c. Building Height. No buildings or structures within the Estate Residential Planning Areas shall exceed thirty-nine (39) feet in height.

5. Alternative Development Standards (Do not apply to Planning Areas 66 & 69)

- a. Alternative Standards. Alternative standards shall apply where clustered single family detached or attached dwelling units are built. No minimum lot size shall be required but the maximum density shall be one (1) dwelling unit per acre over the entire project area. For example, for a Planning Area containing one hundred (100) acres, if the maximum number of units of one hundred (100) dwelling units were clustered in an area of eight (8) acres, then the remaining ninety-two (92) acres would be reserved as private open space.
- b. Building Setbacks. The minimum principal building or accessory building setback from any public street right-of-way or private street easement line, or any other property line shall be:

	<b>Dwelling Unit</b>	<b>Accessory Building</b>
<b>Building Front</b>	30 feet	30 feet
<b>Building Sides</b>	15 feet	15 feet
<b>Building Rear</b>	15 feet	15 feet

- c. Building Height. No building or structures within the Estate Residential Planning Areas shall exceed thirty-nine (39) feet in height.

**C. Single Family Planning Area**

Detached and Attached Single Family Dwelling Units (Planning Areas 27 29, 61, 64, 65, 67, 68, 70 and 71)

1. Intent-To provide for residential development for single-family dwellings and associated uses.
2. Uses Permitted by Right- See Article V, Section A.2.
3. Additional Uses Permitted by Right- To those uses permitted by right in Article V, Section C.2. add all of the uses listed in Article V Section C.3. except for item (d).
  - a. Patio or atrium dwelling units.
  - b. Clustered single-family dwelling units.
  - c. Zero lot line dwelling units.
  - d. Single family attached dwelling units.
  - e. Any other uses consistent with the purposes of this section and compatible with the uses set forth herein may be allowed at the discretion of the Planning Director. Other uses not itemized or not reasonably similar to those listed shall not be allowed unless and until the use is approved by the County according to the procedures for "Uses Not Itemized" contained within the Douglas County Zoning Resolution, as hereafter amended.

4. Conventional Development Standards

a. Building Setbacks: (Lots one (1) acre or larger)

The minimum principal building or accessory building setback from any public street right-of-way, private street easement, or from any other property line shall be:

	<b>Dwelling Unit</b>	<b>Accessory Building</b>
<b>Building Front</b>	40 feet	30 feet
<b>Building Sides</b>	25 feet	15 feet
<b>Building Rear</b>	30 feet (50/100, NBA)	15 feet (50/100, NBA)
<b>Building, from Hwy. 83 &amp; arterials</b>	40 feet	

b. Building Setback. (Lots smaller than one (1) acre)

The minimum principal setback for each single family detached dwelling unit or accessory building from any public street right-of-way, private street easement, or from any other property line shall be:

	<b>Dwelling Unit</b>	<b>Accessory Building</b>
<b>Building Front</b>	30 feet	20 feet
<b>Building Sides</b>	10 feet	10 feet
<b>Building Rear</b>	25 feet (50/100, NBA)	10 feet (50/100, NBA)
<b>Building, from Hwy. 83 &amp; arterials</b>	40 feet	

c. Lot Area. The minimum lot area (net) shall be fifteen thousand (15, 000) square feet.

d. Building Height. No buildings or structures within the Single Family Planning Areas shall exceed thirty-nine (39) feet in height.

5. Alternative Development Standards

Alternative Standards. Alternative development standards for zero (0) lot line dwelling units, patio or atrium dwelling units, clustered single family detached dwelling units and single family attached dwelling units, are provided below.

a. Building Setbacks. The minimum principal building or accessory building setback from any public street right-of-way, private street easement, or from any other property line shall be:

<b>Building Front</b>	15 feet
<b>Building Sides</b>	10 feet (one (1) side only for zero (0) lot line or attached dwelling units)
<b>Minimum distance between buildings</b>	10 feet (Bldg. Dept. may require plot plans)
<b>Building Rear</b>	10 feet
<b>Building, from Hwy. 83 &amp; arterials</b>	40 feet

- b. Building Height. No buildings or structures within the Single Family Planning Areas shall exceed thirty-nine (39) feet in height.

#### D. Multi-Family Planning Area

(Planning Areas 28, & 35)

1. Intent - To provide for residential development allowing for a variety of dwelling units including, but not limited to: townhomes, multi-family, single family attached, zero (0) lot line, patio, atrium and clustered single-family dwelling units.
2. Uses Permitted by Right
  - a. All uses permitted by right and special review within the Single Family Planning Area(s) including single family detached dwelling units, clustered single family dwelling units, zero (0) lot line dwelling units, patio and atrium dwelling units and single family attached dwelling units. Single Family Planning Area Conventional Development Standards shall apply where appropriate, Article V, Section C.4.
  - b. Townhome dwelling units.
  - c. Multi-family dwelling units.
3. Uses Permitted by Special Review. All uses stated in Article V, Section A.3 are permitted.
4. Development Standards
  - a. Density. The maximum gross density for any particular Multi-Family Planning Area shall not exceed the following dwelling units per acre or as indicated on the PD Plan:

	<b>MF-“A”</b>	<b>MF-“B”</b>
Maximum Gross Density	8.0	10.0

- b. Building Setbacks. The minimum principal or accessory building setback from any public street right-of-way, private street easement line, or from any other property line shall be:

<b>Building Front</b>	20 feet
<b>Building Sides</b>	10 feet

<b>Building Rear</b>	15 feet
<b>Building, from Hwy. 83 &amp; arterials</b>	40 feet

- c. Building Height. No buildings or structures within the Multi-Family Planning Area shall exceed forty-five (45) feet for multi-unit buildings, or thirty-nine (39) feet for single family dwellings (attached or detached).
- d. Building Separation. Where multi-family dwelling units (excluding townhomes) are directly adjacent to (not separated by a street) single family dwelling units, commercial or business park uses; the minimum building separation shall be fifty (50) feet. However, landscape and parking areas may be located within this fifty (50) feet but no closer than thirty (30) feet to single family residential.
- e. Common Open Space. A minimum of twenty (20) percent of each Multi-Family Planning Area shall be provided as common open space to be owned and maintained by a Homeowners Association or a metropolitan district. This twenty (20) percent shall be landscaped in accordance with the Douglas County Site Improvement Plan Review Criteria.
- f. Buffer Requirements
  - i. Unless previously provided, where multifamily dwelling units are located directly adjacent to (not separated by a street) to single family dwelling units, commercial or business park uses, a twenty (20) foot wide landscaped buffer shall be provided. Such landscape design shall be controlled by the Douglas County Site Improvement Plan Review Criteria as amended.
  - ii. Where multi-family uses are located adjacent to SH83, a twenty (20) foot wide buffer shall be provided within the forty (40) foot building setback. The purpose of such buffer shall be to provide a visual relief to building lines which may be seen from the highway so as to break up a continuous view into these areas. However, "windows" into such areas may occur at intermittent points as appropriate along the frontage. Such buffer shall be designed in an undulating fashion to provide a varied setback for parking areas, rather than a straight, unbroken line. The buffer may contain a combination of natural and/or improved landscaping and berming and entryway features including entryway signs.

## **E. Additional Restrictions for Residential Development**

1. Intent - To define conditions and restrictions, established by the previous Development Guide, which apply to specific geographic locations within the Pinery.
2. Planning Areas West of State Highway 83- For all portions of Planning Areas 1 and 12 exceeding twenty-five (25) percent slope, the following additional restrictions shall apply:

- a. Site planning shall respect the relationship of the site to site topography, maintaining natural grade, drainage patterns, natural vegetation and ridgelines, wherever possible.
- b. The clustering of buildings may be utilized to provide the maximum amount of open space and natural vegetation and help to preserve scenic views, wherever possible. Building will not be allowed on slopes greater than twenty-five (25) percent.
- c. Cut and fill shall be minimized, wherever possible.
- d. Sketch and preliminary plans shall not be phased for Estate Residential Planning Areas on the west side but include the entire acreage of the Planning Area (PA 1 or 12), at the time of submittal, so that each Planning Area may be reviewed as a whole.
- e. No homes shall be sited on the crest of the bluffs.
- f. When clustering is not utilized, building envelopes will be delineated at the time of platting, so that the building envelope will be located in areas of slope of less than twenty-five (25) percent. The residences and accessory buildings must then be located within the building envelopes.

3. Planning Areas East of State Highway 83

- a. Within five hundred (500) feet of previously platted Pinery Filings 6, 6A, 7 and 7A, the following additional restrictions shall apply:
  - i. Residential land uses shall be limited to single family detached dwelling units only.
  - ii. See conceptual lotting plan, Exhibit C, for transition areas
  - iii. Building setbacks for each single family detached dwelling unit shall be:

Building Front	25 feet
Building Sides	10 feet
Building Rear	25 feet

- b. Development Standards for Single Family Residential Area (not affected by Article V, E., 3a.)
  - i. Buffer areas between this development and adjacent properties will be established at dimensions indicated on the PD Plan and will prohibit fencing and tree cutting.
  - ii. See conceptual lotting plan, Exhibit C, for transition areas:
  - iii. During the sketch plan and platting processes, "additional open space", as a percent of the total planning area as indicated on the PD Plan, exclusive of

designated open space planning zones, will be established and utilized to preserve trees, slopes, significant areas.

## **F. Convenience Commercial Planning Area**

1. Intent - To provide for a limited range of retail goods and services, business and professional services which support residential uses, complimentary public community services and facilities.
2. Uses Permitted By Right
  - a. Commercial retail including, but not limited to: convenience food marts with gas pumps<sup>1</sup>, gasoline service stations<sup>2</sup>, car washes and other car care facilities, dry cleaners and Laundromats, beauty salons, drug stores, liquor stores (with drive-up facilities), hardware stores, restaurants and fast-food restaurants with drive-up windows.
  - b. Commercial service including, but not limited to: printing and publishing offices, office supply stores, banks with drive-up windows and satellite bank facilities, postal satellite facilities, veterinary clinics (without outdoor kennels) and emergency care clinics.
  - c. Commercial recreational.
  - d. Professional offices.
  - e. Attached or detached parking structures or garages.
  - f. Commonly associated accessory uses incidental to principal use or building and located on the same site as the principal use or building including, but not limited to: storage building, heating and ventilating, air conditioning structure and similar uses.
  - g. Private and/or common open space. Common open space development standards shall apply, Article V, Section I.
  - h. Private clubs, private parks and recreational uses including, but not limited to: country clubs, golf courses, tennis courts, swimming pools and jogging, biking and hiking trails Parks development standards shall apply, Article V, Section I.
  - i. Bus stops and/or park & ride facilities.
  - j. Parks, playgrounds and other recreational facilities. Parks standards shall apply Article V, Section I.
  - k. Buildings, garages and utility stations related to emergency services such as ambulance, fire, police and rescue.

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<sup>1</sup> See Special Application, Article V, Section F.3 (d).

<sup>2</sup> See Special Application, Article V, Section F.3 (d).

- l. Nursery schools and day/child care centers.
- m. Churches, church schools and synagogues.
- n. Neighborhood public service, health and education facilities, such as community centers, libraries and museums.
- o. Any other use consistent with the purposes of this section and compatible with the uses set forth herein may be allowed at the discretion of the Planning Director. Other uses not itemized or not reasonably similar to those listed shall not be allowed unless and until the use is approved by the County according to the procedures for "Uses Not Itemized" contained within the Douglas County Zoning Resolution, as hereafter amended.

### 3. Development Standards

- a. Building Setback: Street. The minimum principal and accessory building setback from any public street right-of-way line shall be thirty (30) feet, excluding state highways and major county arterials. Building setbacks from the proposed right-of-way of SH83 and major county arterials shall be forty (40) feet.
- b. Building Height. No buildings or structures within the Convenience Commercial Planning Area shall exceed thirty-five (35) feet in height.
- c. Common Open Space. A minimum of fifteen (15) percent of the Convenience Commercial Planning Area shall be provided as landscaped open space to be maintained by a property owner's association, property owner or metropolitan district.
- d. Special Application-Site Design Criteria. Gas Pumps and Gasoline Stations.
  - i. Minimum setback of twenty (20) feet for gasoline pumps from the adjacent right-of-way.
  - ii. Minimum landscape strip adjacent to street-ten (10) feet.
- e. Buffer Requirements. Unless previously provided, where convenience commercial uses are located directly adjacent to (not separated by a street) to single family or multi-family dwelling units, a twenty (20) foot wide landscaped buffer shall be provided. Such landscape design shall be controlled by the Douglas County Site Improvement Plan Review Criteria.

## **G. Commercial Planning Area**

- 1. Intent - To provide for a broad range of business, professional and commercial uses.
- 2. Uses Permitted by Right

- a. Commercial retail.
- b. Commercial service.
- c. Commercial recreational.
- d. All those uses permitted by right within the Multi-Family Planning Area. Multi-Family Planning Area Development Standards shall apply, Article V, Section D.
- e. All those uses permitted by right within the Convenience Commercial Planning Areas. Convenience Commercial Planning Area Development Standards shall apply, Article V, Section F.
- f. Professional offices, including a sales information center.
- g. Service industries.
- h. Private clubs, private parks and recreational uses including, but not limited to: country clubs, golf courses, tennis courts, swimming pool, and jogging, biking and hiking trails. Parks Development Standards shall apply, Article V, Section I.
- i. Parks, playgrounds and other recreational uses. Parks Development Standards shall apply, Article V, Section I.
- j. Bus stops.
- k. Private and/or common open space. Common Open Space Development Standards shall apply, Article V, Section I.
- l. Commonly associated accessory uses incidental to principal use or building and locate on the same site as the principal use or building including, but not limited to: storage buildings, heating and ventilating, air conditioning and similar uses.
- m. Attached or detached parking structures or garages.
- n. Mini-warehouses, no outside storage of materials or storage of toxic or flammable items shall be permitted.
- o. Buildings, garages and utility stations related to emergency services such as ambulance, fire, police and rescue.
- p. Neighborhood public service, health and education facilities such as community centers, libraries and museums.
- q. Any other use consistent with the purposes of this section and compatible with the uses set forth herein may be allowed at the discretion of the Planning Director. Other uses not itemized or not reasonably similar to those listed shall not be allowed unless and until the use is approved by the County according to the procedures for "Uses Not

Itemized" contained within the Douglas County Zoning Resolution, as hereafter amended.

3. Uses Permitted by Special Review

- a. Churches, church schools and synagogues.
- b. Nursery schools and day/child care centers.
- c. Park-n-Ride facilities.
- d. Office and repair facilities for public utilities. All repair facilities shall be enclosed and storage yards shall be adequately screened.
- e. Land application of wastewater effluent.

4. Development Standards

- a. Building Setback: Street. The minimum principal and accessory building setback from any public street right-of-way line shall be thirty (30) feet. The minimum principal and accessory building setback from the proposed right-of-way for State Highway 83 and major county arterials shall be forty (40) feet.
- b. Building Height. No buildings or structures within the Commercial Planning Area shall exceed forty-five (45) feet in height.
- c. Building Separation. Where commercial uses are directly adjacent (not separated by a street) to single or multi-family dwelling units, the minimum building separation shall be fifty (50) feet. However, landscaped and parking areas may be located within this fifty (50) feet.
- d. Common Open Space. A minimum of fifteen (15) percent of each Commercial Planning Area shall be provided as landscaped open space to be maintained by a property owner's association, property owner or metropolitan district.
- e. Multi-family Uses. Multi-family uses as permitted by right within the Commercial Planning Area shall be developed under the control and standards provided in the Multi-Family Planning Area. When developed for multi-family uses, the maximum gross density shall not exceed twenty (20) dwelling units per acre. The maximum number of multi-family dwelling units permitted within all of the Commercial Planning Areas combined shall be six hundred (600). These dwelling units shall be obtained through a transfer of units from any Residential Planning Area(s). However, the total number of dwelling units for The Pinery, four thousand three hundred and eighty three (4,383), shall not be exceeded by this transfer.
- f. Buffer Requirements.

- i. Unless previously provided, where commercial uses are located directly adjacent (not separated by a street) to single family or multi-family dwelling units, a twenty (20) foot wide landscaped buffer shall be provided. Such landscape design shall be controlled by the Douglas County Site Plan Review Criteria. Such buffer shall be considered a part of the fifteen (15) percent required landscaped open space.
  - ii. Where commercial uses are located adjacent to SH83, a twenty (20) foot wide buffer shall be provided within the forty (40) foot building setback. The purpose of such buffer shall be to provide a visual relief to building lines which may be seen from the highway so as to break up a continuous view into these areas. However, "windows" into such areas may occur at intermittent points as appropriate along the frontage. Such buffer shall be designed in an undulating fashion to provide a varied setback for parking areas, rather than a straight, unbroken line. The buffer may contain a combination of natural and/or improved landscaping and berming and entryway features including entryway signs.
- g. Commercial Uses Adjacent to Cherry Creek. Potential businesses locating in proximity to Cherry Creek shall incorporate this natural amenity into the site design. Such businesses as restaurants, other services, office and/or commercial uses are encouraged to provide open space and landscaped areas which relate to the riverfront and are encouraged to orient parking, storage and mechanical equipment away from the Creek. The County shall consider such site design elements when reviewing site plans for this area.

## H. Community Service Planning Area

1. Intent - To provide for a full range of community support facilities.
2. Uses Permitted by Right
  - a. Private recreational and parks uses, clubs, common recreational facilities including, but not limited to: tennis courts, swimming pools, and jogging, hiking and riding trails, and club support facilities such as restaurants and tennis shops. Parks Development Standards shall apply, Article V, Section I.
  - b. Parks, playgrounds and recreation areas and facilities. Parks Development Standards shall apply, Article V, Section I.
  - c. Private and/or common open space. Common Open Space Development Standards shall apply, Article V, Section I
  - d. Land application of wastewater effluent, except for active recreation areas in designated parks.

- e. Common associated accessory uses incidental to principal use or building and located on the same site as the principal use or building including, but not limited to storage sheds and similar uses.
- f. Neighborhood public service, health and education facilities such as community centers, libraries and museums. Schools and administrative facilities for elementary and secondary education.
- g. Nursery schools and day/child care centers.
- h. Public and quasi-public buildings and structures including, but not limited to, police stations, fire stations and emergency care facilities.
- i. Any other uses consistent with the purposes of this section and compatible with the uses set forth herein may be allowed at the discretion of the Planning Director. Other uses not itemized or not reasonably similar to those listed shall not be allowed unless and until the use is approved by the County according to the procedures for "Uses Not Itemized" contained within the Douglas County Zoning Resolution, as hereafter amended.

3. Uses Permitted by Special Review

- a. Land application of wastewater effluent within active recreation areas in designated parks.

4. Development Standards

- a. Building Setback: Street. The minimum building setback from any public street right-of-way line shall be:

Building Front	30 feet
Building Sides	30 feet
Building Rear	30 feet
Building, from Hwy. 83 & arterials	40 feet

- b. Building Height. No buildings or structures within the Community Service Planning Area shall exceed thirty-five (35) feet in height.
- c. Land Application. Land application of wastewater effluent shall be conducted according to the applicable requirements, standards and regulations adopted by the Sanitation District serving The Pinery, Douglas County and the State of Colorado.
- d. Common Open Space. A minimum of fifteen (15) percent of the Community Service Planning Area shall be provided as landscaped open space, to be maintained by the property owners of a metropolitan district.

## I. Parks, Open Space and Recreation Facilities Planning Area

1. Intent - To provide for public and private park and open space uses which complement residential development.
2. Delineation of Parks and Open Space
  - a. Configuration. Sites for park and shall be located within The Pinery amounts and locations delineated open space use in the general on the Fifth Amendment to the PD Plan (1995). Precise configuration of individual park sites shall be shown on final plats of adjacent residential developments. Such parks may occur within Planning Areas or Planning Zones.
  - b. Qualifications. All parks and open space shall conform to the following provisions:
    - i. Be intended for passive and/or active recreation uses.
    - ii. Be left in its natural unaltered state, re-established to its natural state, or landscaped and maintained, creating an environment appropriate for recreation.
    - iii. Be accessible and usable to the residents when not inconsistent with public safety objectives.
    - iv. Areas which qualify as open space include, but are not limited to:
      - a) Walkways, pedestrian paths, equestrian trails, bicycle paths, open plazas and malls, concourses, separate yards, terraces, natural drainage ways, open space buffers, playgrounds, improved rooftops and similar structures designed specifically for active and passive recreational uses and which are not designated to be used by motor vehicles, except for emergency and service purposes.
      - b) Areas used for design purposes, such as planted or landscaped areas, flowerbeds and planters including landscape areas within parking lots and landscaped medians.
      - c) Aquatic areas, ponds and lakes.
      - d) Stormwater detention or retention areas.
      - e) Areas specifically designated as parks, tot-lots or playgrounds.
      - f) Buffer areas.
  - c. Exclusions. Open space areas do not include:

- i. Unused or left over portions of property which are specifically used for storage or outdoor areas which are developed for use as a storage area.
- ii. Motor vehicle uses such as parking lots, open air showrooms, roads or service areas at, above or below ground level. However, landscaping over underground parking and landscaped areas within parking lots will be included.

3. Uses Permitted by Right

- a. Parks, playgrounds and other recreational uses.
- b. Passive recreational uses.
- c. Active recreation uses including, but not limited to, the following facilities: baseball diamonds, softball diamonds, golf courses (including land application of wastewater effluent on the golf course), soccer fields, tennis courts, volleyball courts, basketball courts, swimming pools, play apparatus, picnic areas, recreation centers, and jogging, hiking, bicycling or equestrian trails.
- d. Land application of wastewater effluent is permitted within parks and open space areas not designated for active recreation.
- e. Common associated accessory uses incidental to principal use or building and located on the same site as the principal use or building, including storage sheds and similar uses.
- f. Timbers at the Pinery Sales Information Center. Within Planning Area U, a Timbers at the Pinery Sales Information Center shall be a permitted use by right until such time as the last new lot is sold, or eleven years from the date of approval of this (17<sup>th</sup>) amendment, whichever comes first. The Director of the Douglas County Department of Community Development may grant an extension if there is still an inventory of new lots that have not sold at the time of expiration of this use. Extensions will be based on projected time necessary to sell the remaining inventory of new lots. The Sales Information Center may be used only for sales and information for lots/homes within the Timbers at the Pinery in the Pinery Planned Development. The owners, successors or assigns shall remove the improvements and revegetate the disturbed areas, as specified in the site improvement plan for the Sales Information Center, within six months of the required closure of the Timbers Sales Information Center.
- g. Any other uses consistent with the purposes of this section and reasonably similar to the uses set forth herein may be allowed at the discretion of the Planning Director. Other uses not itemized or not reasonably similar to those listed shall not be allowed unless and until the use is approved by the County according to the procedures for "Uses Not Itemized" contained within the Douglas County Zoning Resolution, as hereafter amended.

4. Uses Permitted by Special Review

- a. Stadiums for athletic events.

- b. Neighborhood public service, health and education facilities including, but not limited to, libraries, museums, community centers and performance centers.
- c. Public and quasi-public buildings and structures including, but not limited to, police stations, fire stations and emergency care facilities.
- d. Land application of wastewater effluent within active recreation areas in designated parks.
- e. Country clubs.

5. Trails

- a. Regional Trails. The Pinery shall permit Douglas County to construct and maintain regional trails along Bayou Gulch, Scott Gulch and Cherry Creek, in accordance with the current (1989) County Regional Trail Master Plan, and as shown on the PD Plan. These trails shall be available for public use.
- b. Local Trails. All other trails, including those devoted to jogging, riding, hiking and/or bicycle use shall be local and shall be owned, operated and controlled by the metropolitan district or a Homeowners Association.

6. Title and Access to Park and Open Space Areas

- a. Title. Public parks and open space, totaling at least sixty (60) acres will be conveyed at the time of final plat of the adjacent properties to Douglas County. The metropolitan district with jurisdiction for the area shall have the first right of refusal for a ninety-nine (99) year no cost lease for each of the parks and open space lands deeded to Douglas County.
- b. Access. Douglas County will be provided with easements within parks and open space areas in order to construct and maintain drainage improvements and regional trails. All park sites shall be available for public use.

7. Development Standards

- a. Building Setback: Street. The minimum principal building or accessory building setback from any public street right-of-way, private street easement line, or from any other property line shall be:

Building Front	25 feet
Building Sides	15 feet
Building Rear	25 feet

- b. Building setbacks from State Highway 83 shall be forty (40) feet.

- c. The preceding setback requirements shall not be applicable to signs, walls and other landscape features within the landscape entryways. Sign setback requirements and corner vision requirements shall control, Article VI, Section B.
- d. Building Height. No buildings or structures shall exceed forty-five (45) feet in height, except for indoor tennis complexes and gymnasiums.
- e. Land Application. Land application of wastewater effluent shall be conducted according to the applicable requirements, standards and regulations adopted by the Sanitation District serving The Pinery, Douglas County and the State of Colorado.

## **J. Entryway Open Space Planning Zone** (Planning Area Q)

- 1. Intent - To provide open space uses.
- 2. Uses Permitted by Right
  - a. Passive or active recreational uses.
  - b. Jogging, riding, hiking and/or bicycle trails including equestrian trails.
  - c. Commonly associated entryway features including, but not limited to, ornamental monuments, fountains, walls, fences, signs and landscape materials.
  - d. Active recreation uses including, but not limited to: baseball diamonds, softball diamonds, soccer fields, tennis courts, volleyball courts, basketball courts, swimming pools, play apparatus, equestrian pastures and facilities picnic areas. Parks development standards shall apply, Article V, Section I.
  - e. Land application of wastewater effluent, except for active recreation uses in designated parks.
  - f. Any other uses consistent with the purposes of this section and compatible with the uses set forth herein may be allowed at the discretion of the Planning Director. Other uses not itemized or not reasonably similar to those listed shall not be allowed unless and until the use is approved by the County according to the procedures for "Uses Not Itemized" contained within the Douglas County Zoning Resolution, as hereafter amended.
- 3. Uses Permitted by Special Review
  - a. Land application of wastewater effluent within active recreation areas in designated parks.
- 4. Development Standards

- a. Building Setback: Street. The minimum building setback from any public street right-of-way line (excluding SH83 and major county arterials) shall be:

Building Front	25 feet
Building Sides	15 feet
Building Rear	25 feet

- b. Building setbacks from SH83 shall be forty (40) feet.
- c. Building setbacks from major county arterials shall be thirty (30) feet.
- d. Building Height. No buildings or structures shall exceed thirty-five (35) feet in height.
- e. Land Application. Land application of wastewater effluent shall be conducted according to the applicable requirements, standards and regulations adopted by the Sanitation District serving The Pinery, Douglas County and the State of Colorado.
- f. Sales Information Center. Within Planning Area 34, a sales information center shall be a use permitted by right.

## Article VI- Ancillary Use Standards

### A. Lighting

1. All street, parking lot, security, and walkway lights shall be shielded so that substantially all the directly-emitted light falls within the property line.
2. All parking lot lights, except those required for security as provided herein, must be extinguished within one hour after the end of business hours and remain extinguished until one hour prior to the commencement of business hours. For reasons of security, a maximum of thirty percent of the total lights used for parking lot illumination may remain in operation during such period.
3. All exterior building floodlights must be designed or retrofitted with shielding in a manner such that all of the light falls upon either the surface of the structure to be illuminated or on the ground.
4. All exterior building floodlights, except those required for security, must be extinguished until one hour prior to the commencement of business hours. For reasons of security, however, a maximum average level of five footcandles at entrances and loading docks and one footcandle on the rest of the structure is permitted.
5. All stadium and all other exterior sports arena lights used for the purpose of illumination of the playing area must be extinguished by 10:00 p.m. or immediately after the conclusion of the final event of the day. The remainder of the facility lighting, except for reasons of security, must be extinguished at 10:00 p.m. or within one hour after the event, whichever is later, and remain extinguished until one hour prior to the commencement of the next event. For reasons of security, however, a maximum average level of five footcandles at an entrance and one footcandle on the rest of the structure is permitted.
6. No outdoor lighting may be used in any manner that could interfere with the safe movement of motor vehicles on public thoroughfares, including:
  - a. Any fixed light not designed for roadway illumination that produces incident or reflected light that could be disturbing to the operator of a motor vehicle.
  - b. Any light that may be confused with or construed as a traffic control device except as authorized by a State, Federal, or County government.
  - c. Any blinking, flashing, or changing intensity lights, except for temporary holiday displays, and lighting authorized by the Federal Aviation Administration for traffic control purposes.
7. No beacon or search light shall be installed, illuminated or maintained.

## B. Signs

1. General - All signs shall comply with the Douglas County Sign Regulations contained in the Douglas County Zoning Resolution (Section 21), as adopted on February 1 1994. In addition to the provisions within the Douglas County Sign Regulations, the following signs shall also be allowed within the Planning Areas.

2. Signs Not Subject to Permits

The following signs may be erected and maintained in all Planning Areas without a permit:

- a. Memorial Signs. Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or inlayed so as to be part of the building or when constructed of bronze or other incombustible material.
- b. Holiday Decorations. Signs in the nature of decorations, clearly incidental and customary and commonly associated with any national local or religious holiday; provided that such signs shall be displayed for a period of not more than sixty (60) days in any one (1) year, and may be of any type, number area, height, location, illumination or animation.
- c. Bulletin Boards. Bulletin Boards not over twenty (20) square feet in area for public, charitable or religious institutions where the same are located on the premises of said institutions.
- d. Signs Within Buildings. Any sign placed inside a building may be erected without a permit but subject to the safety regulations of the building code, provided that any sign permanently attached to the interior of the structure and visible from the exterior therefrom shall comply with the provisions of this section.
- e. On-Site Information Signs. Signs commonly associated with and limited to information and directions relating to the permitted use within the Planning Area, project(s), and/or lot on which the sign is located, provided that each such sign is limited to not more than six (6) square feet per sign in area, not more than eight (8) feet in height above grade; may be illuminated only from a concealed light source which does not flash, blink or fluctuate; and shall not be animated except that gauges and dials may be animated to the extent necessary to display correct measurement.
- f. Official Governmental Notices.
- g. Flag, Pennant or Insignia of any nation, organization of nations, state, county, city, religious, civic or educational institution, except when such are used in connection with a commercial promotion or as an advertising device.
- h. Temporary Or Permanent Signs Erected By Public Utility Companies to warn of danger or hazardous conditions, including signs indicating the presence of underground cables, gas lines and similar devices.

- i. Merchandise, Pictures or Models or Products or Services which are incorporated as an integral part of a window display.
  - j. Private Traffic Control Signs which conform to the standards of the Colorado Manual of Uniform Traffic Control Devices.
  - k. Street Name Signs. Street name signs, including the development or subdivision logo, in the color and design selected by PJV. However, street name signs which are not "standard" county design shall be produced by PJV or the Homeowners Association.
3. Permitted Signs- All Planning Zones
- a. General. The following permanent and temporary signs function to identify major activities, uses and facilities and to direct persons to these activities, uses and facilities. These types of signs would include, but are not necessarily limited to: subdivision and major project entryway monuments and signs; identification signs for community facilities such as parks, churches, schools, golf courses, recreation facilities, community information and sales facilities; directional signs referring to community facilities; and subdivisions and projects within the PD Area.
  - b. Permanent Entryway Signs. Entryway signs or monuments shall be permitted to permanently identify each development area by the marketing name selected by PJV including, but not limited to "The Pinery" or "High Prairie Farms". These shall be called primary entryway signs. The entryway sign placed on the south side of the south entrance (South Pinery Parkway) shall include wording referring to The Pinery. Individual subdivisions or projects within the PD Planning Areas may also have permanent entryway signs or monuments. These shall be called secondary entryway signs. A maximum of two (2) signs per entry shall be permitted. Primary entryway signs may be located at the intersection of arterial streets with State Highway 83 or where arterial streets exit the perimeter boundary of the Planning Area. Primary entryway signs shall have a maximum sign area of one hundred twenty (120) square feet and a maximum sign height of eight (8) feet. Primary entryway signs shall have a minimum setback from public street rights-of-way of twenty (20) feet and a maximum sign height of eight (8) feet. Existing sign monuments, which do not comply with the criteria, shall be permitted to change the sign content and shall not be required to comply to these criteria. Secondary entryway signs shall be limited to thirty-five (35) square feet. Secondary entryway signs shall have a maximum sign height of six (6) feet.
  - c. Permanent Directional Signs. Directional signs shall be permitted as necessary to provide adequate direction to a particular project, subdivision or use. In no case shall the number of signs exceed three (3) per project, subdivision or use. Individual signs shall not exceed fifteen (15) square feet total face area. Signs which indicate the location of a number of project(s), subdivisions or uses shall also be permitted, in which case the face area of each panel of such a consolidated sign shall not exceed ten (10) square feet and an aggregate size of thirty-five (35) square feet and must be of uniform design and size. The maximum height for these signs shall be eight (8) feet.

4. Permitted Signs- Residential Planning Areas

- a. All signs permitted in the Douglas County Sign Regulations, Section 29, as adopted February 1, 1994.
- b. Development Signs. Development signs used by an owner, builder or developer to announce or advertise property for sale, rent or lease during the construction, sale, lease or rental period shall be permitted. A maximum of two (2) development signs per project shall be permitted. Each sign shall not exceed one hundred (100) square feet face area and the total face area shall not exceed ninety-six (96) square feet.

The maximum height for each development sign shall be eight (8) feet. No temporary development sign shall remain beyond the completion of the construction, leasing and sale period, whichever comes first, but in no case shall remain longer than two (2) years.

- c. Directional Signs. Directional signs shall be permitted as necessary to provide adequate direction to a particular project undergoing active construction, sale, leasing or renting activity. In no case shall the number of signs exceed three (3) per use or project under construction or property being offered for sale, lease or rent. Individual project signs shall not exceed fifteen (15) square feet in face area. Signs which indicate the location of a number of uses or projects shall also be permitted, in which case the face area of each panel of such a consolidated sign shall not exceed ten (10) square feet and an aggregate size of thirty-five (35) square feet and must be of uniform design and size. The maximum height for these signs shall be eight (8) feet. In no case shall any of these signs impair traffic movement or visibility.

5. Permitted Signs- Convenience Commercial and Commercial Planning Areas

- a. All signs permitted in the Douglas County Sign Regulations, Section 29, as adopted February 1, 1994.
- b. Development Signs. Temporary development signs used by an owner, builder or developer to advertise property for sale, rent or lease during the construction or sales period shall be located on-site within the Convenience Commercial or Commercial Area under construction or offered for sale, lease or rent. A maximum of two (2) development signs shall be permitted per project. The total sign area of all development signs per project shall not exceed two hundred (200) square feet. Each development sign shall be setback a minimum of fifteen (15) feet from all property lines and shall not exceed fifteen (15) feet in height. No temporary development signs shall remain beyond the completion of the construction, leasing or sales period whichever comes first.
- c. Projecting Signs. One (1) projecting wall sign is permitted per use in Convenience Commercial or Commercial Planning Areas for the purposes of advertising the business activity or wares. Such sign shall not exceed thirty (30) square feet in area and may advertise more than one (1) business. Projecting signs should be pinned away from the wall at least six (6) inches. Projecting signs should clear adjacent sidewalks by at least eight (8) feet. Angular projection signs shall be spaced no closer than fifty (50) feet

apart. Projecting signs for each business or use shall be in lieu of any other allowable face or wall sign.

### **C. Fences and Retaining Walls**

1. Fences. The maximum fence height within all Planning Areas shall be six (6) feet above finished grade, except within the Recreation Facilities Planning Areas; Parks and open Space Planning Zones and Entryway Space Open Planning Zone where the maximum height shall be ten (10) feet (requires building permit). Public schools and public or private recreation facilities shall be exempt from these fence height standards.
2. Materials. Fences or walls shall be of wood, brick, stone, or decorative iron. No fences or walls of chain link, wire mesh or unpainted concrete block shall be allowed. No barbed wire or electric fences shall be permitted within any land use area, except for interim agricultural uses.
3. Temporary Fences. Temporary construction safety and security fences shall be permitted at construction sites. These fences may be chain link or wire mesh fences or any similar types of safety fence and shall be exempt from the maximum fence heights given above.
4. Location. No fences shall be constructed within the Douglas County public right-of-way unless a variance is granted by Douglas County, but shall be allowed within the setback, on private land.

### **D. Screening**

1. Truck loading, receiving, service or similar areas within Convenience Commercial, Commercial and Business Park Planning areas shall be properly screened by fencing, landscaping or other acceptable methods.
2. Trash containers shall be enclosed and screened to a height of six (6) feet.
3. Roof mounted, ground electrical and mechanical equipment shall be placed or screened from public view. The screening shall be treated as an extension of the building's architecture and landscape architecture, materials and color.

### **E. Accessory or Primary Exterior Storage**

Where accessory or primary exterior storage is permitted, outdoor material storage shall be enclosed and concealed by a solid fence (one completely preventing view) at least six (6) feet in height. Such fence shall be wooden or masonry construction and shall be maintained in good condition. Where the screening fence coincides with any landscaping, the fence design shall be incorporated into and be integral with the design and construction of said landscaped area. Accessory outdoor storage shall not exceed the height of the fence and shall not be visible to the general public or adjacent residents. No accessory outdoor storage shall be allowed within a

required front setback or within any required landscaped area. Douglas County Site Improvement Plan regulations may apply.

## **F. Common Open Space/Landscaping**

(Property Owners Association or Metropolitan District)

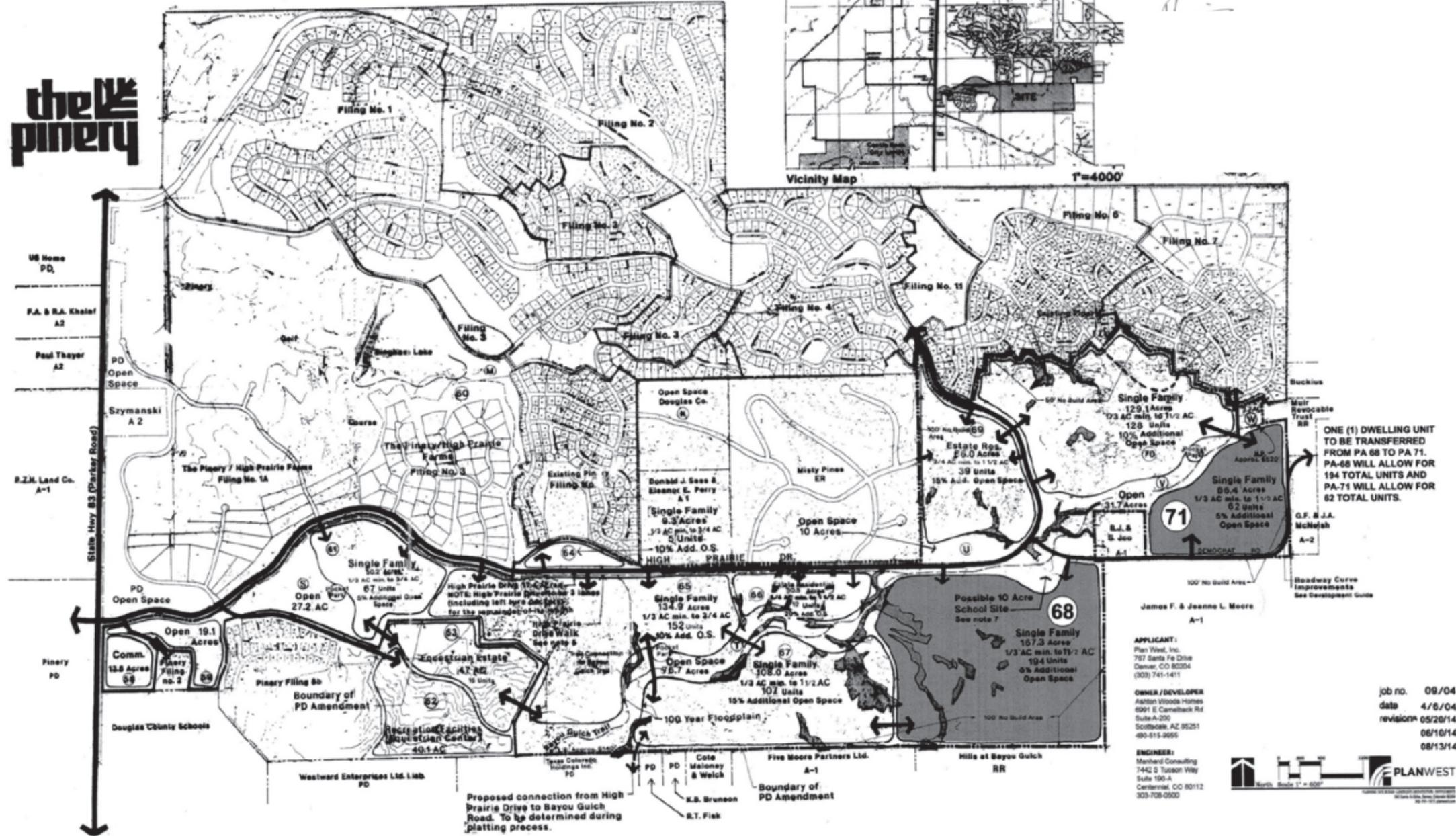
Open space may be provided within Planning Areas in the amount required within this Development Guide, excluding parking or areas covered by buildings. All private open space shall conform to the provisions contained herein.

1. Be intended for passive and/or active recreation uses.
2. Be left in its natural unaltered state, reestablished to its natural state, or landscaped and maintained, creating an environment appropriate for recreation.
3. Be accessible and usable to the residents when not inconsistent with public safety objectives.
4. Areas which qualify as open space include, but are not limited to:
  - a. Walkways, pedestrian paths, equestrian trails, bicycle paths, open plazas and malls, concourses, separate yards, terraces, natural drainage ways, open space buffers, playgrounds, improved rooftops and similar structures designed specifically for active and passive recreational use and which are not designated to be used by motor vehicles, except for emergency and service purposes.
  - b. Areas used for design purposes, such as planted or landscaped areas, flowerbeds and planters, including landscape areas within parking lots and landscaped medians.
  - c. Aquatic areas, ponds and lakes.
  - d. Stormwater detention or retention areas.
  - e. Areas specifically designated as parks, tot-lots, or playgrounds.
5. Open space areas do not include:
  - a. Unused or left over portions of property which are specifically used for storage or outdoor areas which are developed for use as a storage area.
  - b. Motor vehicle uses such as parking lots, open air showrooms, roads or service areas at, above or below ground level. However, landscaping over underground parking and landscaped areas within parking lots will be included.
6. Title to common open space/landscaping area will be conveyed to the metropolitan district, homeowners association governing or serving homeowners within the subdivision.

**THE PINERY PLANNED DEVELOPMENT, TWENTY-SECOND AMENDMENT**  
 AN ADMINISTRATIVE AMENDMENT TO PLANNING AREAS 68 & 71  
 A PART OF SECTION 18, T7S, R65W OF THE 6TH PM  
 DOUGLAS COUNTY, COLORADO  
 233.7 ACRES, 256 RESIDENTIAL UNITS  
 ZR2014-013

ADMINISTRATIVE AMENDMENT OF THE PINERY PD, 21st AMENDMENT DEVELOPMENT PLAN REDUCING THE ALLOWED NUMBER OF UNITS IN PLANNING AREA 68 FROM 195 TO 194 AND INCREASING THE ALLOWED NUMBER OF UNITS IN PLANNING AREA 71 FROM 61 TO 62 AS DEPICTED HEREON PURSUANT TO ARTICLE IIIA OF THE PINERY PLANNED DEVELOPMENT GUIDE.

APPROVED THIS 14th DAY OF August 2014, BY THE DIRECTOR OF COMMUNITY DEVELOPMENT. THIS AMENDMENT NO. 22 AFFECTS ONLY PLANNING AREAS 68 AND 71 AS DESCRIBED IN FILE NO. ZR2014-013.



## PINERY SOUTH

LEGAL DESCRIPTION B, PLANNING AREAS 58 AND 59 OF THE  
5TH AMENDMENT TO THE PINERY / HIGH PRAIRIE FARMS PD PLAN

A PARCEL OF LAND LOCATED IN SECTIONS 14 AND 15, TOWNSHIP 7 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A STATE HIGHWAY DEPARTMENT RIGHT-OF-WAY MONUMENT, BEING A NORTHWEST CORNER OF PARCEL "A" *THE PINERY FILING NO. 8*, A RECORDED SUBDIVISION IN DOUGLAS COUNTY, COLORADO, AND BEING ON THE EAST RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 83, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE TO SAID SUBDIVISION;

THENCE N 02°02'46" E ALONG THE EAST RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 83 A DISTANCE OF 825.75 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF PINERY PARKWAY, AS RECORDED IN BOOK 780 AT PAGE 798 OF THE DOUGLAS COUNTY CLERK AND RECORDER'S OFFICE; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 22°24'11", A CHORD BEARING OF N 80°27'23" E, A RADIUS OF 930.68 FEET, AN ARC LENGTH OF 363.90 FEET TO A POINT OF TANGENCY; THENCE N 69°14'57" E ALONG SAID SOUTH LINE A DISTANCE OF 89.17 FEET; THENCE ALONG SAID SOUTH LINE ALONG THE ARC OF A CURVE TO THE RIGHT WHOSE CENTRAL ANGLE IS 33°56'26", AND RADIUS IS 923.08 FEET, AN ARC DISTANCE OF 546.81 FEET; THENCE S 76°48'37" E, ALONG SAID SOUTH LINE, A DISTANCE OF 536.10 FEET; THENCE ALONG SAID SOUTH LINE ALONG THE ARC OF A CURVE TO THE LEFT WHOSE CENTRAL ANGLE IS 08°09'16" AND RADIUS IS 1664.43 FEET, AN ARC DISTANCE OF 236.89 FEET; THENCE DEPARTING SAID SOUTH RIGHT-OF-WAY S 03°55'44" W ALONG THE WEST LINE OF SAID *THE PINERY FILING NO. 8*, A DISTANCE OF 147.83 FEET; THENCE S 13°16'54" E ALONG SAID WEST LINE A DISTANCE OF 186.30 FEET; THENCE S 01°06'18" E ALONG SAID WEST LINE A DISTANCE OF 118.30 FEET; THENCE S 13°18'25" W ALONG SAID WEST LINE A DISTANCE OF 53.72; THENCE S 16°49'09" W ALONG SAID WEST LINE A DISTANCE OF 214.85 FEET; THENCE S 03°10'04" W ALONG SAID WEST LINE A DISTANCE OF 73.60 FEET TO A POINT ON A NORTH LINE OF PARCEL "A," SAID *THE PINERY FILING NO. 8*; THENCE S 89°31'28" W ALONG SAID NORTH LINE A DISTANCE OF 435.88 FEET; THENCE N 10°35'07" E A DISTANCE OF 318.96 FEET; THENCE N 04°34'52" W A DISTANCE OF 122.27 FEET; THENCE N 39°11'58" W A DISTANCE OF 44.00 FEET; THENCE N 76°59'28" W A DISTANCE OF 117.00 FEET; THENCE S 80°18'31" W A DISTANCE OF 139.00 FEET; THENCE N 83°28'09" W A DISTANCE OF 120.07 FEET; THENCE N 43°48'45" W A DISTANCE OF 184.93 FEET; THENCE S 46°11'15" W A DISTANCE OF 60.00 FEET; THENCE S 43°48'45" E A DISTANCE OF 112.93 FEET; THENCE S 04°04'45" W A DISTANCE OF 501.19 FEET TO A POINT ON THE NORTH LINE OF SAID PARCEL "A"; THENCE S 89°31'28" W ALONG SAID NORTH LINE A DISTANCE OF 805.33 FEET TO THE POINT OF BEGINNING; CONTAINING 32.65 ACRES, MORE OR LESS.

LEGAL DESCRIPTION C, PLANNING AREAS 61, 62, 63, 64, 65, 66, 67, 68,  
AND 69 SOUTH OF PONDEROSA DRIVE OF THE 5TH AMENDMENT TO THE  
PINERY / HIGH PRAIRIE FARMS PD PLAN

A PARCEL OF LAND BEING A PORTION OF SECTIONS 7 AND 18, TOWNSHIP 7 SOUTH, RANGE 65 WEST, AND SECTIONS 10, 11, 13, 14 AND 15, TOWNSHIP 7 SOUTH, RANGE 66 WEST, OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF DOUGLAS, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 18; THENCE N 00°06'19" E, ALONG THE WEST LINE OF SAID NORTHWEST QUARTER, SAID LINE ALSO BEING THE EAST LINE OF *MISTY PINES - SECOND FILING*, AS RECORDED IN THE DOUGLAS COUNTY CLERK AND RECORDER'S OFFICE AT RECEPTION NO. 337767, A DISTANCE OF 1379.61 FEET, TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF PONDEROSA WAY AS SHOWN ON THE PLAT OF *MISTY PINES - FIRST FILING* AS RECORDED IN THE DOUGLAS COUNTY CLERK AND RECORDER'S OFFICE UNDER RECEPTION NO. 337766, SAID POINT BEING A POINT ON A CURVE; THENCE NORTHERLY AND ALONG SAID SOUTHERLY RIGHT-OF-WAY THE FOLLOWING FOUR (4) COURSES:

1. THENCE ON A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 24°43'40", A RADIUS OF 550.00 FEET, A CHORD BEARING OF N 58°11'24" E, AN ARC LENGTH OF 237.37 FEET TO A POINT OF TANGENCY;
2. THENCE N 45°49'34" E, A DISTANCE OF 573.66 FEET TO A POINT OF CURVATURE;
3. THENCE ON A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 25°17'23", A RADIUS OF 550.00 FEET, AN ARC LENGTH OF 242.76 FEET TO A POINT OF TANGENCY;
4. THENCE N 20°32'11" E A DISTANCE OF 46.82 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF PINERY PARKWAY AS SHOWN ON THE PLAT OF *THE PINERY FILING NO. 6A*, AS RECORDED IN THE DOUGLAS COUNTY CLERK AND RECORDER'S OFFICE UNDER RECEPTION NO. 155638;

THENCE WESTERLY ALONG SAID WESTERLY RIGHT-OF-WAY ALONG A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 04°17'00", A RADIUS OF 450.00 FEET, A CHORD BEARING OF N 55°18'23" W, A DISTANCE OF 33.63 FEET; THENCE N 32°33'07" E A DISTANCE OF 100.00 FEET TO A POINT ON A CURVE ON THE EASTERLY RIGHT-OF-WAY OF SAID PINERY PARKWAY.

THENCE NORTHEASTERLY ALONG THE EASTERLY BOUNDARY OF SAID *THE PINERY FILING NO. 6A* THE FOLLOWING NINE (9) COURSES:

1. THENCE ON A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 24°50'18", A RADIUS OF 760.00 FEET, A CHORD BEARING OF N 16°15'09" E, AN ARC LENGTH OF 329.47 FEET;
2. THENCE N 03°50'00" E A DISTANCE OF 126.00 FEET;
3. THENCE S 86°10'00" E A DISTANCE OF 92.26 FEET;
4. THENCE N 03°50'00" E A DISTANCE OF 227.57 FEET;
5. THENCE S 86°30'00" E A DISTANCE OF 88.54 FEET;
6. THENCE N 90°00'00" E A DISTANCE OF 190.84 FEET;
7. THENCE N 42°30'00" E A DISTANCE OF 81.74 FEET;
8. THENCE S 43°00'00" E A DISTANCE OF 162.78 FEET;
9. THENCE N 89°05'44" E A DISTANCE OF 323.25 FEET TO THE SOUTHERLY BOUNDARY OF THE PINERY FILING NO. 6, AS RECORDED IN THE DOUGLAS COUNTY CLERK AND RECORDER'S OFFICE AT RECEPTION NO. 155354;

THENCE NORTHEASTERLY ALONG THE EASTERLY BOUNDARY OF SAID *THE PINERY FILING NO. 6* THE FOLLOWING ELEVEN (11) COURSES:

1. THENCE N 77°00'00" E A DISTANCE OF 111.18 FEET;
2. THENCE S 79°20'00" E A DISTANCE OF 93.00 FEET;
3. THENCE S 57°40'00" E A DISTANCE OF 190.00 FEET;
4. THENCE N 89°00'00" E A DISTANCE OF 65.00 FEET;
5. THENCE N 08°00'00" E A DISTANCE OF 117.90 FEET;
6. THENCE N 73°30'00" E A DISTANCE OF 120.00 FEET;
7. THENCE N 47°30'00" E A DISTANCE OF 142.00 FEET;
8. THENCE N 37°00'00" E A DISTANCE OF 99.42 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF POWELL ROAD AS SHOWN ON SAID *"THE PINERY FILING NO. 6"*;
9. THENCE SOUTHERLY ALONG SAID RIGHT-OF-WAY ON A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 03°37'29", A RADIUS OF 2526.00 FEET, A CHORD BEARING OF S 43°36'16" E, AN ARC LENGTH OF 159.80 FEET;
10. THENCE DEPARTING SAID RIGHT-OF-WAY N 41°30'00" E, A DISTANCE OF 386.00 FEET;
11. THENCE N 06°00'00" W A DISTANCE OF 109.10 FEET TO A POINT ON THE SOUTHERLY BOUNDARY OF *"THE PINERY FILING NO. 7 AMENDED"* AS RECORDED IN THE DOUGLAS COUNTY CLERK AND RECORDER'S OFFICE AT RECEPTION NO. 191533;

THENCE SOUTHEASTERLY ALONG SAID SOUTHERLY BOUNDARY THE FOLLOWING TWENTY-SEVEN (27) COURSES:

1. THENCE N 84°00'00" E A DISTANCE OF 16.52 FEET;
2. THENCE S 55°30'00" E A DISTANCE OF 140.98 FEET;
3. THENCE S 02°00'00" W A DISTANCE OF 60.00 FEET;
4. THENCE S 59°00'00" E A DISTANCE OF 219.18 FEET;
5. THENCE S 32°00'00" E A DISTANCE OF 105.52 FEET;
6. THENCE S 55°00'00" E A DISTANCE OF 116.58 FEET;

7. THENCE N 90°00'00" E A DISTANCE OF 208.40 FEET;
8. THENCE S 71°00'00" E A DISTANCE OF 137.00 FEET;
9. THENCE S 04°00'00" E A DISTANCE OF 282.68 FEET;
10. THENCE N 86°00'00" E A DISTANCE OF 60.00 FEET;
11. THENCE S 83°00'00" E A DISTANCE OF 243.00 FEET;
12. THENCE S 04°00'00" W A DISTANCE OF 162.00 FEET;
13. THENCE S 86°00'00" E A DISTANCE OF 96.00 FEET;
14. THENCE S 04°00'00" W A DISTANCE OF 32.40 FEET;
15. THENCE S 73°00'00" E A DISTANCE OF 147.85 FEET;
16. THENCE S 87°30'00" E A DISTANCE OF 207.70 FEET;
17. THENCE S 00°00'00" E A DISTANCE OF 193.12 FEET;
18. THENCE N 90°00'00" E A DISTANCE OF 110.79 FEET;
19. THENCE S 02°29'30" E A DISTANCE OF 41.89 FEET;
20. THENCE N 87°30'30" E A DISTANCE OF 60.00 FEET;
21. THENCE N 68°00'00" E A DISTANCE OF 343.80 FEET;
22. THENCE S 35°00'00" E A DISTANCE OF 100.47 FEET;
23. THENCE S 82°30'00" W A DISTANCE OF 57.43 FEET;
24. THENCE S 00°26'21" E A DISTANCE OF 251.91 FEET;
25. THENCE N 82°30'00" E A DISTANCE OF 348.26 FEET;
26. THENCE N 00°26'21" W A DISTANCE OF 251.91 FEET;
27. THENCE N 82°30'00" E A DISTANCE OF 15.13 FEET TO A POINT ON THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 18;

THENCE SOUTHERLY ALONG THE EAST LINE OF SAID NORTHEAST QUARTER S 00°26'21" E A DISTANCE OF 2251.20 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 18; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER N 89°33'43" W A DISTANCE OF 2085.57 FEET TO THE SOUTHEAST CORNER OF A PARCEL OF LAND AS RECORDED IN THE DOUGLAS COUNTY CLERK AND RECORDER'S OFFICE AT BOOK 197, PAGE 375; THENCE N 00°00'35" W A DISTANCE OF 660.00 FEET; THENCE N 89°33'43" W A DISTANCE OF 660.00 FEET; THENCE S 00°00'35" E A DISTANCE OF 660.00 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL RECORDED AT BOOK 197, PAGE 375, SAID POINT ALSO BEING ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 18; THENCE EASTERLY ALONG SAID SOUTH LINE OF THE NORTHWEST QUARTER S 89°33'43" E A DISTANCE OF 100.00 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 18; THENCE SOUTHERLY ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 18 S 00°00'33" W A DISTANCE OF 2646.59 FEET TO THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 18; THENCE WESTERLY ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 18 N 89°33'20" W A DISTANCE OF 2625.22 FEET TO THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 18, ALSO BEING THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 13; THENCE WESTERLY ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 13 S 89°51'23" W A DISTANCE OF 2648.86 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 13; THENCE WESTERLY ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 13, S 89°51'42" W, A DISTANCE OF 2648.45 FEET TO THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 13, ALSO BEING THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 14; THENCE WESTERLY, ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 14 S 89°41'14" W, A DISTANCE OF 470.88 FEET; THENCE N 00°00'00" W, A DISTANCE OF 480.00 FEET; THENCE N 29°30'50" E, A DISTANCE OF 906.56 FEET; THENCE N 53°52'46" W, A DISTANCE OF 500.00 FEET; THENCE S 90°00'00" W, A DISTANCE OF 510.00 FEET; THENCE N 00°00'00" E, A DISTANCE OF 320.00 FEET; THENCE S 90°00'00" W, A DISTANCE OF 1,315.00 FEET; THENCE S 21°40'00" W, A DISTANCE OF 370.00 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF FREMONT PARKWAY (PINERY PARKWAY) AS SHOWN ON THE PINERY FILING NO. 8 AS RECORDED IN THE DOUGLAS COUNTY CLERK AND RECORDER'S OFFICE AT RECEPTION NO. 159649; THENCE WESTERLY ALONG SAID NORTHERLY RIGHT-OF-WAY N 68°46'00" W, A DISTANCE OF 1450.16 FEET TO A POINT OF CURVATURE; THENCE ON A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 36°44'00", A RADIUS OF 550.00 FEET, AN ARC LENGTH OF 352.62 FEET;

THENCE S 77°40'27" W A DISTANCE OF 155.70 FEET TO A POINT ON THE SOUTHERLY BOUNDARY OF THE PINERY/HIGH PRAIRIE FARMS FILING NO. 1A AS RECORDED IN THE DOUGLAS COUNTY CLERK AND RECORDER'S OFFICE UNDER RECEPTION NO. 9007914;

THENCE ON A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF  $51^{\circ}01'04''$ , A RADIUS OF 350.38 FEET, AN ARC LENGTH OF 311.99 FEET, A CHORD BEARING  $N 67^{\circ}44'42'' W$  TO A POINT OF COMPOUND CURVATURE; THENCE ON A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF  $90^{\circ}58'04''$ , A RADIUS OF 20.00 FEET, AN ARC LENGTH OF 31.75 FEET THENCE EASTERLY, ALONG SAID BOUNDARY THE FOLLOWING FOURTEEN (14) COURSES:

1. THENCE  $N 48^{\circ}43'54'' E$ , A DISTANCE OF 355.53 FEET TO A POINT ON A CURVE;
2. THENCE ON A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF  $11^{\circ}53'14''$ , A RADIUS OF 1156.45 FEET, AN ARC LENGTH OF 239.93 FEET, AND A CHORD BEARING  $N 56^{\circ}17'17'' E$ ;
3. THENCE  $N 62^{\circ}13'54'' E$ , A DISTANCE OF 100.00 FEET TO A POINT OF CURVATURE;
4. THENCE ON A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF  $29^{\circ}19'53''$ , A RADIUS OF 825.00 FEET, AN ARC LENGTH OF 422.34 FEET;
5. THENCE  $N 32^{\circ}54'01'' E$ , A DISTANCE OF 123.22 FEET TO A POINT OF CURVATURE;
6. THENCE ON A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF  $40^{\circ}45'35''$ , A RADIUS OF 790.00 FEET, AN ARC LENGTH OF 562.00 FEET;
7. THENCE  $N 73^{\circ}39'36'' E$ , A DISTANCE OF 387.11 FEET TO A POINT OF CURVATURE;
8. THENCE ON A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF  $62^{\circ}55'39''$ , A RADIUS OF 760.00 FEET, AN ARC LENGTH OF 834.70 FEET;
9. THENCE  $S 43^{\circ}24'45'' E$ , A DISTANCE OF 300.52 FEET TO A POINT OF CURVATURE;
10. THENCE ON A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF  $45^{\circ}59'32''$ , A RADIUS OF 920.00 FEET, AN ARC LENGTH OF 738.50 FEET;
11. THENCE  $S 89^{\circ}24'17'' E$ , A DISTANCE OF 108.08 FEET TO A POINT OF CURVATURE;
12. THENCE ON A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF  $15^{\circ}52'30''$ , A RADIUS OF 910.00 FEET, AN ARC LENGTH OF 252.13 FEET;
13. THENCE  $S 73^{\circ}31'47'' E$ , A DISTANCE OF 105.00 FEET TO A POINT OF CURVATURE;
14. THENCE ON A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF  $16^{\circ}51'44''$ , A RADIUS OF 771.12 FEET, AN ARC LENGTH OF 226.94;

THENCE  $N 00^{\circ}23'31'' W$ , A DISTANCE OF 80.00 FEET TO THE NORTHEAST CORNER OF HIGH PRAIRIE DRIVE AS SHOWN ON SAID *THE PINERY/HIGH PRAIRIE FARMS FILING NO. 1A*, SAID POINT BEING ON THE SOUTHERLY BOUNDARY OF THE PINERY/HIGH PRAIRIE FARMS FILING NO. 3 AS RECORDED IN THE DOUGLAS COUNTY CLERK AND RECORDER'S OFFICE UNDER RECEPTION NO. 9442312, SAID POINT BEING A POINT ON A CURVE; THENCE ON A CURVE TO THE LEFT ALONG SAID BOUNDARY OF THE PINERY/HIGH PRAIRIE FARMS FILING NO. 3 HAVING A CENTRAL ANGLE OF  $07^{\circ}10'36''$ , A RADIUS OF 691.12 FEET, AN ARC LENGTH OF 86.51 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF DEMOCRAT ROAD AS SHOWN ON THE PINERY FILING NO. 5 AMENDED; THENCE  $N 46^{\circ}51'43'' E$  ALONG SAID NORTHERLY RIGHT-OF-WAY A DISTANCE OF 27.01 FEET TO A POINT OF CURVATURE; THENCE ON A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF  $04^{\circ}55'40''$ , A RADIUS OF 1792.99 FEET, AN ARC LENGTH OF 154.21 FEET TO A POINT OF COMPOUND CURVATURE; THENCE ON A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF  $15^{\circ}12'38''$ , A RADIUS OF 818.86 FEET, AN ARC LENGTH OF 217.39 FEET TO A POINT OF TANGENCY; THENCE  $N 67^{\circ}00'00'' E$ , A DISTANCE OF 267.80 FEET TO A POINT OF CURVATURE; THENCE ON A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF  $51^{\circ}00'00''$ , A RADIUS OF 450.00 FEET, AN ARC LENGTH OF 400.55 FEET; THENCE  $S 62^{\circ}00'00'' E$ , A DISTANCE OF 62.00 FEET; THENCE  $S 85^{\circ}04'05'' E$ , A DISTANCE OF 76.57 FEET; THENCE  $S 62^{\circ}00'00'' E$ , A DISTANCE OF 701.81 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 13; THENCE  $N 89^{\circ}52'15'' E$  ALONG SAID NORTH LINE OF THE SOUTHWEST QUARTER A DISTANCE OF 1323.05 FEET TO THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER; THENCE EASTERLY ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 13,  $N 89^{\circ}52'30'' E$  A DISTANCE OF 2644.53 FEET TO THE POINT OF BEGINNING; CONTAINING 916.38 ACRES, MORE OR LESS.

EXCEPT SITE NO. 49 - RESERVOIR NO. 7 AND SITE NO. 63 - PUMP STATION NO. 7 AND SITE NO. 64 - PUMP STATION NO. 8 AND SITE NO. 104 - LIFT STATION NO. 5 AS DESCRIBED IN DEED TO THE DENVER SOUTHEAST SUBURBAN WATER AND SANITATION DISTRICT, RECORDED MARCH 3, 1981, IN BOOK 407 AT PAGE 341;

AND EXCEPT SITE NO. 48 - RESERVOIR NO. 6 AND SITE NO 62 - PUMP STATION NO. 6 AT BOOK 472, PAGE 412;

TOGETHER WITH:

**LEGAL DESCRIPTION D, PLANNING AREA 67 NORTH OF PONDEROSA DRIVE OF THE 5TH AMENDMENT TO THE PINERY / HIGH PRAIRIE FARMS PD PLAN**

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A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER (NW 1/4) OF SECTION 18, AND THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 7, TOWNSHIP 7 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF DOUGLAS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 7; THENCE N 00°11'02" W, ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, SAID LINE ALSO BEING THE EASTERLY BOUNDARY OF THE PINERY FILING NO. 4 AS RECORDED IN THE DOUGLAS COUNTY CLERK AND RECORDER'S OFFICE UNDER RECEPTION NO. 140423, A DISTANCE OF 479.13 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF PINERY PARKWAY, SAID POINT ALSO BEING ON THE SOUTHERLY BOUNDARY OF *THE PINERY FILING NO. 6A*, AS RECORDED IN THE DOUGLAS COUNTY CLERK AND RECORDER'S OFFICE UNDER RECEPTION NO. 155638; THENCE SOUTHEASTERLY ALONG SAID SOUTHERLY RIGHT-OF-WAY AND SAID SOUTHERLY BOUNDARY THE FOLLOWING SIX (6) COURSES:

1. THENCE S 33°34'06" E, A DISTANCE OF 96.36 FEET TO A POINT OF CURVATURE;
2. THENCE ON A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 23°04'06", A RADIUS OF 695.00 FEET, AN ARC LENGTH OF 279.82 FEET TO A POINT OF TANGENCY;
3. THENCE S 10°30'00" E, A DISTANCE OF 150.00 FEET TO A POINT OF CURVATURE;
4. THENCE ON A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 59°20'00", A RADIUS OF 500.00 FEET, AN ARC LENGTH OF 517.78 FEET TO A POINT OF TANGENCY;
5. THENCE S 69°50'00" E, A DISTANCE OF 150.00 FEET TO A POINT OF CURVATURE;
6. THENCE ON A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 03°43'09", A RADIUS OF 450.00 FEET, AN ARC LENGTH OF 29.21 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF PONDEROSA WAY AS PLATTED IN *MISTY PINES - FIRST FILING* AS RECORDED IN THE DOUGLAS COUNTY CLERK AND RECORDER'S OFFICE UNDER RECEPTION NO. 337766;

THENCE SOUTHWESTERLY ALONG SAID WESTERLY RIGHT-OF-WAY THE FOLLOWING FOUR (4) COURSES:

1. THENCE S 20°32'11" W, A DISTANCE OF 64.14 FEET TO A POINT OF CURVATURE;
2. THENCE ON A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 25°17'23", A RADIUS OF 450.00 FEET AN ARC LENGTH OF 198.63 FEET TO A POINT OF TANGENCY;
3. THENCE S 45°49'34" W, A DISTANCE OF 573.66 FEET TO A POINT OF CURVATURE;
4. THENCE ON A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 20°08'05", A RADIUS OF 450.00 FEET, AN ARC LENGTH OF 158.14 FEET TO A POINT ON THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 18, SAID LINE ALSO BEING THE EASTERLY BOUNDARY OF *MISTY PINES - SECOND FILING* AS RECORDED IN THE DOUGLAS COUNTY CLERK AND RECORDER'S OFFICE UNDER RECEPTION NO. 337766;

THENCE NORTHERLY ALONG THE WEST LINE OF SAID NORTHWEST QUARTER AND SAID EASTERLY BOUNDARY N 00°04'37" E, A DISTANCE OF 1160.10 FEET, TO THE POINT OF BEGINNING; CONTAINING 11.05 ACRES, MORE OR LESS.

TOTAL ACREAGE THIS DESCRIPTION (B, C, AND D): 960.08 ACRES, MORE OR LESS.

# PINERY FIFTH AMENDMENT

## CONCEPTUAL LOTTING PLAN



### LEGEND

A	1/3 AC LOTS	-	159 Lots
B	1/2 AC LOTS	-	388 Lots
C	3/4 AC LOTS	-	162 Lots
D	1 1/2 AC LOTS	-	62 Lots
	OPEN SPACE	-	318.27 Acres

TOTAL - 771 Lots, 318.27 Acres Open Space

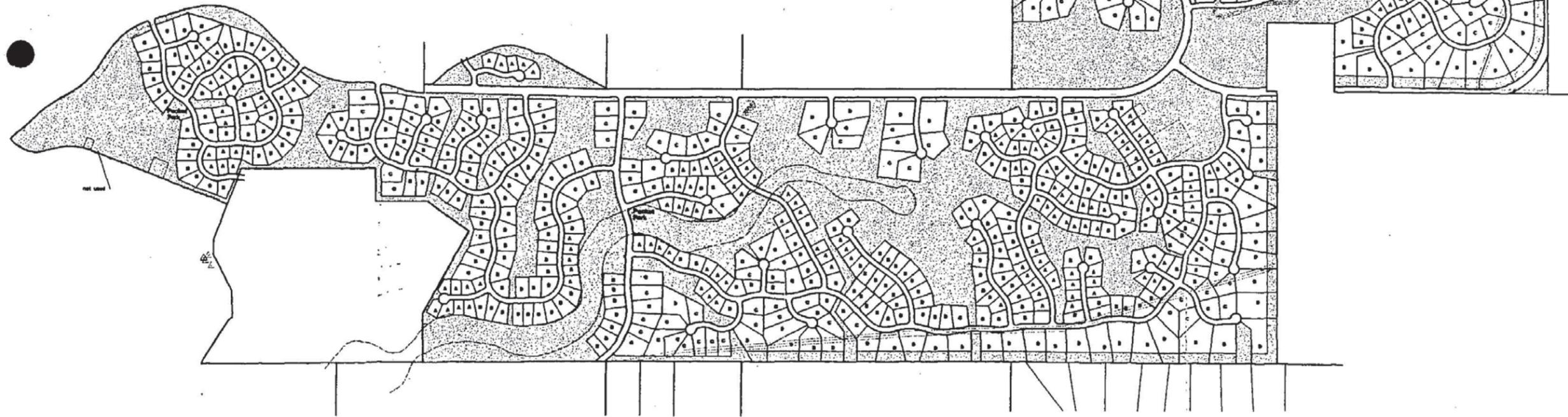


EXHIBIT "D"

EXHIBIT A  
TO WARRANTY DEED

PARCEL A: BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 24, TOWNSHIP 7 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, COLORADO: THENCE S 89 DEGREES 24 MINUTES 48 SECONDS WEST A DISTANCE OF 1323.41 FEET; THENCE SOUTH 0 DEGREES 29 MINUTES 22 SECONDS EAST A DISTANCE OF 35.01 FEET; THENCE SOUTH 60 DEGREES 06 MINUTES 13 SECONDS EAST A DISTANCE OF 1533.92 FEET; THENCE NORTH 0 DEGREES 28 MINUTES 34 SECONDS WEST A DISTANCE OF 813.14 FEET TO THE POINT OF BEGINNING; CONTAINING 12.883 ACRES MORE OR LESS.

PARCEL B: A TRACT OF LAND SITUATED IN SECTIONS 23 AND 24, TOWNSHIP 7 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 23 AND CONSIDERING THE NORTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 23 TO BEAR NORTH 89 DEGREES 09 MINUTES 47 SECONDS EAST WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO; THENCE SOUTH 0 DEGREES 28 MINUTES 08 SECONDS EAST ALONG THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 23 A DISTANCE OF 1320.33 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 24; THENCE NORTH 89 DEGREES 22 MINUTES 50 SECONDS EAST A DISTANCE OF 2646.96 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 24; THENCE SOUTH 0 DEGREES 27 MINUTES 47 SECONDS EAST A DISTANCE OF 1321.85 FEET TO THE SOUTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 24; THENCE SOUTH 89 DEGREES 24 MINUTES 48 SECONDS WEST A DISTANCE OF 2646.82 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF SECTION 24; THENCE SOUTH 0 DEGREES 29 MINUTES 22 SECONDS EAST ALONG THE EAST LINE OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 23 A DISTANCE OF 35.01 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF THE COUNTY ROAD NO. 28; THENCE WESTERLY ALONG SAID NORTHERLY RIGHT OF WAY LINE FOR THE NEXT SIX COURSES: 1. THENCE NORTH 60 DEGREES 04 MINUTES 55 SECONDS WEST A DISTANCE OF 281.18 FEET; 2. THENCE NORTH 67 DEGREES 34 MINUTES 20 SECONDS WEST A DISTANCE OF 98.66 FEET; 3. THENCE NORTH 69 DEGREES 24 MINUTES 06 SECONDS WEST A DISTANCE OF 484.80 FEET; 4. THENCE NORTH 66 DEGREES 46 MINUTES 45 SECONDS WEST A DISTANCE OF 338.58 FEET; 5. THENCE NORTH 69 DEGREES 01 MINUTES 19 SECONDS WEST A DISTANCE OF 201.66 FEET; 6. THENCE NORTH 59 DEGREES 54 MINUTES 02 SECONDS WEST A DISTANCE OF 46.43 FEET TO THE WEST LINE OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 23; THENCE NORTH 0 DEGREES 27 MINUTES 39 SECONDS WEST ALONG SAID WEST LINE A DISTANCE OF 2078.90 FEET TO THE NORTHWEST CORNER OF SAID EAST 1/2 OF THE NORTHEAST 1/4; THENCE NORTH 89 DEGREES 09 MINUTES 47 SECONDS EAST A DISTANCE OF 1323.29 FEET TO THE POINT OF BEGINNING; CONTAINING 151.94 ACRES MORE OR LESS.

PARCEL C: THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 24,  
TOWNSHIP 7 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN,  
COUNTY OF DOUGLAS, STATE OF COLORADO; CONTAINING 40 ACRES MORE OR  
LESS.

BASIS OF BEARINGS IS THE WESTERLY LINE OF THE NORTHWEST QUARTER OF  
SECTION 24, TOWNSHIP 7 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL  
MERIDIAN BEING NORTH 00 DEGREES 28 MINUTES 08 SECONDS WEST.

TOGETHER WITH ALL WATER RIGHTS UNDERLYING THE PROPERTY OWNED BY  
GRANTOR, IF ANY.

**EXHIBIT "E"**

**RESOLUTION NO. R-995-123**

**THE BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF DOUGLAS, COLORADO**

**A RESOLUTION APPROVING THE FIFTH AMENDMENT  
TO THE PINERY PD MASTER PLAN AND DEVELOPMENT  
GUIDE.**

**RECITALS**

A. In January 1994, the Pinery Joint Venture filed an application to rezone most of the High Prairie Farms portion of the Pinery from equestrian estate zoning to estate residential and single-family residential zoning.

B. The application was scheduled to be heard by the Planning Commission on November 14, 1994. At the request of the applicant, the hearing was postponed.

C. The application was heard by the Planning Commission on April 24 and May 1, 1995. At the conclusion of the hearing on May 1, a motion to recommend approval of the application failed by a vote of four to four.

D. The application was scheduled to be heard by the Board of County Commissioners on June 7, 1995. Prior to the commencement of that hearing, the applicant requested a continuation until October 11, 1995, to permit the applicant to prepare an impact report, to address concerns expressed by area residents, and to prepare and present a revised proposal.

E. On September 11, 1995, the applicant presented to the Planning Commission a revised proposal for a rezoning of most of the High Prairie Farms portion of the Pinery from equestrian estate zoning with a density of one dwelling unit per 2.5 acres and a maximum of 460 dwelling units, to estate residential and single-family residential zoning with a minimum lot size of one-third acre and a maximum of 771 dwelling units. The hearing was continued to September 18, 1995, and at its conclusion, the Planning Commission voted six to one to recommend approval of the revised proposal subject to certain conditions.

F. After the Planning Commission hearing, the applicant and the planning staff met several times with a negotiating committee appointed by the Pinery Homeowners Association. These meetings resulted in an addendum to the proposed development guide and a letter of understanding between the Pinery Homeowners Association and the Pinery Joint Venture.

G. The Board of County Commissioners held a hearing on the proposed Fifth Amendment to the Pinery PD Master Plan and Development Guide on October 11, 1995. Jackie Thompson, senior current planner, summarized the proposal. She was followed by

Val Phillips and Robert Tafalski, representing the Pinery Water & Wastewater District. Hayden Matthews, vice president of the Great Gulf Group of Companies and Bill Howard of Plan West explained the proposal. Bess Minor, co-president of the Pinery Homeowners Association, spoke in support of the proposal. She was followed by other speakers who addressed various aspects of the proposal.

H. At the conclusion of the public hearing, the Board adopted a motion directing the County Attorney to prepare a resolution approving the application. The Board has reviewed the minutes of the hearing, and is prepared to adopt findings of fact, conclusions, and a resolution approving the Fifth Amendment to the Pinery PD Master Plan and Development Guide.

#### FINDINGS OF FACT

1. Notice of the hearing was published on August 26, 1995, at least 14 days prior to the hearing, as required by statute. Notice was posted on the subject property on September 25, 1995, at least 14 days prior to the hearing, as required the Zoning Resolution. Notice was sent by certified mail to the owners of all real property within 500 feet of the subject property, at least 14 days prior to the hearing, as required by the Zoning Resolution.

2. This proposal is a major amendment to the Pinery PD Master Plan and Development Guide for the Pinery because it includes a decrease in the minimum lot size of more than 15 percent, an increase in the number of dwelling units of more than 20 percent, and substantial changes to the Development Guide. See section 1520 of the Zoning Resolution.

3. The rezoning procedure is applicable because of the proposed increase in the number of dwelling units. See section 1523 of the Zoning Resolution.

4. The Board has applied the criteria for a planned development rezoning. See section 1503 of the Zoning Resolution.

5. Section 1503.01 of the Zoning Resolution requires that a proposed rezoning be consistent with the Douglas County Master Plan. The Master Plan provides in Section II-10 that urban developments, which are defined as those having a density greater than or equal to one dwelling unit per 2.49 acres, should be limited to the Primary Urbanization Areas, Separated Urbanization Areas, and Municipal Planning Areas. The subject property is located in the Pinery Separated Urbanization Area.

6. Section III-6 of the Master Plan encourages the provision of urban facilities and services by existing special districts. This proposed development will be served by the Pinery Water & Wastewater District, and will provide income for the District's operating

expenses and debt service. The District supports this proposal. Development in accordance with this proposal will avoid the possibility of groundwater pollution arising from the individual septic systems authorized by the current equestrian estate zoning. In addition, proposed conditions on this development will decrease groundwater pollution from lawn irrigation and fertilizers.

7. This proposal, which includes the elimination of 620 dwelling units in the Gondolier Farms Planned Development, will result in a net decrease of 309 dwelling units within the Pinery and Gondolier Farms combined. This decrease in dwelling units is consistent with Appendix 2 of the Master Plan, which supports reductions in the number of residential units zoned in the County.

8. The proposed plan provides for the clustering of homes, which will preserve heavily forested areas, provide more open space and trails, and preserve more wildlife habitat.

9. The overall reduction in residential units will benefit schools, parks, water supplies, wildlife, emergency services, and roads.

10. The applicant will improve High Prairie Drive to a three-lane arterial road and will improve the South Pinery Parkway and Parker Road intersection and the Ponderosa Way and Sun Ridge Hollow Road intersection. The number of road connections between the subject area and existing Pinery neighborhoods will be reduced from three to one.

11. Several parks and a recreation facility will be located within the subject area. The applicant has proposed a 21-acre pocket park and open space area at the western end of the property at the intersection of High Prairie Drive and South Pinery Parkway. A second pocket park site is proposed in the eastern portion of the property on the north side of Democrat Road across from the proposed elementary school site. A third pocket park site is proposed in the central portion of the property on the south side of High Prairie Drive. The three pocket parks will be open to the public.

12. Several trails are also proposed in this development. The most prominent trail is the Bijou Gulch Trail, which will traverse the property diagonally from northeast to southwest. This trail will be a regional trail that is anticipated to connect to the Cherry Creek Trail. Trail connections from residential areas within this development to the regional trails will be specified as part of the sketch plan process.

13. The Bijou Gulch drainage corridor will be dedicated to the county for open space. In addition, open space will be provided within each of the planning areas. The minimum percentage of open space is shown within each planning area on the development plan. This proposal provides open space for pedestrians and wildlife that would not be provided if the property were developed in accordance with its current equestrian estate zoning.

14. Pinery Joint Venture will contribute \$150,000 toward the construction of a regional park.

15. Pinery Joint Venture will cause its home builders to participate in the Douglas County School Facilities Trust Fund Foundation on the same terms as those provided for other builders.

16. Pinery Joint Venture has lessened the impacts of this development with irrigation restrictions, fencing restrictions, buffer areas and larger lots adjacent to the perimeter of the development, a street lighting plan, and alternative road standards that will be compatible with the existing roads in the Pinery.

17. Fire protection will be provided by the Parker Fire Protection District, which has stated that it has no objection to this proposal so long as the proposed road connections are constructed.

18. This proposal has been recommended by the Department of Planning and Community Development, the Planning Commission, and the Pinery Homeowners Association.

#### CONCLUSIONS

1. The required notices of this hearing were given. The Board has jurisdiction to consider this proposed major amendment to the Pinery PD Master Plan and Development Guide.

2. The proposed zoning and development would not adversely impact the provision of public services.

3. The proposed zoning and development is compatible with surrounding land uses.

4. The subject land is suitable for the proposed zoning and development.

5. The proposed development will be compatible with the natural environment.

6. The proposed development will not create traffic congestion or a burden on the existing road network.

7. The application complies with applicable statutes, the Zoning Resolution, and the Master Plan.

8. The proposed development will be superior to that authorized by the current equestrian estate zoning. It results in a net reduction in the number of residential dwelling

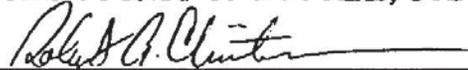
units within the Pinery and Gondolier Farms planned developments, with a concomitant reduction in impacts on county roads, state highways, public schools, and other infrastructure. It provides for the utilization of the existing sanitary sewer facilities of the Pinery Water & Wastewater District, and avoids the risk of groundwater pollution attendant upon the use of individual septic systems as permitted by the current equestrian estate zoning.

**NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF DOUGLAS, STATE OF COLORADO,** that the Fifth Amendment to the Pinery PD Master Plan and Development Guide as submitted by the Pinery Joint Venture to the Board of County Commissioners at its public hearing on October 11, 1995, is hereby approved subject to the following conditions:

1. In the event Douglas County adopts a concurrency management system with level of service standards, development of land within this plan will be subject to those standards.
2. Prior to recordation of the development guide and plan, all items contained in the addendum to the development guide shall be incorporated into the development guide.
3. Prior to recordation of the development guide and plan, Pinery Joint Venture shall deliver to the County a general warranty deed transferring ownership of the 198-acre parcel of land within Gondolier Farms specified in the application.
4. Pinery Joint Venture shall cause its builders to participate in the Douglas County School Facilities Trust Fund Foundation on the same terms as those approved by the foundation from time to time for other builders.
5. Prior to sketch plan approval, the issue of dwelling unit density along the Powell/Elizabeth Loop shall be appropriately addressed. This may result in the reduction of the number of dwelling units along those streets by as much as eleven lots.
6. Prior to sketch plan approval, the issue of the appropriate transition density between this development and Bayou Hills shall be appropriately addressed. This may result in a reduction in the number of dwelling units in this transition area by as much as ten lots.
7. At the time of sketch plan approval, the issue of the appropriate off-site road improvements, including sidewalks, shall be addressed, and may result in a requirement that the Pinery Joint Venture make additional off-site road improvements.

PASSED AND ADOPTED this 8th day of November, 1995 in Castle Rock, Douglas  
County, Colorado.

THE BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF DOUGLAS, COLORADO

BY:   
ROBERT A. CHRISTENSEN, Chairman

**BOOK** 1326 **PAGE(S)** 2227 **THRU** \_\_\_\_\_

**were not used in Douglas County Real Estate Records**

3-20-96.