



City of Castle Pines, Colorado

AGENDA

REGULAR MEETING OF THE PLANNING COMMISSION
360 Village Square Lane, Event Hall, Castle Pines, CO 80108
Thursday, March 25, 2021 – 6:00 PM

Chair
Michelle Wiley
02/2024

Chair Pro Tem
Leanna Palmer
01/2023

Commissioner
Craig Barragry
02/2024

Millard Foraker
02/2024

Lisa Glynn
01/2023

David Goode
01/2022

Seth Katz
01/2022

VIEWING THE PUBLIC MEETING: THE MARCH 25, 2021 PLANNING COMMISSION MEETING WILL BE CONDUCTED AS AN ELECTRONIC VIRTUAL MEETING. TO REGISTER TO WATCH THE 5:30 P.M. VIRTUAL MEETING FROM YOUR COMPUTER OR SMARTPHONE CLICK [HERE](#)

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **APPROVAL OF AGENDA**
4. **DISCLOSURE OF CONFLICTS OF INTEREST**
5. **CONVENE AS BOARD OF ADJUSTMENT**
6. **BOARD OF ADJUSTMENT ACTION ITEMS**
 - 6.a. **PUBLIC HEARING:** Case No. VAR2021-001: An appeal to the Community Development Director's determination that the car wash at 7610 Debbie Lane is an accessory use to a nonconforming gas station use and that expansion of the accessory car wash is prohibited
[Twin Star Appeal Packet.pdf](#)
[Staff Report for Twin Star Appeal w Att. 1-4.pdf](#)
[Staff Report for Twin Star Appeal Att. 5-8.pdf](#)
7. **CONVENE AS THE PLANNING COMMISSION**
8. **PLANNING COMMISSION ACTION ITEMS**
 - 8.a. Approval of the February 25, 2021 Meeting Minutes
[2021-02-25 Planning Commission Minutes Draft.docx](#)
9. **PLANNING COMMISSION DISCUSSION ITEMS**
 - 9.a. Continuation of Comprehensive Plan Schedule and Progress Update Presentation
[CompPlan_Implementation Strategies_v1.pdf](#)
[CompPlan_Future Land Use_v1.pdf](#)
10. **ADJOURNMENT**

City Council Meetings are held on the second and fourth Tuesday of each month at the Douglas County Library, 360 Village Square Lane, Castle Pines, CO 80108. Please call City Offices, (303) 705-0200 a minimum 48 hours prior to the Council meeting if you believe you will need special assistance or any reasonable accommodation to be in attendance or participate in any such meeting.

THIS AGENDA IS SUBJECT TO CHANGE

February 12, 2021

VIA SMARTGOV WEB PORTAL

Planning Office Board of Adjustment
City of Castle Pines
360 Village Square Lane, Suite B
Castle Pines, CO 80108
(303) 705-0224

Re: Appeal of January 14, 2021 Determination Concerning *7-Eleven Car Wash Expansion – 7610 Debbie Lane*

Dear Planning Office Board of Adjustment:

Twin Star Energy, LLC (“Twin Star”) owns a car wash, gas station, and convenience store located at 7610 Debbie Lane, Castle Pines. On December 23, 2020, Twin Star submitted a Carwash Expansion Request, attached hereto as Exhibit A, seeking to install more modern car wash equipment which requires an expansion of the building to accommodate the new equipment. On January 14, 2021, the City Staff of Castle Pines (the “City”) issued a determination (the “Determination”), attached hereto as Exhibit B, not to permit the car wash expansion. We represent Twin Star with respect to this appeal of the City’s decision and respectfully request that the Board of Adjustment reconsider the Determination.¹

The following is the basis for the appeal of the Determination made by the City Staff:

1. The City Staff determined that the proposed car wash expansion would constitute an expansion of a legal non-conforming use in violation of Zoning Ordinance Sections 2002.01 and 2002.02. But, those Sections apply only to an expansion of a nonconforming use or a structure housing a nonconforming use. The proposed expansion is only of the car wash. Because a car wash and the building are a conforming use and a structure housing a conforming use, the denial of the expansion based on those Sections was in error.
2. To attempt to make those sections applicable, the City Staff concluded that the car wash was an “accessory use” to the gas station. “Accessory use” has a specific definition in the Zoning Ordinances. That definition requires that the car wash’s use be “devoted exclusively” to the gas station. Because neither the current car

¹ This appeal is timely, as it is being presented to the City within 30 days after the January 14, 2021 Determination as required by Zoning Ordinance Section 2602A (“An appeal must be made in writing and submitted to the Planning Office within 30 days of an administrative decision.”).

wash nor the proposed expansion is devoted exclusively to the fueling activity, it was error to consider the car wash an “accessory use.”

3. The City has permitted other car washes to be built, demonstrating that they are a permitted use and likewise that they are not an “accessory use” to another use of a site. Although the City previously advised Twin Star that it would not approve any proposal that it tendered to build a car wash on the neighboring lot, it has now approved another developer’s proposal to build a car wash on the same adjacent lot. In this context, denying Twin Star’s request to expand its car wash on its existing lot is arbitrary, and the City should not treat Twin Star differently than others.
4. It is unfair and creates a hardship for Twin Star not to allow modernization, especially when the City is approving a modern car wash next door.

Background

Currently, the Debbie Lane site consists of the convenience store, covered vehicle fuel dispensers, and a free-standing automatic car wash building. Twin Star would like to improve the existing car wash structure and renovate it into a tunnel car wash, bringing it up to the level of service consistent with newer car washes as an amenity to the community. This would involve expanding the existing, older car wash building to accommodate the equipment required for a tunnel wash. The Debbie Lane store was established in 2002.

The car wash was originally proposed by Twin Star’s predecessor in interest, and approved by Douglas County (the City’s predecessor in interest) in 2001. The proposal for the lot listed its three proposed uses:

1. A convenience store,
2. A car wash, and
3. Fuel pumps.

In 2001 all three of these uses were permitted. Douglas County and Twin Star’s predecessor in interest evaluated and approved of each of these three “proposed uses for the property” when the project was proposed.²

² See Narrative Exhibit from Farnsworth and Polk concerning Charter Oaks, Tract B, February 21, 2000, FP# 397119, available from <https://apps.douglas.co.us/planning/projects/download.aspx?PosseObjectId=12119644> at page 9 of 11 (stating that “the proposed uses for this property are allowable under Douglas County zoning . . . [, and t]he gasoline/convenience store/car wash use is obviously compatible with the Total Petroleum facility to the south.”).

Douglas County evaluated the car wash as a separate, independent use housed in a separate building,³ with proposed separate hours of operation (due to neighbors' concerns about noise),⁴ and separate lighting, noise reduction, and landscaping needs.⁵ After evaluating the proposed use of the car wash, the county approved it.

Today, the car wash operates in a separate building. While customers may pay for a car wash at a pump or inside the convenience store, they can also pay directly at a kiosk at the entrance to the car wash. Many Twin Star customers use the car wash without accessing the convenience store or gas station (just as customers may get coffee from the convenience store without filling up their gas tanks, and can use credit cards to purchase gas without visiting the convenience store). In fact, the car wash derives approximately 70% of its revenue between November and March, in a completely different revenue cycle than the gas station and convenience store.

Twin Star submitted a proposal to expand its car wash on December 23, 2020. The proposal notes that the site consists of a convenience store, car wash, and covered vehicle fuel dispensers, and specifically states that Twin Star wishes to expand the car wash. Twin Star's proposal would in no way expand or modify the gas station on the property. The car wash was built in 2002. Over the course of the past 19 years, technology and consumer expectations have progressed substantially. To remain competitive and provide a modern amenity to the community, the car wash needs to be expanded in building size and renovated to accommodate new equipment. The modest increase in size Twin Star proposes would allow it to modernize the equipment in its car wash and better serve its customers. As set forth in more detail below, the City Staff denied Twin Star's request.

This was not Twin Star's first effort to expand the car wash. In 2016 it submitted a proposal to expand both the car wash and gas station into the neighboring lot, which the City rejected as an expansion of a nonconforming use. To avoid the nonconforming use expansion, Twin Star proposed at the meeting with the City that it instead only build a car wash on the neighboring lot. The City, however, indicated that it would be disinclined to permit Twin Star's construction of only a new car wash on that neighboring property.

³ See Charter Oaks, 5th Amendment, Tracts B-1 and B-2 NE1/4 of Section 3, T7S, R67W of the 6th P.M., Douglas County Co 1.686 Acres Site Improvement Plan – SP00-012, available from <https://apps.douglas.co.us/planning/projects/download.aspx?PosseObjectId=12119650> at page 24 of 36 (showing design drawings and materials for separate car wash building).

⁴ See Site Improvement Plan SP00-012 BP-Amoco Referral Response – August 30, 2001, Comments from Castle Pines Nor master Association, available from <https://apps.douglas.co.us/planning/projects/download.aspx?PosseObjectId=12119646> at page 2 of 338 (objecting to the proposed project and noting the County's plan to curtail the car wash's hours of operation more narrowly than those of the gas station) .

⁵ See Letter from Douglas County Community Development Department to Ron Guerts/David KirkBaum dated June 6, 2001, available from <https://apps.douglas.co.us/planning/projects/download.aspx?PosseObjectId=12119646> at page 7 of 388 (suggesting modifications to landscaping, screening, and walls specifically with respect to the car wash).

Nevertheless, Twin Star understands that the City Staff is currently in the process of authorizing another developer to build a car wash on the very same adjacent lot onto which Twin Star previously sought to expand. Not only is the City Staff taking a different position with this new developer than it did with Twin Star, it is preventing Twin Star from its expansion, thus preventing Twin Star from competing. The City Staff's action is effectively taking away one of Twin Star's uses of its site. This would significantly injure Twin Star.

The City has allowed the adjacent car wash to move forward because a car wash is a permitted use under zoning regulations. Twin Star asks to be treated the same way as its neighbor, and that it be allowed to expand its car wash—a permitted use—to better serve its customers.

The City Staff's Determination

As set forth in the January 14, 2021 Determination, "City Staff has made the administrative determination that expansion of the car wash would constitute an expansion of this nonconforming use in violation of Sections 2002.01 and 2002.02 of the Zoning Ordinance." The City Staff applied the nonconforming use sections of the Zoning Ordinances because it determined "that the current carwash and proposed carwash expansion is an accessory use to the existing nonconforming Automobile Service Station with Gasoline Pumps."

Bases for Reconsideration by the Board of Adjustment

City Staff improperly applied the Sections 2002.01 and 2002.02. Neither of those ordinances prevents expansion of the car wash building as it is neither a non-conforming use nor a non-conforming structure. Likewise, the car wash does not meet the definition of an accessory use as set forth in the Zoning Ordinances. The approval process of the car wash on the neighboring lot proves these points: that car wash is not a nonconforming use and is not an accessory to anything, showing that car washes are appropriate uses in the Zoning District. Unfortunately, it appears that Twin Star, which was previously advised it could not install a car wash on that lot, is being treated unfairly.

- a. *The Zoning Sections cited by the City in its Determination Acknowledge and do not Prohibit Twin Star's Proposed Expansion of the Car Wash.*

While the gas station adjacent to the car wash was permitted when it was built, the City subsequently modified its zoning ordinances to prohibit gas stations. As a result, the gas station is a legal nonconforming use. Because the gas station is nonconforming, the City Staff cites Zoning Ordinance Sections 2002.01-02 as the bases for its determination that the car wash expansion is not permitted. These, however, regulations do not apply.

Zoning Ordinance Section 2002.01 only applies to uses which are nonconforming. It states that:

[A] nonconforming use shall not be enlarged, expanded, extended, increased, or moved to occupy an area of land or area in a structure which was not occupied before this Ordinance was adopted or amended.

The car wash is an indoor retail/service business, which is a permitted use and has been permitted by the City in other locations. Expanding the car wash will not expand the use of the gas station (the nonconforming use). As there will be no expansion of a nonconforming use, Section 2002.01 does not apply to Twin Star's request.

Zoning Ordinance 2002.02 only applies to the expansion of structures used for a nonconforming purpose. It states that:

2002.02 An existing structure devoted to a nonconforming use shall not be enlarged, expanded, extended or altered to accommodate the nonconforming use or any to in the district in which the structure is located.

The car wash structure does not relate to a nonconforming use. A car wash is a separate business that can stand alone (and the city has correctly concluded that it is permitted by zoning regulations when allowing several other car washes to be built and expand). It has nothing to do with fueling or pumps. Many customers will visit the lot and use the car wash without filling up with gas or visiting the convenience store, and vice versa. This is why Twin Star's car wash has its own payment station—so customers can use the car wash without needing to take the potentially unnecessary steps of visiting fuel pumps or a convenience store attendant. Thus, this section does not apply either. Moreover, the Section makes it clear that each structure on a site must be viewed separately and independently because the Section only relates to structures devoted to nonconforming uses, as opposed to all structures.

As neither Section prevents expansion of the car wash, the City Staff's Determination based on these sections was in error and should be reversed.

b. The Car Wash does not Meet the Zoning Ordinance's Definition of Accessory Use

Even though the car wash does not fit within Zoning Ordinance Sections 2002.01 and 2002.02, the City Staff rejected Twin Star's proposal because it claims that the car wash is an "accessory use" to the gas station. But, the Zoning Ordinances make clear that a car wash is not an accessory use. "Accessory use" has a specific statutory definition. It is not a use that is simply related to another use, but rather must be "naturally and normally incidental to, subordinate to, and **devoted exclusively** to the principal use." Zoning Ordinance Section 3602 (emphasis added). For example, if a helipad were not otherwise permitted to be built in a neighborhood, it might be permitted as an accessory use to a hospital. In this circumstance the only use of the helipad would be to further the hospital's provision of emergency services.

Twin Star's car wash does not fit this definition. Customers purchase car washes separately. They can access the car wash without accessing the convenience store or fuel pumps. By definition, the car wash is *not* "devoted exclusively" to the gas station. It is not now—

nor has it historically been—an accessory use. Instead, the car wash is a permitted use (just like a convenience store) that operates independently and which is not “devoted exclusively” to the gas station.

In treating the car wash as an “accessory use,” the City Staff seemed to rely on the fact that fuel pumps, convenience stores, and car washes all relate to automobiles and are often found and operated together. We recognize that these businesses operate together, but through the Zoning Ordinances, Castle Pines has unambiguously limited accessory uses *only* to instances where the use is “devoted exclusively” to the primary use or uses of the property.⁶ In the absence of ambiguity, it is improper for the City Staff to look beyond the regulation at some general sense of whether car washes often are available at gas stations. It must apply the plain language of the statute. See *Shupe v. Boulder County*, 230 P.3d 1269, 1273 (Colo. App. 2010) (overturning county’s interpretation of primary and accessory uses as contrary to the plain language of its land use ordinance and declining to give deference to the city’s statutory interpretation). Twin Star recognizes that there is overlap between its three customer bases, and that all three businesses are often found together and operate in a complementary fashion. But the three businesses have very different revenue structures and profit cycles. Customers use each site differently. One customer may stop for coffee at the c-store every day. Another may purchase fuel on her way home once per week. A third may only get her car washed at this facility once a week in the winter months. Those are all different uses – none is an accessory use “devoted exclusively” to the others.

c. Permitting a Car Wash to Open and Compete in the Lot Immediately Adjacent to Twin Star’s while Rejecting Twin Star’s Expansion Proposal is Arbitrary and Capricious

Authorizing a competitor’s development of a tunnel car wash while prohibiting Twin Star from building one arbitrarily discriminates against Twin Star’s car wash and in favor of other car washes engaged in precisely the same business. This is contrary to Colorado law. See *Hale v. Denver*, 159 Colo. 341, 346, 411 P.2d 332, 335 (Colo. 1966) (holding that ordinance prohibiting business from displaying goods outside but exempting gas stations and garden supply stores was arbitrary and unconstitutional when applied to a store that sold the same materials as gas stations and garden supply stores).

Twin Star’s car wash operates the same business as the proposed adjacent car wash. Twin Star’s proposed expanded car wash will function the same way as the proposed adjacent car wash. Indeed, Twin Star even previously proposed an expansion of its car wash into the adjacent lot—the very thing the City is now in the process of allowing a competitor to do. To permit one project while rejecting the other simply because a gas station is also located on the lot, in a separate structure, would unfairly favor Twin Star’s competitor. To do this while

⁶ To the extent that other entities may have concluded that a car wash may be an accessory use to a gas station, those entities have different zoning ordinances with different definitions of accessory use.

simultaneously preventing Twin Star from expanding even within its own existing lot is in clear violation of Colorado law.⁷

d. Denial of this Appeal Will Cause A Substantial Hardship to Twin Star Whereas Granting the Appeal Will Positively Impact The Neighborhood

Twin Star is not asking for a large expansion of its car wash, or proposing a renovation of its entire facility that will significantly increase its footprint in the neighborhood or expand the fuel station. The expansion request will not impact lighting, risks of fire, or in any way prejudice the public health, safety, comfort, morals, or general welfare of the inhabitants of Castle Pines.

Instead, Twin Star seeks to modernize its existing structure to better serve its customers. We do not believe it is the intent of the City to prohibit improvements to an existing structure by providing new equipment (and hence expanding the building), for a use that is allowed in the zone district. It would be a huge detriment to the community if a property owner was not allowed to make improvements to a conforming use. That does not appear to be the intent of the 2016 modifications either, which are to prohibit the expansion of the gas use.

If a car wash is built next door and Twin Star is left without the ability to modernize its facility, Twin Star's car wash could be forced out of business. The City's zoning ruling would have the effect of preventing Twin Star from making any other use of this building. An empty or underused, aging car wash that cannot be maintained under the city's Zoning Ordinance is actively harmful to all parties involved. Moreover, it would be improper for the City to arbitrarily favor one business over another in offering the same service.

On the other hand, permitting the car wash to expand will treat Twin Star the same way the City Staff has treated other car wash operators. Twin Star will be able to compete with its new neighbor, and this robust competition will give Castle Pines residents access to clean, modern car washes. Both Twin Star and the community will benefit.

Conclusion

Twin Star is a proud member of the Castle Pines business community. It has served residents of Castle Pines for more than fifteen years. Twin Star wishes to continue to operate its car wash and other businesses in Castle Pines. The Sections cited by the City Staff do not preclude expansion. Additionally, Twin Star's car wash is not an accessory use to its gas station because the car wash is not "devoted exclusively" to its gas station. Customers can—and do—utilize it without accessing the adjacent gas station or convenience store. Twin Star's proposed expansion will not expand the gas station's operation. Instead, it will enhance the quality of car

⁷ Twin Star notes that the developer of the proposed adjacent car wash acknowledged this disparity in treatment and claimed it was a result of the developer being a "local" in Castle Pines. The City has indicated that it does not have a policy discriminating against foreign-owned business, but there does not seem to be a good explanation of why Twin Star was previously informed it could not put a car wash, only, on the adjacent property whereas a native-owned business is receiving such an authorization.



Planning Office Board of Adjustment
February 12, 2021
Page 8

wash services Twin Star offers its customers and allow Twin Star to compete with a new competitor opening next door. If Twin Star's car wash is not treated the same way as its competitor's proposed car wash, Twin Star will be significantly injured. As a consequence, we respectfully request that the Board of Adjustment reverse the previous determination and direct that Twin Star be permitted to proceed with its plans to expand and modernize its car wash.

Very truly yours,

DORSEY & WHITNEY LLP

s/ Gregory S. Tamkin

Gregory S. Tamkin

Exhibit A



7-11 CAR WASH EXPANSION – 7610 DEBBIE LANE, CASTLE PINES, CO 80108

MEMORANDUM

TO: MR. NICHOLAS HUFFORD, PLANNER II, CITY OF CASTLE PINES
FROM: CHRIS MUELLER PE NCEES - ENTITLEMENT AND ENGINEERING SOLUTIONS
SUBJECT: 7-11 CAR WASH EXPANSION
DATE: 12/23/2020
CC: MARK PERRINO – MAPCM, MARY KASAL PE – EES, KRYSTA HOUTCHENS PE - EES

Mr. Hufford,

This memo serves to introduce this proposed car wash expansion project. Parcel information is listed below, for convenience:

- State Parcel Number: 235103108006.
- Site size: 1.16 acres
- Subdivision: Tract B1 of Charter Oaks 5th Amendment
- Public Land Survey System: Township 7 South, Range 67 West, Section 3, Quarter Section 1
- Zoning: Business
- Land Use: Mixed Use/Commercial/Civic
- Water and Sanitary District: Castle Pines North Metro District
- Water Supply Zone: Central
- Fire District: South Metro FD
- Watershed: Middle South Platte – Cherry Creek, Happy Canyon Creek
- HOA: Charter Oaks HOA
- Owner: Twin Star Energy LLC, 7671 Shaffer Parkway, Building H, Littleton, CO 80127-3016.



Purpose of Proposal: The existing 7-11 Convenience Store site consists of the convenience store, car wash, and covered vehicle fuel dispensers. The owner would like to expand the existing car wash structure and renovate it into a tunnel car wash, for customers. On behalf of Twin Star Energy LLC, we respectfully request permission for this expansion, and guidance as to permitting requirements.

Should you have any questions, feel free to contact me at 314-737-2758 and chris.mueller@ees.com.

Sincerely,

Entitlement and Engineering Solutions, Inc.

Chris Mueller PE NCEES, Project Manager



EXPAND EX. CARWASH BUILDING AND REMODEL INTO AN AUTOMATIC TUNNEL CARWASH 26'x75'

CONCEPTUAL SITE PLAN		PROJECT NO:	TWS004.01																
7-11 CAR WASH EXPANSION		DESIGNED BY:	CM																
7610 Debbie Lane, Castle Pines, Colorado 80108		DRAWN BY:	CM																
CONCEPTUAL SITE PLAN		DATE:	12/23/2020																
EES ENGINEERING AND SOLUTIONS, INC. 501 S Cherry St. Suite 300 Glendale, CO 80246 303-572-7997 www.ees.us.com		<table border="1"> <tr> <th>NO.</th> <th>REVISION</th> <th>BY</th> <th>DATE</th> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>		NO.	REVISION	BY	DATE												
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Exhibit B



January 14, 2021

Chris Mueller, Project Manager

[sent via email: chris.mueller@ees.us.com]

RE: Legal Nonconforming Use Determination for 7610 Debbie Lane

Dear Mr. Mueller,

Your recent inquiry to enlarge the carwash and modify the site at 7610 Debbie Lane ("the "Property") necessitated Staff's evaluation of the existing use of the Property as an Automobile Service Station with Gasoline Pumps.

The Property is located in the Business Zone District and is subject to Ordinance 16-09, Eliminating the Principal Use of Automobile Service Station with Gasoline Pumps and Section 20, Nonconforming Uses and Structures of the City of Castle Pines Zoning Ordinance; both documents are attached hereto. Pursuant to Ordinance 16-09, in 2016, the City of Castle Pines eliminated the land use of Automobile Service Station with Gasoline Pumps within the Business Zone District. As a result, the existing Automobile Service Station with Gasoline Pumps on the Property is a legal nonconforming use.

City Staff has closely evaluated your request to expand the carwash and modify the site in accordance with the City of Castle Pines Zoning Ordinance provisions for nonconforming uses which state:

A use of land which was lawful before this Ordinance was adopted or amended may continue to exist even though the use would be prohibited, regulated, or restricted under the provisions of this Ordinance and amendments, subject to the following provisions:

2002.01 Such nonconforming use shall not be enlarged, expanded, extended, increased, or moved to occupy an area of land or area in a structure which was not occupied before this Ordinance was adopted or amended.

2002.02 An existing structure devoted to a nonconforming use shall not be enlarged, expanded, extended or altered to accommodate the

nonconforming use or any other use not allowed in the district in which the structure is located.

2002.03 If any nonconforming use is discontinued for any reason for a period of more than 12 consecutive months, a subsequent use of such land or structure shall conform to the provisions of this Ordinance and as thereafter amended.

2002.04 A nonconforming use of land may be changed only to a use that is allowed in the zoning district in which the land is located.

2002.05 Should a structure devoted to a nonconforming use be damaged or destroyed by any means, the structure may be reconstructed and the nonconforming use reestablished pursuant to section 2002.02.

Based on information presented to the City, it is evident that the current carwash and proposed carwash expansion is an accessory use to the existing nonconforming Automobile Service Station with Gasoline Pumps. City Staff has made the administrative determination that expansion of the carwash would constitute an expansion of this nonconforming use in violation of Sections 2002.01 and 2002.02 of the Zoning Ordinance.

If you require further information, do not hesitate to call me.

Sincerely,

Sam Bishop

Sam Bishop, AICP, Community Development Director

Attachments:

- Ordinance 16-09, Eliminating the Principal Use of Service Station with Gasoline Pumps
- Section 20, Nonconforming Uses and Structures of the City of Castle Pines Zoning Ordinance

Cc:

Michael Penny, City Manager [Michael.penny@castlepinesco.gov]

Linda Michow, City Attorney [linda@mcm-legal.com]



360 Village Square Lane, Suite B
Castle Pines, CO 80108
303-705-0200
castlepinesco.gov

TO: Members of the Board of Adjustment

FROM: Lori Strand, Assistant City Attorney
Sam Bishop, Community Development Director

DATE: March 19, 2021 (for BOA meeting on March 25, 2021)

RE: VAR2021-001: An appeal of the Community Development Director’s determination that the car wash at 7610 Debbie Lane is an accessory use to a nonconforming gas station use and that expansion of the accessory car wash is prohibited.

I. Background

On January 14, 2021, the City of Castle Pines Community Development Department received an inquiry on behalf of Twin Star Energy, LLC (“**Twin Star**”) regarding the possible enlargement of its existing car wash located at 7610 Debbie Lane, Castle Pines (the “**Twin Star Property**”). Also located on the Twin Star Property is a gas station with a convenience store. The gas station, convenience store, and car wash were approved by Douglas County prior to incorporation of the City of Castle Pines (the “**City**”).

The Twin Star Property is in the Business Zone District. Twin Star does not dispute that the gas station is a nonconforming use in this district per City Ordinance No. 16-09. *See* p. 4 of Twin Star Appeal (“[T]he gas station is a legal nonconforming use.”).

In response to Twin Star’s inquiry, the City’s Community Development Director (the “**Director**”) determined that the existing car wash is an accessory use to the nonconforming gas station use and, as such, any expansion to the car wash use (or the structure containing the car wash) would constitute a prohibited expansion of the nonconforming gas station under Zoning Ordinance Sections 2002.01 and 2002.02. *See Attachment 1*. Twin Star filed an appeal of this determination on February 12, 2021 (the “**Twin Star Appeal**”). The Twin Star Appeal is included in the packet of materials provided to the Board.

For the Board’s ease of reference, City Zoning Ordinance (“**Zoning Ordinance**” or “**ZO**”) Section 26A, Appeal Standards and Procedures is provided as *Attachment 2*. Section 20, Nonconforming Uses and Structures, is included with the Director’s Determination provided as *Attachment 1*.

II. Question before the Board

The Board of Adjustment (the “**Board**”) has been asked to determine if the Director erred in determining that:

- (i) the existing car wash located at 7610 Debbie Lane is an accessory use to the nonconforming gas station use; and
- (ii) as such, the expansion of the accessory car wash is prohibited under Zoning Ordinance Sections 2002.01 and 2002.02?

(the “**Director’s Determination**”). See Attachment 1.

III. Executive Summary of the City’s Position

The Director’s Determination is correct and should be upheld by the Board.

- The existing car wash in is an accessory use to the nonconforming gas. This determination is supported by the following facts: neither the Douglas County Zoning Resolution nor the County-approved site improvement plan identify “car wash” as a principal use; the Douglas County-approved site improvement plan treats the car wash as an accessory use by not requiring the car wash to meet the County’s parking standards for a “Car Wash/Detail Shop” use; the single-stall automated car wash is a fraction of the size of the gas station pumps/canopy and convenience store; and the car wash use is not a standalone business but is subordinate, incidental, and devoted exclusively to the gas station with convenience store business.
- Zoning Ordinance Section 2002.01’s prohibition on any expansion or extension of a nonconforming use and Section 2002.02’s prohibition on expanding or altering an existing structure devoted to accommodate a nonconforming use prohibit Twin Star’s desired expansion of the existing accessory car wash. The Director’s Determination in this regard is supported by *Anderson v. Board of Adjustment for Zoning Appeals, City and County of Denver*, 931 P.2d 517 (Colo. App. 1996), which held that the installation of an automated car wash (as an upgrade to an existing handwashing operation) constituted an illegal expansion of a nonconforming filling station use.

Alternatively, if the Board reverses the Director’s Determination and finds that Twin Star’s existing car wash is a principal use, it should be made clear that Twin Star will be required to comply with Zoning Ordinance requirements to expand this use and the car wash structure. These requirements include those described in Section V.1 of this Staff Report.

IV. Procedural Requirements for Appeal

The City recommends the Board find that the procedural requirements for an appeal of an administrative decision set forth in Section 26A of the Zoning Ordinance have been met.

- Informal meeting. On February 9, 2021, representatives of Twin Star (Gregory Tamkin and Stephen Weingold, Dorsey & Whitney, and Jesse Yuran) met virtually with

representatives of the City (Sam Bishop, City Community Development Director, Nicholas Hufford, City Planner II, and Lori Strand, Assistant City Attorney) to discuss the City’s appeal procedures and submittal requirements in accordance with Zoning Ordinance Section 2603A.01 (“**Pre-submittal Meeting**”).

- Application timely filed. The Twin Star Appeal was timely filed on February 12, 2021 in accordance with Zoning Ordinance Section 2602A.
- Completion determination and scheduling of public hearing. On March 4, 2021, City staff notified Twin Star (“**City Instructions**”): that the appeal application was complete; of the date and time of the public hearing before the Board; and of Twin Star’s obligation to provide posted and written notice. ZO §§2604A.03 & 04.
- Notice requirements. The Board must determine if the posted and written notices provided for the public hearing on the Twin Star Appeal substantially comply with Zoning Ordinance Section 2605A.
 - Posted notice. Twin Star provided posted notice of the public hearing in accordance with Zoning Ordinance Subsections 2604A.05 and 2605A. *See Attachment 3.*
 - Written notice. The City Instructions mistakenly failed to include verbiage for the written notice to landowners. As a result, Twin Star used the posted notice verbiage in its written notice to landowners; this verbiage did *not* include an address or description of the Twin Star Property. Twin Star mailed supplemental written notice to the surrounding landowners with locational information on March 17, 2021. The City supports a finding by the Board that the initial and supplemental written notices substantially comply with the Zoning Ordinance written notice requirements. *See Attachment 4.*

V. Discussion

The Twin Star Appeal argues that the Director’s determination was in error because: denying Twin Star’s desired car wash expansion is arbitrary and unfair; the existing car wash is not an accessory use to the nonconforming gas station; and expansion of the existing car wash is not an illegal expansion of the nonconforming gas station. This Staff Report addresses each of these arguments in the discussion that follows.

- 1. The City’s treatment of Twin Star is fair and not arbitrary. Consistent with the City’s treatment of other properties, expansion of Twin Star’s car wash as a principal use is allowed, subject to compliance with the Zoning Ordinance.**

Before discussing the Director’s Determination, the Board should know that the City provided Twin Star with the option of submitting a site improvement plan to expand the car wash as an additional principal use on the Twin Star Property. Twin Star was apprised of this option at the

Pre-Submittal Meeting for this appeal. During that meeting, the City explained that multiple principal uses are allowed on a lot in the Business Zone District. The City also explained that the Director has interpreted the “Retail/service-indoor” principal use (a use-by-right in the Business Zone District) to include indoor car washes. As such, the City invited Twin Star to submit a site improvement plan for an expanded and modernized car wash that demonstrates the car wash (i) will be operated indoors and (ii) complies with the Zoning Ordinance, including the parking standards for a car wash set forth in Zoning Ordinance Subsection 2807.08.¹

The Twin Star Appeal makes repeated reference to a new car wash proposed for the lot adjacent to the Twin Star Property, alleging that the City is treating Twin Star differently and unfairly *vis a vis* the adjacent property owner. This allegation is completely unfounded. In fact, the adjacent lot owner has submitted a site improvement plan for a “Retail/service—indoor” principal use to operate a car wash; the site improvement plan must comply with the same requirements that would be imposed on Twin Star were it to submit a site improvement plan to expand its car wash as a principal use.²

As of the date of this Staff Report, Twin Star has not submitted a site improvement plan to expand the car wash as an additional principal use.

2. The existing car wash is an accessory use to the nonconforming gas station use.

The Director determined that Twin Star’s existing car wash is an accessory use to the gas station based on: (i) neither the Douglas County Zoning Resolution nor the 2001 Douglas County-approved site improvement plan treating the “car wash” as a “principal use”; (ii) the Douglas County-approved site improvement plan treating the car wash as an accessory use by not requiring the car wash to meet the County’s parking standards for a “Car Wash/Detail Shop”; (iii) the single-stall automated car wash being a fraction of the size of the gas station pumps/canopy and convenience store; and (iv) the car wash use not being a standalone business

¹ While the City Community Development Department is concerned that the expansion of the car wash as an additional principal use of the Twin Star Property will undermine the City’s desire for the nonconforming gas station to convert to a conforming use, the Department’s authority to prohibit this principal use is limited insofar as multiple principal uses are allowed in the Business Zone District and the Director has interpreted the principal use of “retail/service-indoor” to include car washes. The Department intends to research potential amendments to the Zoning Ordinance that will more effectively accomplish the purposes set forth in Ordinance 16-09, which eliminated gas stations from the Business Zone District.

² The Twin Star Appeal also refers to an inquiry it made to the City in 2016 regarding the potential expansion of its facilities onto the adjacent lot. The City’s pre-submittal file for the 2016 inquiry reflects that the proposal was to expand the gas station and associated facilities onto the adjacent lot. The proposal did not move forward due to a pending moratorium on gas stations in the Business Zone District. The pending moratorium subsequently resulted in the elimination of the gas station use from the Business Zone District per Ordinance 16-09. Twin Star alleges that it subsequently proposed an expansion of only its car wash onto the adjacent lot and that the City denied this proposal too. The City has no record of a ‘car wash only’ proposal and Twin Star has presented no documentation that such a proposal was submitted to the City.

but a service that is subordinate, incidental, and devoted exclusively to the gas station with convenience store business.

a. *Douglas County approved the car wash as an accessory use.*

Twin Star’s analysis of whether the existing car wash is an accessory use to the gas station mistakenly focuses solely on, and misapplies, the term “devoted exclusively” in the City Zoning Ordinance definition of “accessory use.” See ZO §3602 (defining “accessory use” as “[a] use naturally and normally incidental to, subordinate to and devoted exclusively to the principal use”). Twin Star’s analysis also ignores the context and manner by which Twin Star’s car wash was approved by Douglas County.

The existing car wash was approved by Douglas County in 2001 as part of a site improvement plan for the gas station with convenience store. Attachment 5. The critical question for the Board to answer is whether Douglas County approved the existing car wash as an accessory use.

The Twin Star Appeal states that the following is an example of an accessory use “devoted exclusively” to a principal use: “if a helipad were not otherwise permitted to be built in a neighborhood, it might be permitted as an accessory use to a hospital. In this circumstance the only use of the helipad would be to further the hospital’s provision of emergency services.” (Emphasis added.) What Twin Star misunderstands is that its helipad example is precisely the scenario at issue in this appeal. That is, the Douglas County Zoning Resolution did not permit a car wash as a principal use on the Twin Star Property. See Attachment 6. The County Zoning Resolution did permit a gas station as principal use. *Id.* As such, in Twin Star’s words: “the only use of the [car wash] would be to further the [gas station’s] provision of [] services.”

In addition, the parking requirements set forth on the County-approved site improvement plan indicate that Douglas County considered the car wash an accessory use to the gas station with convenience store. Specifically, Section 2802.03 of the Douglas County Zoning Resolution required:

In the case of mixed uses within a single center or within a single building ... the total requirements for off-street parking facilities shall be the sum of the requirements for each of the various uses separately.

See Attachment 6 (emphasis added). The Douglas County Zoning Resolution then sets forth the following off-street parking requirements:

- | | |
|---------|---|
| 2807.08 | <i>Car Wash/Detail Shop</i> <ul style="list-style-type: none">• <i>1 space per employee on maximum shift, plus</i>• <i>2 spaces per bay or stall</i> |
| 2807.16 | <i>Gas Station Self Serve/Convenience Store</i> <ul style="list-style-type: none">• <i>1 space per employee on maximum shift, plus</i>• <i>1 space per 250 square feet of convenience store area, plus</i>• <i>2 spaces per pump island</i> |

See Attachment 6. Importantly, the County-approved site improvement plan for the Twin Star Property only imposes the “Gas Station Self Serve/Convenience Store” parking standard. See Attachment 5. This is a clear indication that the County viewed the car wash as an accessory use to the gas station with convenience store. If the County viewed the car wash as a principal use, the parking standards in Section 2807.16 of the County Zoning Resolution (above) would have been imposed on the site improvement plan.

- b. *The nature of the existing car wash supports a finding that it is an accessory use to the gas station with convenience store.*

The Twin Star Appeal states that “a car wash is a separate business that can stand alone.” See Twin Star Appeal at page 5 (emphasis added). The City certainly does not dispute that a car wash can be a standalone business. However, Twin Star’s existing car wash is not a separate standalone business, and the ability for Twin Star’s customers to purchase a car wash separate and apart from a gas purchase or a convenience store purchase does not convert the existing car wash to a principal use on the Twin Star Property.

In addition to Douglas County’s treatment of the car wash, other facts support the Director’s determination that the car wash is an accessory use to the gas station with convenience store. The site improvement plan shows that the existing car wash is a single-stall automated car wash that takes up a small fraction of the square footage of the Twin Star Property when compared to the square footage associated with the gas station pumps and canopy and the convenience store. Moreover, the following information provided by a Twin Star representative related to the nature of its business supports the Director’s determination that the car wash is not a standalone business but is devoted exclusively to the gas station with convenience store: the operator of the gas station and convenience store runs the car wash; the revenues are combined; car washes are offered at the gas pumps and convenience store (though customers can purchase car washes at the car wash entrance too); and the gas station and convenience store staff also run the car wash. See Attachment 7.

- c. *If the existing car wash is a principal use, its expansion will require compliance with applicable Zoning requirements.*

If the Board disagrees with the Director’s Determination and finds that the existing car wash is a principal use, it should be made clear that Twin Star will be required to comply with Zoning Ordinance requirements to expand this use and the car wash structure. These requirements include those described in Section V.1 of this Staff Report.

3. **Expansion of the accessory car wash would be an expansion of the nonconforming gas station use and is prohibited by the Zoning Ordinance, consistent with Colorado case law. Moreover, Colorado courts do not allow nonconforming uses to modernize their methods of operation.**

The Twin Star Appeal argues that the prohibitions on expanding a nonconforming use in Zoning Ordinance Sections 2002.01 and 2002.02 do not prohibit Twin Star's desired expansion of the existing car wash because the car wash is conforming. Twin Star also argues, with no legal support, that it should be allowed to expand and modernize its car wash to be more competitive.

Twin Star's arguments are in direct conflict with Colorado case law.

In *Anderson v. Board of Adjustment for Zoning Appeals, City and County of Denver*, 931 P.2d 517 (Colo. App. 1996), the operator of a nonconforming filling station obtained a permit from Denver to install an automated car wash on the operator's property. See [Attachment 8](#). The operator wanted to install the automated car wash to upgrade and modernize its existing handwashing operation. Denver's position was that the operator could install the automated car wash because an accessory car wash use would be allowed if the filling station was a conforming use. Neighbors appealed Denver's decision on the ground that allowing the installation of the automated car wash constituted an illegal expansion of the nonconforming filling station use. The Court agreed with the neighbors and reversed Denver's decision granting approval of the automated car wash. *Id.*

Citing prior Colorado case law, the Court stated that: "non-conforming uses should be reduced to conformity as speedily as possible"; "provisions permitting non-conforming uses to continue should be strictly construed, and zoning provisions restricting non-conforming uses should be liberally construed"; and "zoning ordinances should be interpreted strictly against allowing indefinite continuation of a non-conforming use." *Id.* at 519-20.

The Court outright rejected the operator's argument that the installation of the automated car wash did not constitute a change or expansion of the nonconforming filling station. In so doing, the Court concluded that by making the nonconforming filling station more competitive and economically viable, the automated car wash was an impermissible extension of the nonconforming filling station. *Id.* at 520.

Finally, the Court outright rejected the operator's request that the Court adopt what is known as the "Modern Instrumentalities Doctrine." As explained by the Court, that doctrine "allows a non-conforming use to expand by replacing older methods of operation with newer modern means" and "probably might" allow "a change from hand-washing of cars to machine-washing ... even if the volume or intensity of the [nonconforming] use would be increased." *Id.* at 120. The Court declined to adopt this doctrine, stating in no uncertain terms that the "doctrine is inconsistent with Colorado jurisprudence." *Id.* at 521.

The facts in the *Anderson* case are remarkably like the facts before the Board in the Twin Star Appeal: Twin Star operates a car wash on property with a nonconforming gas station and Twin Star desires to expand and modernize its car wash to remain competitive. Like the desired car wash modernization in *Anderson*, Twin Star's proposed expansion and modernization of its car wash will increase the volume and intensity of the nonconforming gas station use. As such, Twin Star's expansion and modernization of the car wash is prohibited as an illegal expansion of the nonconforming gas station under the Zoning Ordinance.

VI. Approval Criteria and Voting Requirements

The Board is authorized to approve, conditionally approve, table for further study, or deny the Twin Star Appeal based on written and oral testimony presented at the public hearing including the Twin Star Appeal application, this Staff Report, public testimony, and referral agency comments (if any).³ ZO §2604A.06 (Attachment 1).

Per Section 2603A of the Zoning Ordinance (Attachment 1), the Board must apply the following approval criteria in deciding the Twin Star Appeal:

- 1. An appeal shall be granted only upon the finding that the administrative official has erred in the interpretation or application of the Zoning Ordinance or Planned Development plan, or similar regulatory document.**

For the reasons discussed in Section V of this Staff Report, Twin Star has failed to demonstrate that the Director erred in determining that the existing car wash use at 7610 Debbie Lane is an accessory use to the nonconforming gas station use. Twin Star also failed to demonstrate that the Director erred in determining that Zoning Ordinance Sections 2002.01 and 2002.02 prohibit the expansion and modernization of the existing car wash. The context and manner by which Douglas County approved the site improvement plan, the nature of the car wash operation in relation to the gas station with convenience store, and Colorado case law support the Director's Determination.

- 2. An appeal may be granted provided that no substantial detriment to the public good is created and that the intent and purpose of this Ordinance are not impaired.**

It would be a substantial detriment to the public if the Board finds that the Director's Determination was made in error. City Council eliminated gas stations as a principal use in the Business Zone District to move away from auto-oriented uses in the district and to encourage the development of a mix of uses in the district that are friendly to pedestrians and bicyclists and create a sense of community in the downtown area of the City. Actions that facilitate the indefinite continuation of nonconforming gas stations in the Business Zone District undermine these public purposes. Allowing Twin Star to expand the accessory car wash will intensify and make more competitive the nonconforming gas station; this will undermine the goal of bringing the nonconforming gas station into conformity as speedily as possible.⁴

- 3. The concurring vote of four members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official.**

³ City staff determined that there were no relevant referral agencies for purposes of the Twin Star Appeal.

⁴ See Footnote 1 above.

VII. Conclusion; Recommended Motions

1. The City requests that the Board vote to approve the following motion:

I move to uphold the Director's determination that the existing car wash use at 7610 Debbie Lane is an accessory use to the nonconforming gas station on said property, and expansion of the car wash is prohibited under Zoning Ordinance Sections 2002.01 and 2002.02. In so moving, I find based on testimony provided during the hearing and a review of the materials in the record for this case, that the applicant satisfied the procedural requirements set forth in Zoning Ordinance Section 26A but failed to satisfy the approval criteria in Zoning Ordinance Section 2603A.

2. If the Board moves to reverse the Director's determination, the City recommends the following motion:

I move to reverse the Director's determination that the existing car wash use at 7610 Debbie Lane is an accessory use to the nonconforming gas station on said property, and expansion of the car wash is prohibited under Zoning Ordinance Sections 2002.01 and 2002.02, and I further move that the car wash may be expanded as a principal use subject to compliance with the Zoning Ordinance. In so moving, I find based on testimony provided during the hearing and a review of the materials in the record for this case, that the applicant satisfied the procedural requirements set forth in Zoning Ordinance Section 26A and the approval criteria in Zoning Ordinance Section 2603A.

Attachments:

Att. 1 – Director's Determination, including:

- Director's January 14, 2021 letter to Chris Mueller
- Ordinance 16-09, eliminating gas station use from Business Zone District.
- Zoning Ordinance Section 20, Nonconforming Uses and Structures

Att. 2 - Zoning Ordinance Section 26A, Appeal Standards and Procedures

Att. 3 – Affidavit of Sign Posting

Att. 4 – Certificates of Mailing (original and supplement)

Att. 5 – Douglas County-approved SIP

Att. 6 – Portions of Douglas County Zoning Resolution (from time of incorporation of City of Castle Pines)

Att. 7 – Correspondence from Chris Mueller, representative of Twin Star

Att. 8 – Anderson v. Denver Board of Adjustment

ATTACHMENT 1
DIRECTOR'S DETERMINATION



January 14, 2021

Chris Mueller, Project Manager

[sent via email: chris.mueller@ees.us.com]

RE: Legal Nonconforming Use Determination for 7610 Debbie Lane

Dear Mr. Mueller,

Your recent inquiry to enlarge the carwash and modify the site at 7610 Debbie Lane ("the "Property") necessitated Staff's evaluation of the existing use of the Property as an Automobile Service Station with Gasoline Pumps.

The Property is located in the Business Zone District and is subject to Ordinance 16-09, Eliminating the Principal Use of Automobile Service Station with Gasoline Pumps and Section 20, Nonconforming Uses and Structures of the City of Castle Pines Zoning Ordinance; both documents are attached hereto. Pursuant to Ordinance 16-09, in 2016, the City of Castle Pines eliminated the land use of Automobile Service Station with Gasoline Pumps within the Business Zone District. As a result, the existing Automobile Service Station with Gasoline Pumps on the Property is a legal nonconforming use.

City Staff has closely evaluated your request to expand the carwash and modify the site in accordance with the City of Castle Pines Zoning Ordinance provisions for nonconforming uses which state:

A use of land which was lawful before this Ordinance was adopted or amended may continue to exist even though the use would be prohibited, regulated, or restricted under the provisions of this Ordinance and amendments, subject to the following provisions:

2002.01 Such nonconforming use shall not be enlarged, expanded, extended, increased, or moved to occupy an area of land or area in a structure which was not occupied before this Ordinance was adopted or amended.

2002.02 An existing structure devoted to a nonconforming use shall not be enlarged, expanded, extended or altered to accommodate the

nonconforming use or any other use not allowed in the district in which the structure is located.

2002.03 If any nonconforming use is discontinued for any reason for a period of more than 12 consecutive months, a subsequent use of such land or structure shall conform to the provisions of this Ordinance and as thereafter amended.

2002.04 A nonconforming use of land may be changed only to a use that is allowed in the zoning district in which the land is located.

2002.05 Should a structure devoted to a nonconforming use be damaged or destroyed by any means, the structure may be reconstructed and the nonconforming use reestablished pursuant to section 2002.02.

Based on information presented to the City, it is evident that the current carwash and proposed carwash expansion is an accessory use to the existing nonconforming Automobile Service Station with Gasoline Pumps. City Staff has made the administrative determination that expansion of the carwash would constitute an expansion of this nonconforming use in violation of Sections 2002.01 and 2002.02 of the Zoning Ordinance.

If you require further information, do not hesitate to call me.

Sincerely,

Sam Bishop

Sam Bishop, AICP, Community Development Director

Attachments:

- Ordinance 16-09, Eliminating the Principal Use of Service Station with Gasoline Pumps
- Section 20, Nonconforming Uses and Structures of the City of Castle Pines Zoning Ordinance

Cc:

Michael Penny, City Manager [Michael.penny@castlepinesco.gov]

Linda Michow, City Attorney [linda@mcm-legal.com]

ORDINANCE NO. 16-09

**AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF CASTLE PINES, COLORADO AMENDING
SECTION 11 OF THE CITY OF CASTLE PINES ZONING ORDINANCE TO
ELIMINATE THE PRINCIPAL USE OF AUTOMOBILE SERVICE STATION WITH
GASOLINE PUMPS AND RECLASSIFY PARKING LOT – PUBLIC OR PRIVATE
FROM A PRINCIPAL USE TO AN ACCESSORY USE**

WHEREAS, the City of Castle Pines (the “City”) is a statutory municipality incorporated and organized pursuant to the provisions of Section 31-2-101, *et seq.*, C.R.S.; and

WHEREAS, Section 29-20-104, C.R.S., grants municipalities the authority to plan for and regulate the planned and orderly use of land on the basis of the impact thereof on the community; and

WHEREAS, the City is authorized pursuant to Section 31-15-401, C.R.S., to exercise its police powers to promote and protect the health, safety, and welfare of the community and its inhabitants; and

WHEREAS, in accordance with the authority under Title 31, Article 23, upon municipal incorporation, the City Council adopted by reference the Douglas County Zoning Resolution and Douglas County Subdivision Resolution via Ordinance No. 08-04, as amended (Collectively, the “Zoning Ordinance”); and

WHEREAS, the Zoning Ordinance designates zoning districts within the City including the “B” Business zone district which covers the existing commercial area located within the City; and

WHEREAS, the City Council recently adopted the 2016 City of Castle Pines Comprehensive Plan that sets forth the City’s vision and goals for the community; and

WHEREAS, the Comprehensive Plan encourages a mix of uses in the commercial areas and pedestrian friendly uses to create a sense of community in the downtown area of the City; and

WHEREAS, one of the goals of the Comprehensive Plan is to encourage retrofitting traditional auto-oriented retail centers to comfortably and safely accommodate pedestrian and bicycle connections; a

WHEREAS, certain permitted uses allowed in the B zone district are not compatible with the goals and objectives for the downtown area in terms of supporting pedestrian-friendly activity centers and increased socialization for entertainment and local events; and

WHEREAS, in furtherance of the Comprehensive Plan, the City desires to eliminate the principal use of Automobile Service Station with Gasoline Pumps and to reclassify Parking Lot – Public or Private from a principal use to an accessory use in the B zone district; and

WHEREAS, the City has provided a courtesy notice to all known property owners owning property within the B zone district of the City's proposed text amendment to the Zoning Ordinance; and

WHEREAS, in accordance with Section 109 of the Zoning Ordinance, the proposed amendment to the Zoning Ordinance has been referred to the Planning Commission, which has submitted its recommendation to the City Council; and

WHEREAS, in accordance with Sections 109 and 111 of the Zoning Ordinance, notice of each public hearing before the Planning Commission and the City Council to consider the proposed amendment to the Zoning Ordinance as described in this Ordinance was duly published at least fifteen (15) days prior to each such hearing; and

WHEREAS, in furtherance of the best interests of the City and the preservation and protection of the health, safety, prosperity, security, and general welfare of residents and landowners, the City Council desires to amend the Zoning Ordinance as described herein.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Castle Pines, Colorado:

Section 1. **Incorporation of Recitals.** The foregoing recitals are hereby affirmed and incorporated herein by this reference as findings of the City Council.

Section 2. **Section 11 Business Zoning District.** Section 1102 of the City of Castle Pines Zoning Ordinance is amended to delete subsections 1102.01 and 1102.12 to read as follows, with strikethrough showing deletions and underline showing additions:

1102 Principal Uses

The following uses shall be allowed upon the approval of, and in accordance with, a Site Improvement Plan in accordance with Section 27 of this Ordinance, and shall be conducted entirely within an enclosed building, unless exempted by the Director. The Director may determine other similar uses as appropriate.

1102.01 — ~~Automobile service station with gasoline pumps~~

1102.02 Bank/financial institution (*including drive-up facility*)

1102.03 Bar/lounge

1102.04 Club/country club

1102.05 Community uses:

- Church
- Cultural facility
- Fire station
- Library

- Open space/trails
 - Park/playground
 - Recreation facility - indoor
 - School - including college or university and related facilities
 - Sheriff substation
- 1102.06 Day-care center - (*outdoor play area shall be enclosed by 6' fence*)
- 1102.07 Firing range - indoor
- 1102.08 Hospital (*helipad permitted as an accessory use*)
- 1102.09 Hotel/motel, including conference or convention facilities located within the principal building
- 1102.10 Nursing or convalescent home and other extended-care facilities
- 1102.11 Office
- general, medical, dental, professional, governmental
 - temporary (*refer to Section 22*)
- ~~1102.12 Parking lot public or private~~
- 1102.13 Restaurant/fast-food establishment
- 1102.14 Retail/service business - indoor
- 1102.15 Retirement home
- 1102.16 Seasonal use (*refer to Section 22A*)
- 1102.17 Theater - indoor
- 1102.18 Utility service facility
- 1102.19 Veterinary clinic/hospital - animals shall be confined in an enclosed building which is part of the principal structure
- 1102.20 Sexually Oriented Businesses – as such uses are defined in Section 36 and subject to the regulations set forth in Section 24A. Sexually oriented businesses are not permitted as a business use in the PD – Planned Development District unless expressly described as a permitted use and are not permitted in any zone district other than the B – Business District.

Section 3. Section 11 Business Zoning District. Section 1103 of the City of Castle Pines Zoning Ordinance is amended to add “parking lot public or private” as an accessory use to read as follows, with strikethrough showing deletions and underline showing additions:

1103 Accessory Use

The following shall be allowed only when a principal use has been established on the lot:

- Parking lot public or private
- Satellite dish
- Single or multifamily residence for management or employees (*provided unit is incorporated into principal structure*)

Section 4. Severability. If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

Section 5. Codification Amendments. The codifier of the City’s Municipal Code is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Castle Pines Zoning Ordinance.

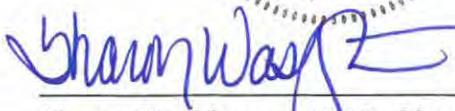
Section 6. Effective Date. This Ordinance shall take effect and be in force thirty (30) days after publication following final adoption.

INTRODUCED, READ, AND PASSED ON FIRST READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO THE 25TH DAY OF OCTOBER, 2016.

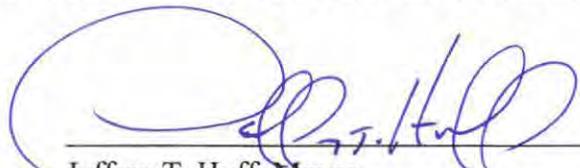
READ, PASSED AND ADOPTED ON SECOND READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO, THE 13TH DAY OF DECEMBER, 2016.



ATTEST:



 Sharon Washington, CMC, City Clerk



 Jeffrey T. Huff, Mayor

Approved as to form:

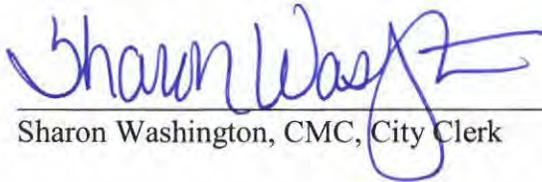


 Linda C. Michow, City Attorney

CERTIFICATION OF PUBLICATION

I hereby attest and certify that the within and foregoing Ordinance was introduced and read on first reading at a duly noticed public meeting of the Castle Pines City Council on October 25, 2016; published by title only in the *Douglas County News-Press*, together with the statement that “[t]he complete text of all ordinances is available through the City Offices and on the City’s official website”; and finally passed and adopted by the City Council on December 13, 2016 following a duly noticed public hearing and ordered published by title only, with amendments if any, one time in the *Douglas County News-Press* on December 22, 2016.

ATTEST:



Sharon Washington, CMC, City Clerk

SECTION 11 B - BUSINESS DISTRICT

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1101 Intent

To provide areas for retail business uses in balance with residential development as an integral part of the community providing essential services and employment opportunities that are conveniently and efficiently located to reduce unnecessary commuting, protect air quality and facilitate the cost-effective provision of services. Adequate facilities, such as roads, water and sanitation, fire protection, emergency service, and public utilities shall be available to serve the development. Growth should occur in a phased and contiguous manner to save on the costly, premature extension of basic infrastructure.

Development within this district is encouraged in compact centers rather than in extended strips of development along roadways so as to provide for orderly development, minimized traffic congestion, and provide for safe pedestrian movement. Business centers shall be located so as to minimize conflicts with residential and agricultural uses, wildlife habitats/corridors, and environmentally and visually sensitive areas in accordance with the intent of the City Comprehensive Master Plan. Offices may serve as a transition between urban residential and major commercial or industrial areas.

The B zone district is characterized by retail business buildings situated in a landscaped setting with landscaped off-street parking areas. Site improvements including landscaping shall be provided and designed to minimize the impact on adjacent residential uses and maintain the appearance and visual quality of the City. A site improvement plan is required prior to the use of the lot for any purpose. Typical uses include drug stores, flower shops, book stores and other general merchandise stores, offices, banks, private clubs, and public recreational areas. Development or use of land in this district is permitted only in accordance with the provisions herein.

1102 Principal Uses

The following uses shall be allowed upon the approval of, and in accordance with, a Site Improvement Plan in accordance with Section 27 of this Ordinance, and shall be conducted entirely within an enclosed building, unless exempted by the Director. The Director may determine other similar uses as appropriate.

1102.01 Bank/financial institution (*including drive-up facility*)

1102.02 Bar/lounge

1102.03 Club/country club

1102.04 Community uses:

- Church
- Cultural facility
- Fire station
- Library

- Open space/trails
 - Park/playground
 - Recreation facility - indoor
 - School - including college or university and related facilities
 - Sheriff substation
- 1102.05 Day-care center - (*outdoor play area shall be enclosed by 6' fence*)
- 1102.06 Firing range - indoor
- 1102.07 Hospital (*helipad permitted as an accessory use*)
- 1102.08 Hotel/motel, including conference or convention facilities located within the principal building
- 1102.09 Nursing or convalescent home and other extended-care facilities
- 1102.10 Office
- general, medical, dental, professional, governmental
 - temporary (*refer to Section 22*)
- 1102.11 Restaurant/fast-food establishment
- 1102.12 Retail/service business - indoor
- 1102.13 Retirement home
- 1102.14 Seasonal use (*refer to Section 22A*)
- 1102.15 Theater - indoor
- 1102.16 Utility service facility
- 1102.17 Veterinary clinic/hospital - animals shall be confined in an enclosed building which is part of the principal structure
- 1102.18 Sexually Oriented Businesses – as such uses are defined in Section 36 and subject to the regulations set forth in Section 24A. Sexually oriented businesses are not permitted as a business use in the PD – Planned Development District unless expressly described as a permitted use and are not permitted in any zone district other than the B – Business District. (Ord. 10-05)
- 1103 Accessory Use

The following shall be allowed only when a principal use has been established on the lot:

- Parking lot public or private
- Satellite dish
- Single or multifamily residence for management or employees (*provided unit is incorporated into principal structure*)

1104 Uses Permitted By Special Review

The following uses are permitted, upon approval by the Council, in accordance with Section 21 Use By Special Review and Section 27 Site Improvement Plan, of this Ordinance.

1104.01 Heliport

1104.02 Residence

- Group home for registered sex offenders
- Group Residential Facility
- Multifamily - apartments, condominiums

1104.03 Utility - major facility

1105 Minimum Lot Area: none

1106 Water and Sanitation Requirement

All uses shall be served by a central water and sanitation facility.

1107 Utilities

All public utility distribution lines shall be placed underground.

1108 Land Dedication

A portion of the gross site area shall be dedicated to the City of Castle Pines for public use, or cash-in-lieu of land as required by the City Subdivision Ordinance.

1109 Street Standards

Construction of paved streets in accordance with the Douglas County Roadway Design and Construction Standards, Storm Drainage Design and Technical Criteria manual, and other applicable City regulations.

1110 Parking Standards

Parking shall be provided as shown on the approved Site Improvement Plan, prepared in accordance with Sections 27 Site Improvement Plan and 28 Parking Standards, of this Ordinance.

1111 Landscaping Requirement

Each lot shall be landscaped as shown on the approved landscape plan prepared in accordance with Section 27 Site Improvement Plan, of this Ordinance. Areas to be landscaped include the lot area within the required setback from the street, parking areas, and other areas as required.

1112 Minimum Setbacks

Street	SETBACK FROM:		
	LSB/B/C	LI/GI	RES/AG/OS
Regional/major arterial: 75' minor arterial: 40' collector/local: 20'*	no setback	25'	60'

* No parking shall be located within this setback.

The setback is measured from the lot line to the wall of the structure horizontally and perpendicular to the lot line. (See illustration in the Definition Section.)

1113 Encroachments

- 1113.01 A cornice, canopy, eave, fireplace, wing wall or similar architectural feature may extend 3 feet into a required setback. Fire escapes may extend 6 feet into a required setback.
- 1113.02 A building permit shall not be issued for any structure which is to be located within an easement unless written approval by the easement holder(s) is provided.
- 1113.03 Utility distribution lines and related equipment commonly located along property lines may be located within a required setback. A neighborhood substation, or gas regulator/meter station shall meet the required setbacks.

1114 Building Height

Maximum building height: 60 feet

- 1114.01 The maximum building height shall not apply to belfries, cupolas, penthouses or domes not used for human occupancy, roof-mounted church spires, chimneys, skylights, ventilators, water tanks, silos, parapet walls, cornices, antennas, utility poles and necessary mechanical appurtenances usually carried above the roof level.
- 1114.02 The maximum height of a roof-mounted church spire shall not exceed 1.62 times the height of the church. The church height shall be

measured from the main level finished floor (*walk-out level excluded*) to the highest roof peak. The height of the roof-mounted spire shall be measured from the top of the spire to the finished floor of the lowest walkout level of the church. (*refer to Section 36 building height definition - spire height calculation*)

- 1114.03 The maximum height of a parapet wall shall be determined through the Site Improvement Plan review process based on overall mass and bulk and its compatibility with the surrounding area.
- 1114.04 The height of a ham radio antenna shall be no greater than the distance to the nearest lot line, except, engineered structures which shall be in compliance with the minimum setbacks. (*refer to Section 27A for cell sites and Section 21 for telecommunication facilities*)
- 1114.05 All roof-mounted equipment (*mechanical, ventilating, antennas*) shall be properly screened, with the exception of solar collectors/heaters.

1115 Fencing Standards

Fencing shall be allowed, as shown on the approved Site Improvement Plan, in accordance with the following standards:

- 1115.01 Fences, walls, or hedges shall not be erected in the public right-of-way, but shall be allowed within the setback, on private land. A building permit is required for any retaining wall greater than 4 feet in height or for any fence or wall greater than 6 feet in height.
- 1115.02 Solid fences, walls, or hedges shall not exceed 6 feet in height and shall not exceed 4 feet in height when located in the required setback from a street. Federal, State or City funded, or endorsed, solid fences, walls or hedges are exempt from height limitations
- 1115.03 Fences, walls, or hedges shall be erected and maintained in a manner which does not obstruct the vision of automobile traffic on the adjacent streets, rights-of-way, or driveways in accordance with the Douglas County Roadway Design and Construction Standards manual.
- 1115.04 Fences, walls or hedges shall be maintained in good structural or living condition. The landowner is responsible for the repair or removal of a fence, wall or hedge, which constitutes a safety hazard, by reason of inadequate maintenance, dilapidation, obsolescence or abandonment, or which constitutes a zoning violation.
- 1115.05 Fences constructed of woven wire or ornamental iron which are a minimum of 80% open may be constructed with no height limitation; however, a building permit is required for any fence greater than 6 feet in height.

1115.06 Fences or walls shall be designed and maintained so that they are architecturally harmonious with the principal structures on the lot, and when abutting a residential zone district, such fence shall be of wooden or masonry construction, or a hedge.

1115.07 Barbed, electrically charged, concertina, or razor wire or other hazardous materials used for fencing shall be prohibited.

1116 Outdoor Storage

Outdoor storage shall be permitted only upon the approval of the Director, as shown on the approved Site Improvement Plan, in accordance with the outdoor storage standards set forth in the C - Commercial district of this Ordinance.

1117 Sign Standards Refer to Section 29 of this Ordinance

1118 Lighting Standards Refer to Section 30 of this Ordinance

SECTION 20 NONCONFORMING USES AND STRUCTURES

-Section Contents-

2001	Intent.....	20-2
2002	Nonconforming Use	20-2
2003	Nonconforming Structures	20-2
2004	Nonconforming Lot.....	20-3
2005	Termination.....	20-3

2001 Intent

To recognize the lawful use of land or buildings existing at the time of the adoption of this Ordinance that do not conform to the regulations set forth herein. Any use, structure, or parcel of land which was conducted, erected or created in violation of any previous zoning ordinance shall not be considered as a legal, nonconforming use, structure, or lot and shall be required to comply with all provisions of this Ordinance.

2002 Nonconforming Use

A use of land which was lawful before this Ordinance was adopted or amended may continue to exist even though the use would be prohibited, regulated, or restricted under the provisions of this Ordinance and amendments, subject to the following provisions:

- 2002.01 Such nonconforming use shall not be enlarged, expanded, extended, increased, or moved to occupy an area of land or area in a structure which was not occupied before this Ordinance was adopted or amended.
- 2002.02 An existing structure devoted to a nonconforming use shall not be enlarged, expanded, extended or altered to accommodate the nonconforming use or any other use not allowed in the district in which the structure is located.
- 2002.03 If any nonconforming use is discontinued for any reason for a period of more than 12 consecutive months, a subsequent use of such land or structure shall conform to the provisions of this Ordinance and as thereafter amended.
- 2002.04 A nonconforming use of land may be changed only to a use that is allowed in the zoning district in which the land is located.
- 2002.05 Should a structure devoted to a nonconforming use be damaged or destroyed by any means, the structure may be reconstructed and the nonconforming use reestablished pursuant to section 2002.02.

Legal nonconforming properties housing more than 1 registered sex offender must be brought into conformity with 15 months.

2003 Nonconforming Structure

A structure which was lawful before this Ordinance was adopted or amended may continue to exist, even though the structure would be prohibited, regulated, or restricted under the provisions of the Ordinance or amendments, subject to the following provisions:

Section 20 Nonconforming Uses and Structures

- 2003.01 Such nonconforming structures shall not be enlarged or altered in a manner which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
- 2003.02 Should a legal nonconforming structure be damaged or destroyed by any means, it may be restored provided the reconstruction begins within 1 year of the date the structure was damaged or destroyed and the reconstruction is completed within the time limits of the building permit.
- 2003.03 Should such nonconforming structure be moved for any reason for any distance whatever, it shall conform to the provisions of the district in which it is located after the move.
- 2003.04 Any nonconforming structure may be repaired and maintained for ordinary upkeep. Such repairs or maintenance shall not enlarge, expand, extend, or increase the nonconformity in any manner.

2004 Nonconforming Lot

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot which was of record before this Ordinance was adopted or amended. This provision shall apply even though such lot fails to meet the requirements for area, applicable in the given district. However, all minimum yard requirements shall conform to the provisions within this Ordinance and as hereafter amended. On nonconforming lots, uses shall be limited to the principal, accessory, and special uses allowed in the zone district to which the lot conforms to in area.

2005 Termination (Deleted 8/11/04 due to Statutory Changes)

ATTACHMENT 2
CITY ZONING ORDINANCE
SECTION 26A
APPEAL STANDARDS AND PROCEDURES

SECTION 26A APPEAL STANDARDS AND PROCEDURES

Contents:

2601A Intent

2602A Appeals Limitations

2603A Appeal - Approval Criteria

2604A Procedure for an Appeal

2605A Public Notice Requirements

2606A Post Denial Application

2601A Intent

An appeal to the Board of Adjustment may be taken by any person aggrieved by the decision of an administrative officer or agency based upon or made in the course of the administration or enforcement of the provisions of this Resolution. [§30-28-118, C.R.S.]

2602A Appeals Limitations

An appeal must be made in writing and submitted to the Planning Office within 30 days of an administrative decision.

2603A Appeal - Approval Criteria

2603A.01 An appeal shall be granted only upon the finding that the administrative official has erred in the interpretation or application of the Zoning Ordinance or Planned Development plan, or similar regulatory document. [§30-28-118(2)(a)C.R.S.]

2603A.02 An appeal may be granted provided that no substantial detriment to the public good is created and that the intent and purpose of this Ordinance are not impaired. [§30-28-118(2)(c)C.R.S.]

2603A.03 The concurring vote of four members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official. [§30-28-118(c)C.R.S.]

2604A Procedure for an Appeal

2604A.01 The applicant shall discuss the appeal informally with Planning staff to discuss the procedures and submittal requirements.

2604A.02 The applicant shall submit the following to the Planning Office:

2604A.02.1 A completed application form

2604A.02.2 Application fee (*fee schedule available from the Planning Office*)

2604A.02.3 An explanation in narrative form explaining the appeal and how the administrative official has erred in the interpretation

2604A.03 The submittal shall be reviewed for completeness and the applicant notified of any inadequacies. An incomplete submittal shall not be processed.

2604A.04 Once the submittal is determined to be complete, Planning staff shall submit the application to the appropriate referral agencies and schedule the appeal before the Board of Adjustment and notify the applicant of the date and time of the public hearing.

2604A.05 The applicant is responsible for posting notice on the property and notifying the abutting landowners in accordance with the public notice requirements in 2605A herein.

2604A.06 The Board of Adjustment shall evaluate the application, referral agency comments, staff report and public testimony, and shall approve, conditionally approve, table for further study, or deny the appeal based on the evidence presented, and compliance with the applicable criteria.

2605A Public Notice Requirements

In calculating the time period for public notification, the day of posting or mailing shall be counted toward the total number of days required. The day of the hearing shall not be counted toward this total.

The degree of accuracy required for the information contained in these public notices shall be that of substantial compliance with the provisions of this section. Substantial compliance for these public notices shall be determined by the Board of Adjustments.

2605A.01 WRITTEN NOTICE

~~At least 15 days prior to the Board of Adjustment hearing, the applicant shall mail a written notice by first-class mail to the address of each abutting landowner as such addresses are shown in the records of the Douglas County Assessor's Office and shall submit a certificate of mailing to the City Planning Office 7 days prior to the hearing. The notice shall indicate:~~

- ~~• the date, time and location of the hearing;~~
- ~~• an explanation of the appeal;~~
- ~~• the location of the land that is the subject of the request (*distance and direction from nearest major intersection*);~~
- ~~• the file name and number; and~~
- ~~• that questions should be directed to the City Planning Office, 303-705-0200.~~

At least 15 days prior to the (Planning Commission, Board of Adjustment or City Council) hearing, the applicant shall mail a written notice of the hearing by first-class mail to:

- the address shown in the records of the Douglas County Assessor's Office of each landowner within 300 feet of the subject land (measured from lot line to lot line); and
- Any homeowners' association(s) governing any area within 300 feet of the subject land

Prior to the public hearing, the applicant shall submit the following to the Community Development Department:

- Alphabetical list of the landowners within 300 feet of the subject land;
- Map showing the site and the location of the landowners within 300 feet of the subject land;
- Copy of the notice sent to the landowners and applicable homeowners' association; and
- Certificate of mailing

~~The person completing the mailing of the written notice shall execute a certificate of mailing. Such certificate shall read as follows:~~

The person completing the mailing notice shall execute a certificate of mailing. Such certificate shall read as follows:

<p>CERTIFICATE OF MAILING</p> <p>I hereby certify that a true and correct copy of the attached written notice was placed in the U.S. mail, first-class, postage prepaid this _____ day of _____, 20___, and addressed as follows:</p> <p>(list of addresses)</p> <p>_____</p> <p>(signature of person completing the mailing)</p>

- In the event the applicant fails to mail a notice to a landowner or entity as required by this section or otherwise fails to comply with the written notice required in this section, the landowner or entity who did not receive such notice may waive such notice by submitting a written waiver to the City prior to the hearing or notice shall be deemed waived where a landowner appears at the public hearing. (Ord 09-11 & 13-02)

2605A.02 POSTED NOTICE

At least 15 days prior to the Board of Adjustment hearing, the applicant shall post a notice on the land under consideration. The sign posting shall consist of at least 1 sign facing each abutting public or private street open for travel, within 10 feet of the lot line abutting such street, placed on posts at least 4 feet above ground level. In the event the staff planner determines a sign cannot be placed abutting such street and be visible from such street or that there is no abutting public or private street open for travel, the staff planner may require an alternate location for a sign. Each sign shall measure not less than 3' by 4'. Letter size shall be a minimum of 3 inches high. The notice shall read:

NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF ADJUSTMENT

This land shall be considered for (an appeal) pursuant to the City Zoning Ordinance to allow (specify the request. The public hearing is (date), in the Board's Hearing Room, 7404 Yorkshire Drive, Castle Pines, CO, at (time). For more information call City Planning, 303-705-0225.

File No./Name: _____

An affidavit of sign posting shall be submitted for the file in the Planning Office at least 7 days prior to the hearing. The sign(s) shall be photographed by the applicant and attached to the affidavit as follows:

(attach photo here)

(Sign lettering must be legible in photo)

I, ___(print name of applicant/representative/person posting sign)___, attest that the above sign was posted on (date) abutting (name of street).

_____(signature)_____ File No./Name_____

STATE OF COLORADO)

) ss.

COUNTY OF _____)

Acknowledged before me this ___ day of _____, 20___ by _____ as _____.

My commission expires: _____

Witness my hand and official seal

Notary Public

The sign shall be removed by the applicant within 2 weeks following the Board of Adjustment decision, or withdrawal of the application.

2605A.03 Additional public notice may be required by the Director.

2606A Post Denial Application

If denied by the Board of Adjustment, a resubmittal of the same or substantially same appeal application shall not be accepted. However, if there has been a change in the applicable regulations, the Board of Adjustment will reconsider the appeal. A new application and processing fee shall be required.

ATTACHMENT 3
AFFIDAVIT OF SIGN POSTING





ATTACHMENT 4
CERTIFICATES OF MAILING

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the attached written notice was placed in the U.S. mail, first-class, postage prepaid this 9th day of March, 2021, and addressed as follows:

SOUTH METRO FIRE RESCUE FIRE
PROTECTION DISTRICT
9195 E MINERAL AVE
CENTENNIAL, CO 80112

PERRY W CLARK & JANET H CLARK
7701 BEVERLY BLVD
CASTLE ROCK, CO 80108

COFFEE HOUSE HOLDING INC
DBA STARBUCKS COFFEE 8982
C/O PROPERTY TAX DEPT
PO BOX 34442 M/S S-TAX3
SEATTLE, WA 98124

CITY OF CASTLE PINES
360 VILLAGE SQUARE LN STE B
CASTLE PINES, CO 80108

TWIN STAR ENERGY, LLC
C/O PROPERTY TAX DEPT
7671 SHAFFER PKWY
LITTLETON, CO 80127

DARWIN M HANSEN & CHERYL A HANSEN
7700 CAROLYN DR
CASTLE ROCK, CO 80108

CASTLE PINES MARKETPLACE LLC
P O BOX 847
CARLSBAD, CA 92018

WENCO LEEDS WEST MANAGEMENT GROUP, LLC
C/O PROPERTY TAX DEPARTMENT
7450 E PROGRESS PLACE
GREENWOOD VILLAGE, CO 80111

CITY OF CASTLE PINES
360 VILLAGE SQUARE LN STE B
CASTLE PINES, CO 80108

CHAD D FERGUSON
603 E 1ST AVE
CASTLE ROCK, CO 80108

PATRICK E DOLEZAL & MELINDA M DOLEZAL
7651 DEBBIE LN
CASTLE ROCK, CO 80108

7-ELEVEN INC 39741
C/O RYAN LLC
PO BOX 4900 DEPT 711
SCOTTSDALE, AZ 85261

CITY OF CASTLE PINES
360 VILLAGE SQUARE LN STE B
CASTLE PINES, CO 80108

WENDY'S OF COLORADO SPRINGS INC
C/O PROPERTY TAX DEPT
1515 NORTH ACADEMY RD STE 400
COLORADO SPRINGS, CO 80909

CASTLE PINES MARKETPLACE LLC
& SPRINGS ONE LLC
C/O THOMSON PROPERTY TAX SERVICES
CARLSBAD, CA 92008

RYAN B SMITH & BRIANNE B STEPANICH SMITH
535 E 1ST AVE
CASTLE ROCK, CO 80108

CITY OF CASTLE PINES
360 VILLAGE SQUARE LN STE B
CASTLE PINES, CO 80108

SOUTH METRO FIRE RESCUE
7900 E BERRY PL
GREENWOOD VILLAGE, CO 80111

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7671 SHAFFER PKWY BLDG H
LITTLETON, CO 80127

CITY OF CASTLE PINES
360 VILLAGE SQUARE LN STE B
CASTLE PINES, CO 80108

BBVA COMPASS C/O TAX DEPT
PO BOX 10566 MAILCODE AL BI CH TXA
BIRMINGHAM, AL 35296

IVAN VALVERDE
7689 CAROLYN DR
CASTLE ROCK, CO 80108

KEN TURNBULL
PO BOX 631872
LITTLETON, CO 80163

CASTLE PINES & DEBBIE LLC
4014 N GOLDWATER BLVD STE 204
SCOTTSDALE, AZ 85251

GLENN ZAKETT & SHERRY L ZAKETT
7654 N DEBBIE LN
CASTLE ROCK, CO 80108

DOUGLAS COUNTY BOARD OF COUNTY COMMISSIONERS
100 THIRD ST
CASTLE ROCK, CO 80104

CITY OF CASTLE PINES
360 VILLAGE SQUARE LN STE B
CASTLE PINES, CO 80108

DOUGLAS COUNTY BOARD OF COUNTY COMMISSIONERS
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CASTLE ROCK, CO 80108

ERWIN D KANNE & IRENE KANNE
7672 DEBBIE LN
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REGIS HOLDINGS LLC
562 E CASTLE PINES PKWY STE C5
CASTLE PINES, CO 80108

JEAN FRANCOIS TURNER
7695 CAROLYN DR
CASTLE ROCK, CO 80108

JEFF N KRUEGER
5708 RAINBOW CREEK RD
SEDALIA, CO 80135

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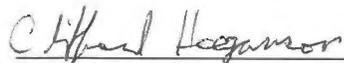
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P O BOX 847
CARLSBAD, CA 92018

COLORADO DEPT OF TRANSPORTATION
2829 W HOWARD PL
DENVER, CO 80204

CHRISTINE A OBER
7673 BEVERLY BLVD
CASTLE ROCK, CO 80108



Cliff Hoganson

NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF ADJUSTMENT

This land shall be considered for an appeal per Zoning Ordinance Sect. 26A of the Community Development Director's determination that the carwash is an accessory use to the nonconforming gas station use and its expansion is prohibited. The public hearing will be held virtually on March 25, 2021 at 6:30 P.M. For more information, see the Planning Commission page of the City's website or call 303-705-0224. File No. VAR2021-001

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the attached written notice was placed in the U.S. mail, first-class, postage prepaid this 17th day of March, 2021, and addressed as follows:

SOUTH METRO FIRE RESCUE FIRE
PROTECTION DISTRICT
9195 E MINERAL AVE
CENTENNIAL, CO 80112

PERRY W CLARK & JANET H CLARK
7701 BEVERLY BLVD
CASTLE ROCK, CO 80108

COFFEE HOUSE HOLDING INC
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2829 W HOWARD PL
DENVER, CO 80204

CHRISTINE A OBER
7673 BEVERLY BLVD
CASTLE ROCK, CO 80108



Cliff Hoganson

CITY OF CASTLE PINES NOTICE OF PUBLIC HEARING

Project Number(s): VAR2021-001

Project Name: Appeal of Director's Determination

Project Location: 7610 Debbie Lane

Project Description: An appeal of the Community Development Director's determination that the carwash is an accessory use to the nonconforming gas station use and that expansion of the accessory carwash is prohibited.

NOTICE IS HEREBY GIVEN that the Board of Adjustment will conduct a public hearing regarding Case No. VAR 2021-001 virtually at 6:30 p.m. on March 25, 2021. For information on how to participate, please see the Planning Commission page of the City's website (<https://www.castlepinesco.gov/city-services/city-departments/community-development/land-use-zoning/planning-commission/>).

BOARD OF ADJUSTMENT

(March 25, 2021 6:30 p.m.)

All interested persons will have an opportunity to be heard at the public hearing referenced above.

For more information on the appeal or the virtual hearing, please contact the City of Castle Pines Community Development Planner Nicholas Hufford.

Phone: 303-705-0224

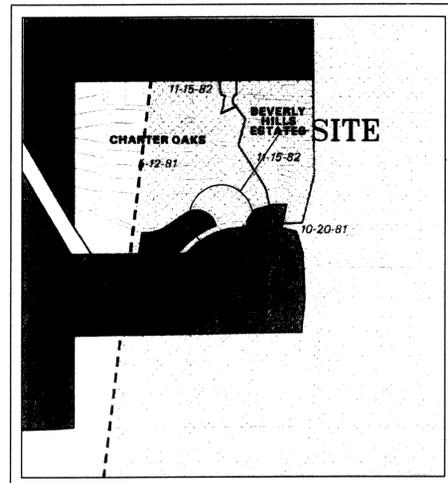
Email: Nicholas.Hufford@castlepinesco.gov



ATTACHMENT 5
DOUGLAS COUNTY-APPROVED
SITE IMPROVEMENT PLAN

CHARTER OAKS, 5th AMENDMENT, TRACTS B-1 AND B-2

NE 1/4 of SECTION 3, T7S, R67W, of the 6th P.M., DOUGLAS COUNTY, CO
1.686 ACRES
SITE IMPROVEMENT PLAN - SP00-012



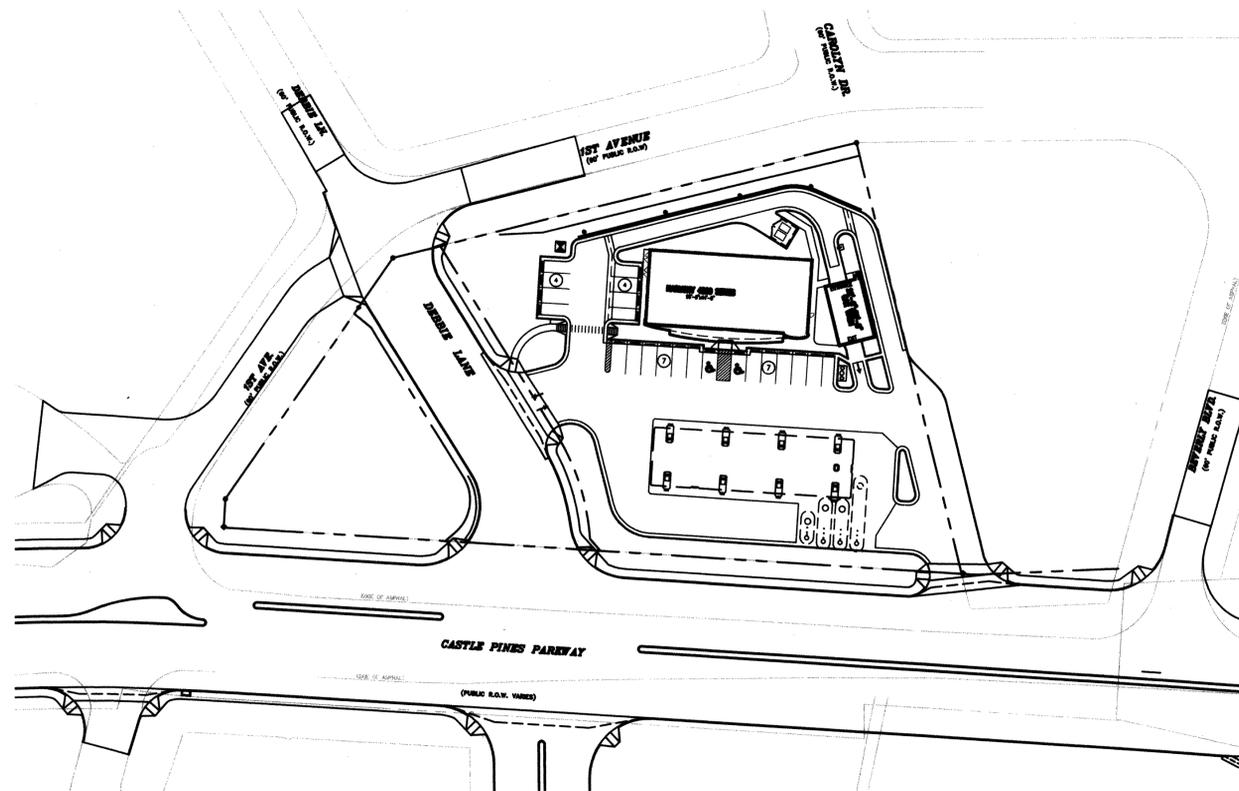
VICINITY MAP
SCALE=1:2000



NOTE:

1. SIP IMPROVEMENTS CONSTRUCTED IN THE PUBLIC RIGHT-OF-WAY SHALL BE OWNED BY DOUGLAS COUNTY, EXCEPT THAT THE MAINTENANCE OF CURB, GUTTER, SIDEWALK, CROSSPAN, AND PAVEMENT WITHIN THE ACCESS TO THE SITE SHALL REMAIN WITH THE DEVELOPER/OWNER.

2. OWNER WAIVES, REMISES AND RELEASES ANY RIGHT TO CAUSE OF ACTION IT MAY NOW HAVE OR WHICH IT MAY HAVE IN THE FUTURE AGAINST THE COUNTY OF DOUGLAS ITS OFFICERS, EMPLOYEES, AND AGENTS RELATED TO OR RESULTING FROM THE PASSAGE OF AIRCRAFT IN THE AIRSPACE ABOVE THE PROPERTY THAT IS THE SUBJECT OF THIS SITE IMPROVEMENT PLAN.



7610 DEBBIE LANE
DOUGLAS COUNTY, COLORADO
SITE LOCATION MAP
SCALE=1:50



SHEET INDEX

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SIP MINOR MODIFICATION AFFIDAVIT

SP00 - 012M1 is hereby modified this 12th day of June, 2003. The modification(s) noted below have been initiated by the Site Improvement Plan Review Board Manager, on the applicable sheet.

Modifications:

- Sheet 3 of 15: Sidewalk between the car wash and store has been modified to include a concrete pad for a pedestal mount, a satellite dish has been added to the rear of the store, adjacent to the trash enclosure - dish painted to match enclosure.
- Sheet 7 of 15: Landscape materials have been removed from the parking bullnose/planter west of entry installed as per site plan (landscape plan revised to match site plan); The sod area proposed along the north property line - landscaped buffer area adjacent to 1st Avenue, has been replaced with native seed and rock mulching; one additional Austrian Pine added to landscape buffer area adjacent to 1st Avenue; (5) Peking Cotoneaster by trash enclosure have been replaced with (2) Miss Kim Lilacs; (2) Goldmound Spirea have been removed from the planter between the car wash and store due to the added concrete pad;
- Sheet 8 of 15: Legend has been revised to reflect the landscape changes on sheet 7.

[Signature]
Approved by Site Improvement Plan Review Board Manager Date

CALL UTILITY NOTIFICATION
CENTER OF COLORADO

1-800-922-1987
CALL 2 BUSINESS DAYS IN ADVANCE BEFORE YOU DIG, GRADE OR EXCAVATE FOR THE MARKING OF UNDERGROUND MEMBER UTILITIES.

DESIGN TEAM CONTACTS

Owner/Developer

BP AMOCO MID-CONTINENT ASSET MANAGEMENT
4380 S. Syracuse St., Suite 500
Denver, CO 80237
Project Manager: Mr. Bill Horn
303-850-5495

Site Engineers

Farnsworth Group, Inc.
2696 S. Colorado Boulevard, Suite 250
Denver, CO 80222
Project Manager: Bryant S. Lehr, P.E.
(303) 692-8838 * Phone
(303) 692-0470 * Fax

Surveyors

Farnsworth Group, Inc.
2696 S. Colorado Boulevard, Suite 250
Denver, CO 80222
Project Surveyors: Mr. Steve Dynes, P.L.S.
(303) 692-8483 * Phone
(303) 692-0470 * Fax

Main Building Architect

WDA&E
850 Michigan Avenue
Columbus, Ohio 43215
Project Manager: Christopher Pond
(614) 221-0840 * Office
(614) 232-0134 * Direct
(614) 221-2484 * Fax

Landscape Architects

DHM Design Corporation
1390 Lawrence St., Suite 100
Denver, CO 80204
Contact: Mr. Mark Wilcox
(303) 892-5566 * Phone
(303) 892-4984 * Fax

Lighting

LSI Industries
3871 Turkeyfoot Road
Erlanger, KY 41018
Contact: Mr. Bryan Biehle
1-800-436-7800 * Phone
(606) 342-2275 * Fax

APPROVAL CERTIFICATE

THIS SITE IMPROVEMENT PLAN HAS BEEN REVIEWED AND FOUND TO BE COMPLETE AND IN ACCORDANCE WITH DOUGLAS COUNTY REGULATIONS.

Engineering Division *[Signature]* Date 12/11/01
Planning Division *[Signature]* Date 12/19/01

* Building permits pursuant to this Site Improvement Plan shall NOT be issued after three years from date of site plan approval (Phase 1), as noted herein. Failure to obtain a building permit in the 3-year period after approval of Phase 1, shall cause the unapproved portion of this plan to be null and void.

* Approval of site construction drawings by Douglas County Engineering shall be required (as applicable) prior to issuance of building permits.

* Signs shown herein are NOT approved. All signs require approval of a sign permit in accordance with Section 29 of the Douglas County Zoning Resolution.

The undersigned as the owner or owner's representative, of the lands described herein, hereby agree on behalf of itself and its successors and assigns to develop and maintain the property described herein in accordance and compliance with this approved Site Improvement Plan and the Douglas County Zoning Resolution.

BP RECEIPTS NEEDED FROM THE FLEA MARKET
BY: *[Signature]* DATE: 12-19-01
TITLE: *[Signature]*
DATE: 12-19-01

ATTEST:

SECRETARY
The foregoing instrument was acknowledged before me this 7th day of December, 2001 by Secretary of _____ and _____ as _____ of _____

Witness my hand and official seal.

My commission expires: *[Signature]*
Notary Public



28100 TORCH PARKWAY
WARRENVILLE, ILLINOIS 60555

ALLIANCE PROJECT MANAGER and AUTHORIZED AGENT



801 WARRENVILLE ROAD - SUITE 0000
Lisle, Illinois 60532-5200

ALLIANCE ENGINEERING CONSULTANT



ENGINEERS
ARCHITECTS
SURVEYORS
SCIENTISTS

2696 South Colorado Boulevard
Suite 250
Denver, Colorado 80222
303/692-8838, 303/692-0470 fax
www.f-w.com

AVANTI / BENCHMARK / DOKGAN
FAIRSWORTH & POLK / FAIRSWORTH & WYLE
MASSMANN / NIETZ AVANTI / WISCHMEYER

3	11/21/01	PER DOUGLAS COUNTY COMMENTS
2	10/19/01	PER DOUGLAS COUNTY COMMENTS
1	4/13/01	PER DOUGLAS COUNTY COMMENTS
NO.	DATE	REVISION DESCRIPTION

PREPARED UNDER THE DIRECT SUPERVISION OF:

BRYANT S. LEHR, P.E. (33632)
FOR AND ON BEHALF OF FARNSWORTH GROUP

DEVELOPMENT INFORMATION:

NEW BUILD (STICK-BUILD)
4200 SERIES HARMONY WITH
WILD BEAN CAFE
CAR WASH & 8 MPD
DOMINO CANOPY (W/DIESEL)

SITE ADDRESS:

7610 DEBBIE LANE
DEBBIE LN & CASTLE PINES PKWY
DOUGLAS COUNTY, CO

SS#14626

SCALE:	AS SHOWN	ALLIANCE ZOOM:	VPM
DATE:	1-5-2001	BP REF:	DLL
DESIGNED BY:	PTB	ALLIANCE PK:	WDH
DRAWN BY:	DFC	FILE NAME:	7119CVR1-D
CHECKED BY:	BSL		

DRAWING TITLE:

COVER SHEET

SHEET NO:

1 OF 15

CHARTER OAKS, 5th AMENDMENT, TRACTS B-1 AND B-2

NE 1/4 of SECTION 3, T7S, R67W, of the 6th P.M., DOUGLAS COUNTY, CO

1.686 ACRES

SITE IMPROVEMENT PLAN - SP00-012

STORM WATER RUNOFF PROTECTION AND EROSION AND SEDIMENTATION CONTROL NOTES:

- THE DOUGLAS COUNTY ENGINEER'S SIGNATURE AFFIXED TO THIS DOCUMENT INDICATES THE DOUGLAS COUNTY PUBLIC WORKS DEPARTMENT, ENGINEERING DIVISION, HAS REVIEWED THE DOCUMENT AND FOUND IT IN GENERAL COMPLIANCE WITH THE DOUGLAS COUNTY SUBDIVISION REGULATIONS, OR APPROVED VARIANCES TO THOSE REGULATIONS. THE DOUGLAS COUNTY ENGINEER, THROUGH ACCEPTANCE OF THIS DOCUMENT, ASSUMES NO RESPONSIBILITY (OTHER THAN AS STATED ABOVE) FOR THE COMPLETENESS AND/OR ACCURACY OF THESE DOCUMENTS.
- THE ADEQUACY OF THIS PLAN LIES WITH THE ORIGINAL DESIGN ENGINEER.
- ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION BY THE DOUGLAS COUNTY ENGINEERING DIVISION. DOUGLAS COUNTY RESERVES THE RIGHT TO ACCEPT OR REJECT ANY SUCH MATERIALS AND WORKMANSHIP THAT DOES NOT CONFORM TO ITS STANDARDS AND SPECIFICATIONS.
- THE CONTRACTOR SHALL INSTALL EROSION/SEDIMENTATION CONTROLS PRIOR TO ANY SITE PREPARATION WORK (E.G., CLEARING, GRUBBING, OR EXCAVATION).
- THE PLACEMENT OF EROSION/SEDIMENTATION CONTROLS SHALL BE IN ACCORDANCE WITH THE DOUGLAS COUNTY EROSION CONTROL CRITERIA MANUAL AND THE APPROVED PROJECT EROSION AND SEDIMENTATION CONTROL PLAN.
- ANY VARIATION IN MATERIAL OR LOCATION OF EROSION/SEDIMENTATION CONTROLS FROM THE DOUGLAS COUNTY APPROVED PLAN WILL REQUIRE WRITTEN APPROVAL FROM AN ACCOUNTABLE REPRESENTATIVE OF THE DOUGLAS COUNTY ENGINEERING DIVISION.
- AFTER THE INSTALLATION OF THE EROSION/SEDIMENTATION CONTROLS, THE CONTRACTOR SHALL SET UP AN ON-SITE "PRE-CONSTRUCTION" MEETING WITH AN OFFICIAL FROM THE DOUGLAS COUNTY ENGINEERING DIVISION, EROSION CONTROL INSPECTION SECTION [(303) 660-7487]. THE MEETING SHALL BE SCHEDULED A MINIMUM OF FORTY EIGHT (48) HOURS AND A MAXIMUM OF NINETY SIX (96) HOURS PRIOR TO THE ANTICIPATED START OF ANY LAND DISTURBANCE.
- CONSTRUCTION SHALL NOT BEGIN UNTIL: (1) ALL EROSION/SEDIMENTATION CONTROLS ARE INSTALLED PER THE DOUGLAS COUNTY APPROVED PLAN, (2) A "PRE-CONSTRUCTION" MEETING HAS BEEN HELD ON SITE WITH AN ACCOUNTABLE OFFICIAL FROM THE DOUGLAS COUNTY ENGINEERING DIVISION, AND (3) DOUGLAS COUNTY HAS ISSUED A GRADING PERMIT.
- THE CONSTRUCTION PLANS SHALL BE CONSIDERED VALID FOR TWO (2) YEARS FROM THE DATE OF ACCEPTANCE BY DOUGLAS COUNTY, AFTER WHICH TIME THESE PLANS SHALL BE VOID AND WILL BE SUBJECT TO RE-REVIEW AND RE-ACCEPTANCE BY DOUGLAS COUNTY.
- ALL AREAS (EXCEPT THOSE THAT WILL BE PAVED) ARE TO BE CONTOUR-FURROWED IMMEDIATELY FOLLOWING GRADE CERTIFICATION, BUT NO LATER THAN THREE (3) DAYS AFTER COMPLETION OF GRADING.
- ALL DISTURBED AREAS ARE TO BE DRILL SEEDED AND CRIMP MULCHED, IN ACCORDANCE WITH DOUGLAS COUNTY EROSION AND CONTROL CRITERIA MANUAL, WITHIN THIRTY (30) DAYS OF INITIAL EXPOSURE.
- THE CONTRACTOR(S) MUST STAY INSIDE THE DOUGLAS COUNTY APPROVED LIMITS OF CONSTRUCTION AT ALL TIMES. AN OFFICIAL OF THE DOUGLAS COUNTY ENGINEERING DIVISION MUST APPROVE ANY WORK NECESSARY OUTSIDE THE LIMITS OF CONSTRUCTION AND, AT THE DISCRETION OF THE DIVISION, ADDITIONAL EROSION/SEDIMENTATION CONTROLS MAY BE REQUIRED.
- ALL CONSTRUCTION TRAFFIC MUST ENTER/EXIT THE SITE THROUGH THE DOUGLAS COUNTY-APPROVED VEHICLE-TRACKING PAD. ADDITIONAL STABILIZED CONSTRUCTION ENTRANCES MAY BE ADDED WITH AUTHORIZATION FROM THE DOUGLAS COUNTY ENGINEERING DIVISION.
- THE CONTRACTOR AND/OR OWNER ARE RESPONSIBLE FOR CLEANUP OF SEDIMENT OR CONSTRUCTION DEBRIS TRACKED ON TO AREA STREETS. STREETS ARE TO BE KEPT CLEAN THROUGHOUT BUILD-OUT AND WILL BE CLEANED, WITH A STREET CLEANER (NOT A STREET SWEEPER), AT FIRST NOTICE OF ACCIDENTAL TRACKING OR AT THE DISCRETION OF THE COUNTY INSPECTOR. DOUGLAS COUNTY RESERVES THE RIGHT TO REQUIRE ADDITIONAL MEASURES TO ENSURE AREA STREETS ARE KEPT FREE OF SEDIMENT AND/OR CONSTRUCTION DEBRIS.
- APPROVED EROSION AND SEDIMENT CONTROL "BEST MANAGEMENT PRACTICES" (BMPs) SHALL BE MAINTAINED AND KEPT IN GOOD REPAIR FOR THE DURATION OF THIS PROJECT. AT A MINIMUM, THE CONTRACTOR OR HIS AGENT SHALL INSPECT ALL BMPs WEEKLY, AFTER ALL SIGNIFICANT PRECIPITATION EVENTS OR AT THE DISCRETION OF THE COUNTY INSPECTOR. ALL NECESSARY MAINTENANCE AND REPAIR ACTIVITIES SHALL BE COMPLETED WITHIN TWENTY-FOUR (24) HOURS AFTER DIRECTED BY THE COUNTY INSPECTOR. ACCUMULATED SEDIMENT AND CONSTRUCTION DEBRIS SHALL BE REMOVED WEEKLY FROM ALL BMPs, OR AT ANY TIME THAT SEDIMENT OR CONSTRUCTION DEBRIS ADVERSELY IMPACTS THE FUNCTIONING OF THE BMPs.
- TOPSOIL SHALL BE STOCKPILED TO THE GREATEST EXTENT PRACTICABLE ON SITE (WITHIN "LIMITS OF CONSTRUCTION") FOR USE ON AREAS TO BE RE-VEGETATED. ANY AND ALL STOCKPILES SHALL BE PLACED IN AN APPROVED LOCATION AND PROTECTED FROM EROSION ELEMENTS USING MEASURES SPECIFIED IN THE EROSION CONTROL PLAN.
- PERMANENT SOIL EROSION CONTROL MEASURES WILL INCLUDE PAVEMENT SURFACING AND PERMANENT LANDSCAPING. PERMANENT SOIL EROSION CONTROL MEASURES SHALL BE UNDERTAKEN AS SOON AFTER REMOVAL OF TOPSOIL MATERIAL AS POSSIBLE, BUT NO LATER THAN NINE (9) MONTHS FOR A SUBDIVISION AND NINETY (90) DAYS FOR SIPS AND ALL OTHER LAND-USE APPLICATIONS, AFTER COMPLETION OF CONSTRUCTION ACTIVITIES. PRIOR TO INSTALLATION OF PERMANENT EROSION CONTROL MEASURES, THE EXPOSED SOIL SHALL BE KEPT MOIST, AS NECESSARY, TO PREVENT WIND EROSION. (NOTE: ADDITIONAL TEMPORARY EROSION CONTROL MEASURES MAY BE NECESSARY PRIOR TO INSTALLATION OF PERMANENT EROSION CONTROL MEASURES.) THE CONTRACTOR IS RESPONSIBLE FOR IMPLEMENTING MEASURES TO PREVENT EROSION OF DISTURBED SOIL BY ABNORMAL WIND. THE CONTRACTOR AND/OR OWNER SHALL ACCEPT FULL RESPONSIBILITY FOR ANY AND ALL DAMAGE TO OTHER PROPERTIES RELATED TO FAILURE TO CONTROL EROSION FROM THIS PROJECT.

STORM WATER RUNOFF PROTECTION AND EROSION AND SEDIMENTATION CONTROL NOTES CONT'D:

- THE APPROVED EROSION CONTROL PLAN MAY REQUIRE CHANGES OR ALTERATIONS AFTER APPROVAL TO MEET CHANGING SITE OR PROJECT CONDITIONS OR TO ADDRESS INEFFICIENCIES IN DESIGN OR INSTALLATION. THE DOUGLAS COUNTY ENGINEERING DIVISION MUST APPROVE CHANGES PROPOSED BY THE CONTRACTOR.
- ALL SWALES AND ROADSIDE DITCHES SHALL NOT EXCEED THREE (3) PERCENT. SLOPES GREATER THAN THREE (3) PERCENT WILL REQUIRE APPROVAL OF THE DOUGLAS COUNTY ENGINEERING DIVISION AND WILL REQUIRE ADEQUATE EROSION PROTECTION.
- ALL SLOPES GREATER THAN 3:1 WILL REQUIRE PRIOR APPROVAL OF THE DOUGLAS COUNTY ENGINEERING DIVISION, AS WELL AS ADEQUATE EROSION CONTROL PROTECTION.
- NATURAL VEGETATION SHALL BE RETAINED AND PROTECTED WHEREVER POSSIBLE. EXPOSURE OF SOIL TO EROSION BY REMOVAL OR DISTURBANCE OF VEGETATION SHALL BE LIMITED TO THE AREA REQUIRED FOR IMMEDIATE CONSTRUCTION OPERATIONS AND FOR THE SHORTEST PRACTICAL PERIOD OF TIME.
- ANY SETTLEMENT OR SOIL ACCUMULATIONS BEYOND THE LIMITS OF CONSTRUCTION DUE TO GRADING OR EROSION SHALL BE REPAIRED IMMEDIATELY BY THE CONTRACTOR. THE CONTRACTOR SHALL BE HELD RESPONSIBLE FOR REMEDIATION OF ANY ADVERSE IMPACTS TO ADJACENT WATERWAYS, WETLANDS, PROPERTIES, ETC. RESULTING FROM WORK DONE AS PART OF THIS PROJECT.
- A WATER SOURCE WILL BE AVAILABLE ON SITE DURING EARTHWORK OPERATIONS AND UTILIZED AS REQUIRED TO MINIMIZE DUST FROM EARTHWORK EQUIPMENT AND WIND.
- SOILS THAT WILL BE STOCKPILED FOR MORE THAN THIRTY (30) DAYS SHALL BE MULCHED AND SEEDED WITH A TEMPORARY OR PERMANENT GRASS COVER WITHIN FOURTEEN (14) DAYS OF STOCKPILE CONSTRUCTION. NO STOCKPILES SHOULD BE WITHIN ONE HUNDRED (100) FEET OF A DRAINAGE WAY UNLESS APPROVED BY THE DOUGLAS COUNTY ENGINEERING DIVISION.
- THE CONTRACTOR MUST KEEP ALL POLLUTANTS, INCLUDING SEDIMENT, CONSTRUCTION DEBRIS, AND TRENCH BACKFILL MATERIALS FROM ENTERING THE STORM SEWER SYSTEM. IN ADDITION, ALL SPILLS INCLUDING, BUT NOT LIMITED TO, PETROLEUM PRODUCTS, AND CEMENT SHALL BE CLEANED UP IMMEDIATELY. THE DOUGLAS COUNTY ENGINEERING DIVISION SHALL BE NOTIFIED IMMEDIATELY IF POSSIBLE, BUT NO LATER THAN TWENTY-FOUR (24) HOURS OF ANY SPILL OF TWENTY-FIVE (25) GALLONS OR LARGER.
- ALL WORK ON SITE SHALL STAY A MINIMUM OF ONE HUNDRED (100) FEET AWAY FROM ANY DRAINAGE WAY, WETLAND, ETC. UNLESS OTHERWISE NOTED ON AN APPROVED DOUGLAS COUNTY PLAN.
- THE DEVELOPER, GENERAL CONTRACTOR, GRADING CONTRACTOR, AND/OR THEIR AUTHORIZED AGENTS SHALL ENSURE THAT ALL LOADS OF CUT AND FILL MATERIAL TO OR EXPORTED FROM THE SITE SHALL BE PROPERLY COVERED TO PREVENT LOSS OF THE MATERIAL DURING TRANSPORT ON PUBLIC RIGHTS-OF-WAY.
- THE DEVELOPER, GENERAL CONTRACTOR, GRADING CONTRACTOR, AND/OR THEIR AUTHORIZED AGENTS SHALL ENSURE THAT ALL MATERIAL EXPORTED FROM THE SITE, IF IN THE LIMITS OF DOUGLAS COUNTY, IS DISPOSED OF AT A SITE PERMITTED TO ACCEPT SUCH MATERIAL. A DOUGLAS COUNTY EROSION CONTROL INSPECTOR MUST BE NOTIFIED, A MINIMUM OF TWENTY FOUR (24) HOURS PRIOR TO THE MATERIAL BEING EXPORTED OFF SITE, OF THE LOCATION AND PERMIT NUMBERS OF BOTH THE EXPORTING AND IMPORTING SITES.
- THE USE OF REBAR, STEEL STAKES OR STEEL FENCE POSTS FOR STAKING DOWN STRAW OF HAY BALES, OR TO SUPPORT SILT FENCING USED AS AN EROSION CONTROL MEASURE, IS PROHIBITED.
- MODIFICATION OR TERMINATION OF AN ACTIVE EROSION AND SEDIMENT CONTROL PERMIT UPON COMPLETION OF THE PROJECT REQUIRES NOTIFICATION OF AND APPROVAL BY DOUGLAS COUNTY.
- THE CLEANING OF CONCRETE DELIVERY TRUCK CHUTES IS RESTRICTED TO APPROVED LOCATIONS ON THE JOB SITE. THE DISCHARGE OF WATER CONTAINING WASTE CEMENT TO THE STORM SEWER SYSTEM IS PROHIBITED. ALL CONCRETE WASTE SHALL BE PROPERLY CLEANED UP AND DISPOSED OF AT AN APPROPRIATE LOCATION.
- PRIOR TO ACTUAL CONSTRUCTION, THE CONTRACTOR SHALL VERIFY THE LOCATION OF EXISTING UTILITIES. FOR INFORMATION, CONTACT THE DENVER INTER-UTILITY GROUP AT (303) 534-6700.
- ALL DEWATERING ON SITE SHALL BE COORDINATED WITH A DOUGLAS COUNTY EROSION CONTROL INSPECTOR, BE FREE OF SEDIMENT, AND HAVE ADEQUATE EROSION PROTECTION AT THE POINT OF DISCHARGE.

NON-URBAN SEEDING SPECIFICATIONS

I. SEED QUALITY

A. ALL BRANDS FURNISHED SHALL BE FREE FROM SUCH NOXIOUS SEEDS AS RUSSIAN OR CANADIAN THISTLE, COURSE FESCUE, EUROPEAN BINWEED, JOHNSON GRASS, KNAWEED, AND LEAFY SPURGE.

THE SUBCONTRACTOR SHALL FURNISH TO THE CONTRACTOR A SIGNED STATEMENT CERTIFYING THAT THE SEED FURNISHED IS FROM A LOT THAT HAS BEEN TESTED BY A RECOGNIZED LABORATORY. SEED THAT HAS BECOME WET, MOLDY, OR OTHERWISE DAMAGED IN TRANSIT OR IN STORAGE, WILL NOT BE ACCEPTABLE.

STORM WATER RUNOFF PROTECTION AND EROSION AND SEDIMENTATION CONTROL NOTES CONT'D:

II. MATERIALS

A. SEED (DRILLED ONLY - NO HYDROSEED)

1. SEED TYPE AND AMOUNT OF PURE LIVE SEED (PLS) REQUIRED PER ACRE SHALL BE:

SEED SPECIES/ VARIETIES	Pounds of PLS/Acre IN MIX
CRESTED WHEATGRASS	3.0
ANNUAL RYE GRASS	3.0
SLENDER WHEATGRASS	3.0
SIDCOATS GRAMA	2.0
PUBESCENT WHEATGRASS	2.0
CANADA BLUEGRASS	2.0
HARD FESCUE, DURAR	2.0
YELLOW INDIANGRASS	1.0
BLUE GRAMA	1.0
SWITCHGRASS	1.0
TOTAL PLS/Acre/LBS/Acre	20.0

2. IF THE SEED AVAILABLE ON THE MARKET DOES NOT MEET THE MINIMUM PURITY AND GERMINATION PERCENTAGES SPECIFIED, THE SUBCONTRACTOR MUST COMPENSATE FOR A LESSE PERCENTAGE OF PURITY OR GERMINATION BY FURNISHING SUFFICIENT ADDITIONAL SEED TO EQUAL THE SPECIFIED PRODUCT. THE TAGS FROM THE SEED MIXES MUST BE SUPPLIED TO CONTRACTOR AND FORWARDED TO A DOUGLAS COUNTY EROSION INSPECTOR.

3. THE FORMULA USED FOR DETERMINING THE QUALITY OF PURE LIVE SEED (PLS) SHALL BE (POUNDS OF SEED) X (PURITY) X (GERMINATION) = POUNDS OF PURE LIVE SEED (PLS).

B. MULCH

1. ALL AREAS SHALL BE SEEDED AND CRIMP MULCHED WITHIN THIRTY (30) DAYS FROM THE DATE THE EROSION CONTROL PERMIT IS ISSUED. ADDITIONAL TIME MAY BE GRANTED WITH WRITTEN APPROVAL FROM THE EROSION CONTROL INSPECTOR.

2. HAY OR STRAW MULCH: AFTER SEEDING HAS BEEN COMPLETED, A RATE OF 4,000 LBS. OF HAY OR STRAW PER ACRE SHALL BE APPLIED UNIFORMLY, CRIMPED IN WITH A CRIMPER OR OTHER APPROVED EQUIPMENT OF OTHERWISE ATTACHED. THE CONTRACTOR MAY ORDER THE EMPLOYMENT OF HAND CRIMPING OPERATIONS ON SUCH AREAS WHERE EXCESSIVELY STEEP SLOPES OR CONFINED AREAS WOULD CAUSE UNSATISFACTORY CRIMPING TO RESULT BY MECHANICAL METHODS, OR THE USE A TACKIFIER OR JUTE NETTING TO ATTACH MULCH.

THE SEEDED AREA SHALL BE CRIMPED MULCHED AND THE MULCH ATTACHED WITHIN TWENTY-FOUR (24) HOURS AFTER SEEDING. AREAS NOT MULCHED AND ATTACHED WITHIN TWENTY-FOUR (24) HOURS AFTER SEEDING MUST BE RESEEDED WITH THE SPECIFIED MIX AT THE CONTRACTOR(S) EXPENSE, PRIOR TO MULCHING AND ATTACHING.

ON STEEP SLOPES OR OTHER SPECIFIED AREAS SHOWN ON THE PLANTING PLAN, WHICH ARE DIFFICULT TO MULCH AND ATTACH BY CONVENTIONAL METHOD, BURLAP OR OTHER BLANKETING MATERIALS PROPERLY ANCHORED AND SECURED MAY BE USED WHEN APPROVED BY THE COUNTY ENGINEER.

III. WARRANTY

DOUGLAS COUNTY SHALL INSPECT THE SEEDED AREA AFTER THE FIRST GROWING SEASON, AND AREAS WITH LESS THAN NINETY PERCENT (90%) GROWTH SHALL BE RESEEDED. AN ADDITIONAL DOUGLAS COUNTY INSPECTION AFTER THE SECOND GROWING SEASON SHALL BE MADE TO ENSURE NINETY PERCENT (90%) COVER HAS BEEN ACHIEVED.

APPROVAL CERTIFICATE

THIS SITE IMPROVEMENT PLAN HAS BEEN REVIEWED AND FOUND TO BE COMPLETE AND IN ACCORDANCE WITH DOUGLAS COUNTY REGULATIONS.

Engineering Division: Janet Herman Date: 12/11/01

Planning Division: B. Allen Date: 12/11/01

* Building permits pursuant to this Site Improvement Plan shall NOT be issued after three years from date of site plan approval (Phase 1), as noted hereon. Failure to obtain a building permit in the 3-year period after approval of Phase 1, shall cause the unbuild portion of this plan to be null and void.

* Approval of site construction drawings by Douglas County Engineering shall be required (as applicable) prior to issuance of building permits.

* Signs shown hereon are NOT approved. All signs require approval of a sign permit in accordance with Section 29 of the Douglas County Zoning Resolution.

The undersigned as the owner or owner's representative of the lands described herein, hereby agree on behalf of itself and its successors and assigns to develop and maintain the property described hereon in accordance and compliance with this approved Site Improvement Plan and the Douglas County Zoning Resolution.

BP PRODUCTS NORTH AMERICA INC. PMA MULLO CO. CO.
(PRINT CORPORATION/LLC NAME)

BY: Dan Lillis
TITLE: OPERATIVE PROJECT MANAGER
DATE: 12-7-01

ATTEST:

SECRETARY

The foregoing instrument was acknowledged before me this 7th day of DEC, 2001 by
Secretary of _____ a _____ and _____ as _____
Witness my hand and official seal.

My commission expires: _____
Marvella R. Aschauer
Notary Public





ALLIANCE PROJECT MANAGER and AUTHORIZED AGENT:



ALLIANCE ENGINEERING CONSULTING:

Farnsworth GROUP

ENGINEERS
ARCHITECTS
SURVEYORS
SCIENTISTS

2696 South Colorado Boulevard
Suite 250
Denver, Colorado 80222
303/692-8838, 303/692-0470 fax
www.f-w.com

AVANTI / BENCHMARK / DONGAN
FARNSWORTH & POLK / FARNSWORTH & WILE
MAZMANN / NIETZ AVANTI / WISCHMEYER

NO.	DATE	REVISION DESCRIPTION
2	10/15/01	PER DOUGLAS COUNTY COMMENTS
1	4/13/01	PER DOUGLAS COUNTY COMMENTS

PREPARED UNDER THE DIRECT SUPERVISION OF:

1. SIP IMPROVEMENTS CONSTRUCTED IN THE PUBLIC RIGHT-OF-WAY SHALL BE OWNED BY DOUGLAS COUNTY, EXCEPT THAT THE MAINTENANCE OF CURB, GUTTER, SIDEWALK, CROSSPANS, AND PAVEMENT WITHIN THE ACCESS TO THE SITE SHALL REMAIN WITH THE DEVELOPER/OWNER.

BRYANT S. LEHR, P.E. (13832)
FOR AND ON BEHALF OF FARNSWORTH GROUP

NEW BUILD (STICK-BUILD)

4200 SERIES HARMONY WITH
WILD BEAN CAFE
CAR WASH & 8 MPD
DOMINO CANOPY (W/DIESEL)

SITE ADDRESS:

7610 DEBBIE LANE
DEBBIE LN & CASTLE PINES PKWY
DOUGLAS COUNTY, CO

SS#14626

SCALE: AS SHOWN	ALLIANCE ZONE: VPM
DATE: 1-5-2001	BP REPA: DLL
DESIGNED BY: PTB	ALLIANCE PM: WDH
DRAWN BY: DFC	FILE NAME: 7119CVR2-D
CHECKED BY: BSL	

DRAWING TITLE:

NOTES SHEET

SHEET NO:

2 OF 15

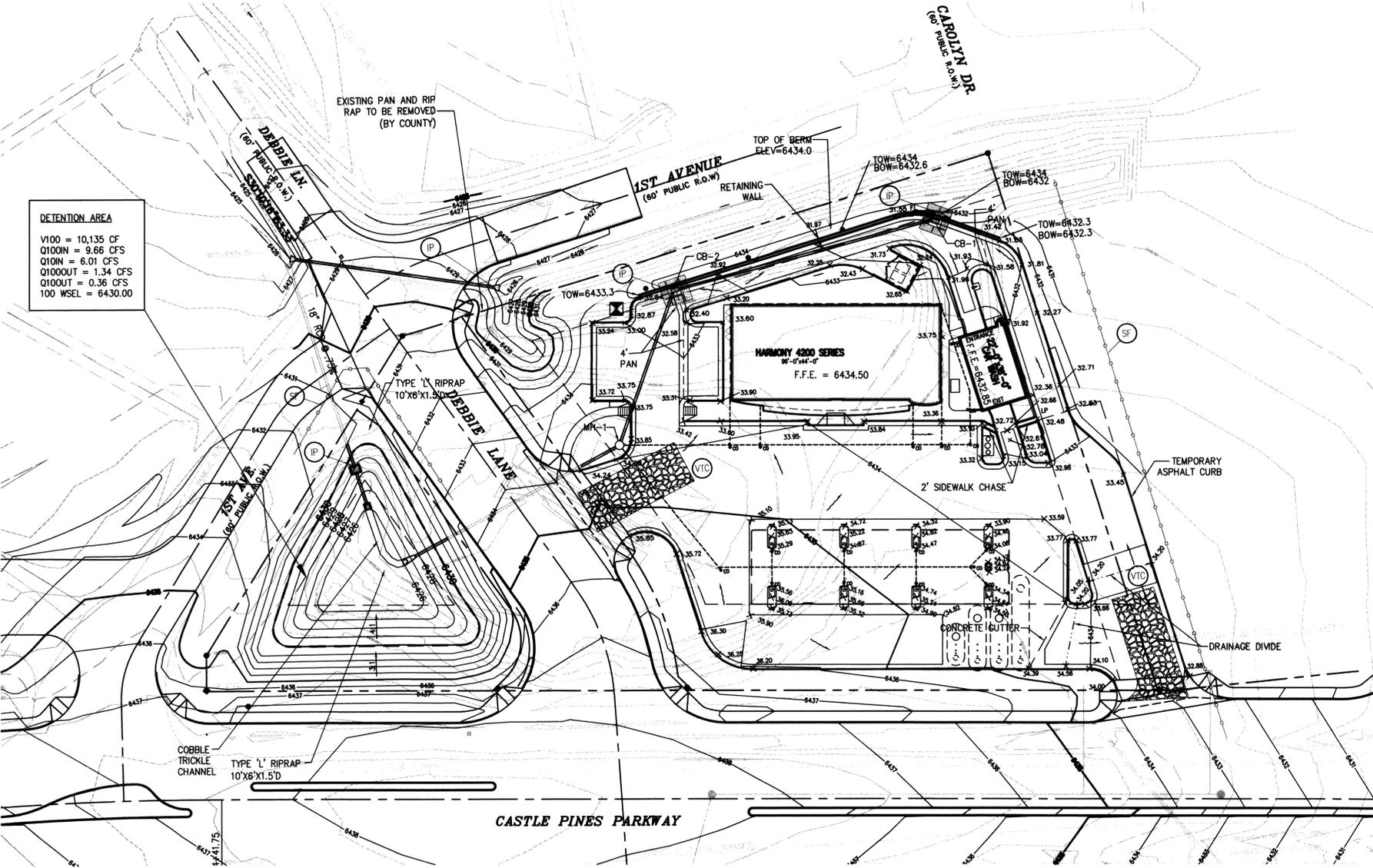


CHARTER OAKS, 5th AMENDMENT, TRACTS B-1 AND B-2

NE 1/4 of SECTION 3, T7S, R67W, of the 6th P.M., DOUGLAS COUNTY, CO
1686 ACRES
SITE IMPROVEMENT PLAN - SP00-012

GRADING, DRAINAGE & EROSION CONTROL PLAN

- GRADING & DRAINAGE NOTES:**
1. ALL ELEVATIONS SHOWN ARE IN REFERENCE TO THE BENCHMARK AND MUST BE VERIFIED BY THE GENERAL CONTRACTOR. SEE PLAN FOR FINISH FLOOR ELEVATION.
 2. FINISHED WALK AND CURB ELEVATIONS SHALL BE 6" ABOVE FINISH PAVEMENT UNLESS OTHERWISE NOTED. PROPOSED ELEVATIONS ARE SHOWN TO FINISHED PAVEMENT OR GRADE.
 3. LANDSCAPE AREAS SHALL BE ROUGH GRADED TO 6" BELOW TOP OF WALKS AND CURBS. FINISH GRADING, LANDSCAPING, AND SPRINKLER SYSTEMS ARE BY THE GENERAL CONTRACTOR.
 4. THE CONTRACTOR SHALL ASSUME COMPLETE RESPONSIBILITY FOR CONTROLLING ALL SILTATION AND EROSION OF THE PROJECT AREA. USE WHATEVER MEANS NECESSARY INCLUDING BUT NOT LIMITED TO STAKED STRAW BALES AND/OR SILT FENCES. CONTROL SHALL COMMENCE WITH GRADING AND BE MAINTAINED THROUGHOUT THE PROJECT UNTIL ACCEPTANCE BY THE OWNER AND/OR DOUGLAS COUNTY. THE CONTRACTOR'S RESPONSIBILITIES INCLUDE ALL DESIGN AND IMPLEMENTATION AS REQUIRED TO PREVENT EROSION AND THE DEPOSITING OF SILT. THE OWNER AND/OR DOUGLAS COUNTY MAY AT THEIR OWN OPTION DIRECT THE CONTRACTOR IN THESE METHODS. ANY DEPOSITING OF SILT OR MUD ON NEW OR EXISTING PAVEMENT, STORM SEWERS OR SWALES SHALL BE REMOVED AFTER EACH RAIN AND AFFECTED AREAS CLEANED TO THE SATISFACTION OF THE OWNER AND/OR DOUGLAS COUNTY AT THE EXPENSE OF THE CONTRACTOR.
 5. REFER TO SHEET 3 FOR DIMENSIONS AND IDENTIFICATION OF PROPOSED IMPROVEMENTS.
 6. CONTRACTOR SHALL EMPLOY THE ORIGINAL SOILS ENGINEER TO TEST ALL EARTHWORK TO ENSURE COMPLIANCE WITH SOILS REPORT.
 7. COMPACTION OF SITE SOILS, WHERE NECESSARY, SHALL BE PER THE SUBSURFACE EXPLORATION GEOTECHNICAL RECOMMENDATIONS AND PAVEMENT DESIGN, DATED MARCH 15, 1999, BY GROUND ENGINEERING CONSULTANTS.
 8. CONCRETE PAVEMENT, SIDEWALK, CURB & GUTTER TO BE REMOVED SHALL BE SAWCUT. CONTRACTOR SHALL REMOVE TO NEXT JOINT IF SAWCUT IS WITHIN 5 FEET OF A JOINT.
 9. PROVIDE A 5'-0" TRANSITION FROM STANDARD CURB AND GUTTER TO SPILL GUTTER.
 10. INSTALL CONCRETE SPLASH BLOCKS AT ALL DOWN SPOUT LOCATIONS WHICH RELEASE DIRECTLY ONTO GRASS. INSTALL DRAIN CHASE (CONCRETE WITH GALVANIZED SCREW DOWN COVER, POLYCAST 400 SERIES DRAIN WITH COVER, ACO DRAIN WITH COVER, OR EQUAL) IN SIDEWALKS AT BUILDING DOWN SPOUTS.



DETENTION AREA
 V100 = 10,135 CF
 Q100IN = 9.66 CFS
 Q100M = 6.01 CFS
 Q100OUT = 1.34 CFS
 Q100UT = 0.36 CFS
 100 WSEL = 6430.00

APPROVAL CERTIFICATE

THIS SITE IMPROVEMENT PLAN HAS BEEN REVIEWED AND FOUND TO BE COMPLETE AND IN ACCORDANCE WITH DOUGLAS COUNTY REGULATIONS.

Engineering Division: *Janet Hammer* Date: *12/11/01*
 Planning Division: *B. Allen* Date: *12/13/01*

* Building permits pursuant to this Site Improvement Plan shall NOT be issued after three years from date of site plan approval (Phase 1), as noted herein. Failure to obtain a building permit in the 3-year period after approval of Phase 1, shall cause the unutilized portion of this plan to be null and void.

* Approval of site construction drawings by Douglas County Engineering shall be required (as applicable) prior to issuance of building permits.

* Signs shown herein are NOT approved. All signs require approval of a sign permit in accordance with Section 29 of the Douglas County Zoning Resolution.

The undersigned as the owner or owner's representative of the lands described herein, hereby agree on behalf of itself and its successors and assigns to develop and maintain the property described herein in accordance and compliance with this approved Site Improvement Plan and the Douglas County Zoning Resolution.

BY: *REM ESTE DEVELOPMENT MANAGER*
 DATE: *12-7-01*

ATTEST:
 SECRETARY

The foregoing instrument was acknowledged before me this *7th* day of *DEC*, 2001 by Secretary of _____ a _____ and _____ a _____ corporation, L.L.C.

Witness my hand and official seal.

My commission expires: *November 1, 2004*
 Notary Public: *Marcella R. Jackson*

NOTE:

1. SIP IMPROVEMENTS CONSTRUCTED IN THE PUBLIC RIGHT-OF-WAY SHALL BE OWNED BY DOUGLAS COUNTY, EXCEPT THAT THE MAINTENANCE OF CURB, GUTTER, SIDEWALK, CROSSPANS, AND PAVEMENT WITHIN THE ACCESS TO THE SITE SHALL REMAIN WITH THE DEVELOPER/OWNER.
2. DRAINAGE MAP DEPICTS THE PROPOSED SITE DRAINAGE IMPROVEMENTS AND DRAINAGE PATTERNS. IT IS NOT A CONSTRUCTION DRAWING AND SHALL NOT BE USED FOR CONSTRUCTION PURPOSES. REFER TO THE GRADING AND SITE PLANS FOR CONSTRUCTION.

LEGEND

— — — — — EXISTING CONTOUR	□ — □ — □ — SILT FENCE	→ FLOW ARROW	— — — — — EXIST GRADES > 3:1
— — — — — EXISTING INDEX CONTOUR	▣ HAY BALES	◁ EXIST. FLARED END SECTION	— — — — — PROP. GRADES > 4:1
— — — — — PROPOSED CONTOUR	○ IP INLET PROTECTION	▷ FLARED END SECTION	
— — — — — PROPOSED INDEX CONTOUR	○ SF SILT FENCE	○ MANHOLE	
× 5213.85 PROPOSED SPOT GRADE	○ VTC VEHICLE TRACKING CONTROL	○ EXIST. MANHOLE	
× 5213.85 EXIST SPOT GRADE (FL, TC, ETC.)		□ CURB INLET	
— — — — — FLOWLINE		□ BASIN BOUNDARY	
		◆ PROPERTY CORNER	

SITE BENCHMARKS:

TBM#1 - THE TOP OF A FIRE HYDRANT LOCATED NEAR THE SOUTHWEST CORNER OF TRACT B, CHARTER OAKS, ELEVATION=6438.17 FEET.

TBM#2 - A #5 REBAR WITH NO CAP LOCATED AT THE NORTHEAST CORNER OF TRACT C-3, CHARTER OAKS SECOND AMENDMENT, ELEVATION=6435.08 FEET.

CLIENT:

28100 TORCH PARKWAY
WARRENVILLE, ILLINOIS 60555

ALLIANCE PROJECT MANAGER AND AUTHORIZED AGENT:

801 WARRENVILLE ROAD - SUITE 6000
Lisle, Illinois 60532-5206

ALLIANCE ENGINEERING CONSULTANT:

Farnsworth GROUP

ENGINEERS
ARCHITECTS
SURVEYORS
SCIENTISTS

2696 South Colorado Boulevard
Suite 250
Denver, Colorado 80222
303/692-8838, 303/692-0470 fax
www.f-w.com

AVANTI / BENCHMARK / DONGAN
FARNSWORTH & POLK / FARNSWORTH & WYLLIE
MARMANN / IETZ AVANTI / WSCHEMPEL

NO.	DATE	REVISION DESCRIPTION
4	11/21/01	PER DOUGLAS COUNTY COMMENTS
3	10/15/01	PER DOUGLAS COUNTY COMMENTS
2	6/27/01	REVISED GRADING BASED ON COUNTY ROAD PROJECT
1	4/13/01	PER DOUGLAS COUNTY COMMENTS

PREPARED UNDER THE DIRECT SUPERVISION OF:

BRYANT S. LEHR, P.E. (13632)
FOR AND ON BEHALF OF FARNSWORTH GROUP

NEW BUILD (STICK-BUILD)
 4200 SERIES HARMONY WITH
 WILD BEAN CAFE
 CAR WASH & 8 MPD
 DOMINO CANOPY (W/DIESEL)

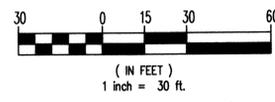
SITE ADDRESS:
 7610 DEBBIE LANE
 DEBBIE LN & CASTLE PINES PKWY
 DOUGLAS COUNTY, CO
 SS#14626

SCALE:	AS SHOWN	ALLIANCE ZONE:	VPM
DATE:	12-22-00	BP REPA:	DLL
DESIGNED BY:	PTB	ALLIANCE FILE:	WDH
DRAWN BY:	DFC	FILE NAME:	7119SIP1-D
CHECKED BY:	BSL		

GRADING, DRAINAGE & EROSION CONTROL PLAN

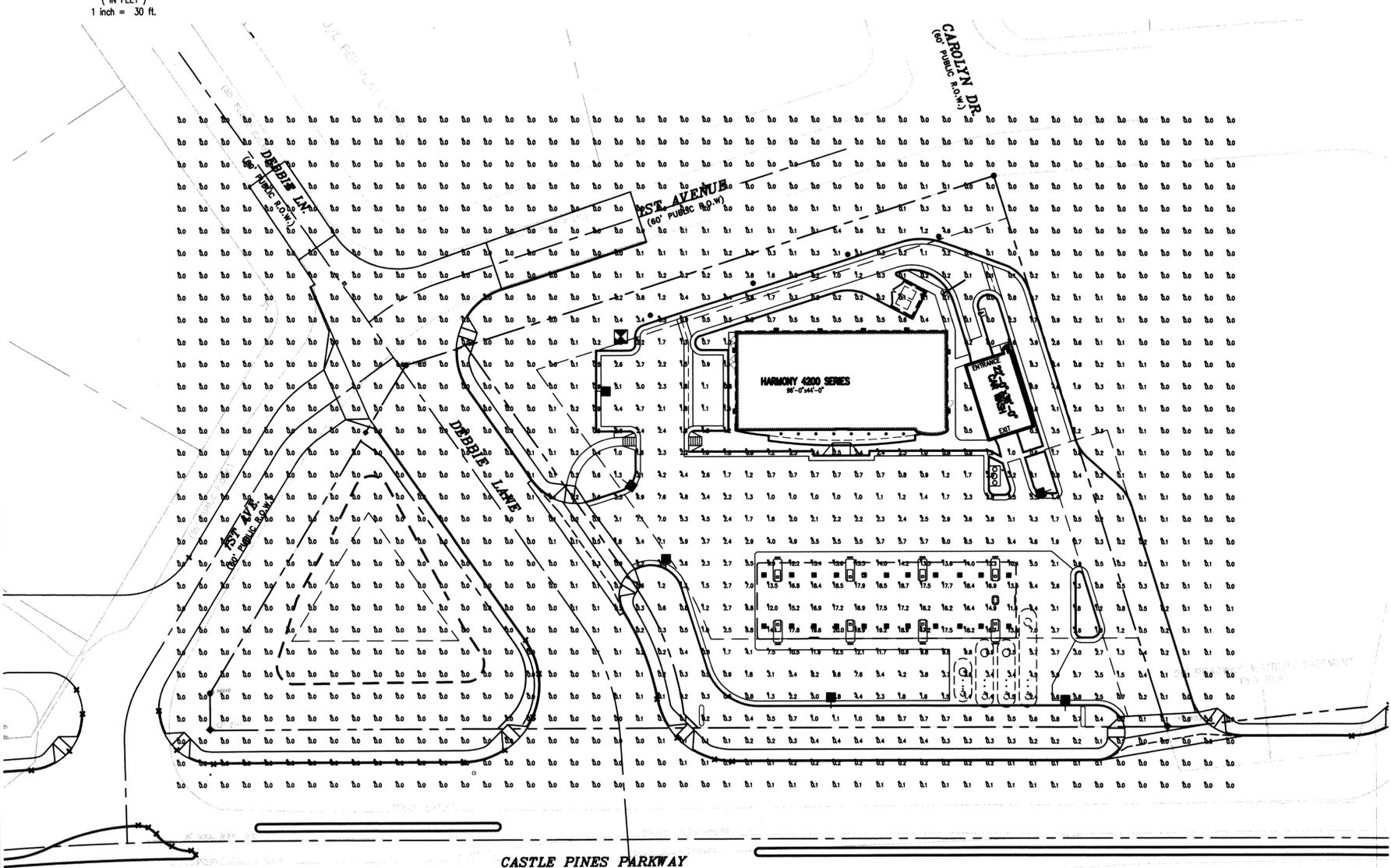
1-800-922-1987

CALL UTILITY NOTIFICATION CENTER OF COLORADO
 CALL 2 BUSINESS DAYS IN ADVANCE BEFORE YOU DIG, GRADE OR EXCAVATE FOR THE MARKING OF UNDERGROUND MEMBER UTILITIES.



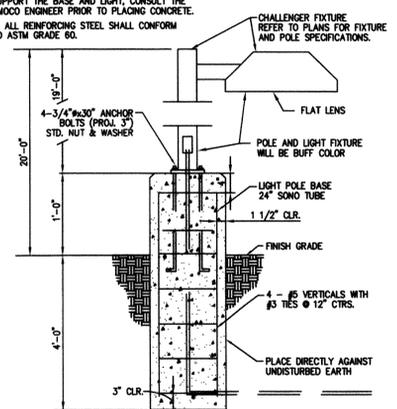
CHARTER OAKS, 5th AMENDMENT, TRACTS B-1 AND B-2

NE 1/4 of SECTION 3, T7S, R67W, of the 6th P.M., DOUGLAS COUNTY, CO
1.686 ACRES
SITE IMPROVEMENT PLAN - SP00-012

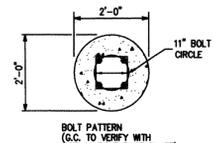


LIGHTING PLAN

NOTES:
1. IF THE EXISTING EARTH IS NON-VIRGIN FILL MATERIAL OR OTHERWISE UNSUITABLE TO SUPPORT THE BASE AND LIGHT, CONSULT THE AMOCO ENGINEER PRIOR TO PLACING CONCRETE.
2. ALL REINFORCING STEEL SHALL CONFORM TO ASTM GRADE 60.



BASE ELEVATION



LIGHT BASE DETAIL

APPROVAL CERTIFICATE

THIS SITE IMPROVEMENT PLAN HAS BEEN REVIEWED AND FOUND TO BE COMPLETE AND IN ACCORDANCE WITH DOUGLAS COUNTY REGULATIONS.

Engineering Division: Paul Johnson Date: 12/11/01

Planning Division: Allen Date: 12/13/01

* Building permits pursuant to this Site Improvement Plan shall NOT be issued after three years from date of site plan approval (Phase 1), as noted herein. Failure to obtain a building permit in the 3-year period after approval of Phase 1, shall cause the unbuild portion of this plan to be null and void.

* Approval of site construction drawings by Douglas County Engineering shall be required (as applicable) prior to issuance of building permits.

* Signs shown hereon are NOT approved. All signs require approval of a sign permit in accordance with Section 29 of the Douglas County Zoning Resolution.

The undersigned as the owner or owner's representative, of the lands described herein, hereby agree on behalf of itself and its successors and assigns to develop and maintain the property described hereon in accordance and compliance with this approved Site Improvement Plan and the Douglas County Zoning Resolution.

BP Projects North America, Inc. P/O/A America Co.
(PRINT CORPORATION/LLC NAME)

BY: James Don Lillis
TITLE: VEP - ESTATE DEVELOPMENT MGR.
DATE: 12-7-01

ATTEST:
SECRETARY _____

The foregoing instrument was acknowledged before me this 7th day of Dec, 2001 by _____ as Secretary of _____ a _____ and _____ as Secretary of _____ a _____ L.L.C.

Witness my hand and official seal.

My commission expires: _____
Marcelle R. Jackson
Notary Public

Label	Avg	Max	Min	Avg/Min	Max/Min
CANOPY	15.86	20.0	9.9	1.60	2.02
INSIDE CURB	3.48	12.5	0.0	0.00	0.00

Maintained Footcandle levels at grade, using a .72 Total Light Loss Factor.

Symbol	Qty	Label	Arrangement	Lumens	LLF	Description	Total Watts
■	22	B	SINGLE	12400	0.720	SCF-S-175-PSMV-C73	215
■	6	C	SINGLE	36000	0.720	CHH-FT-400-MHR-F-HSS 4S0B0-S11G-20-S-4BC	458
■	8	D	SINGLE	890	1.000	60 WATT INC HALO FIXTURE	60
■	8	E	SINGLE	8500	0.720	CASB-100-MH	129
■	2	G	SINGLE	12800	0.720	CHWS-FT-175-MH	215
■	4	H	SINGLE	8000	0.720	BVRG-IL-100-MH-CP-GBG	129

- NOTES:**
- SIP IMPROVEMENTS CONSTRUCTED IN THE PUBLIC RIGHT-OF-WAY SHALL BE OWNED BY DOUGLAS COUNTY, EXCEPT THAT THE MAINTENANCE OF CURB, GUTTER, SIDEWALK, CROSSPANS, AND PAVEMENT WITHIN THE ACCESS TO THE SITE SHALL REMAIN WITH THE DEVELOPER/OWNER.
 - THE OWNER, ITS SUCCESSORS AND ASSIGNS SHALL PERFORM LIGHT REMEDIATION AS MAY BE REQUIRED BY DOUGLAS COUNTY, BASE UPON SITE VISITATION. SUCH REMEDIATION SHALL OCCUR PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY AND MAY INCLUDE BUT NOT BE LIMITED TO:
 - THE REPOSITIONING OF FIXTURES
 - THE ADDITION OF EXTERNAL SHIELDS/LOUVERS
 - RE-AIMING OF FIXTURES

CALL UTILITY NOTIFICATION
CENTER OF COLORADO
1-800-922-1987



CLIENT:

28100 TORCH PARKWAY
WARRENVILLE, ILLINOIS 60555

ALLIANCE PROJECT MANAGER and AUTHORIZED AGENT:

801 WARRENVILLE ROAD - SUITE 6000
LISLE, ILLINOIS 60532-5206

ALLIANCE ENGINEERING CONSULTING:

Farnsworth GROUP

ENGINEERS
ARCHITECTS
SURVEYORS
SCIENTISTS

2696 South Colorado Boulevard
Suite 250
Denver, Colorado 80222
303/692-8838, 303/692-0470 fax
www.f-w.com

AVANTI / BENCHMARK / DOUGAN
FARNSWORTH & FOLK / FARNSWORTH & WYLLIE
MASSIMIANI / NETE AVANTI / WISCHMEYER

NO.	DATE	REVISION DESCRIPTION
4	11/21/01	PER DOUGLAS COUNTY COMMENTS
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1	4/13/01	PER DOUGLAS COUNTY COMMENTS

PREPARED UNDER THE DIRECT SUPERVISION OF:

BRYANT S. LEHR, P.E. (33632)
FOR AND ON BEHALF OF FARNSWORTH GROUP

DEVELOPMENT INFORMATION:

NEW BUILD (STICK-BUILD)
4200 SERIES HARMONY WITH
WILD BEAN CAFE
CAR WASH & 8 MPD
DOMINO CANOPY (W/DIESEL)

SITE ADDRESS:

7610 DEBBIE LANE
DEBBIE LN & CASTLE PINES PKWY
DOUGLAS COUNTY, CO

SS#14626

SCALE: AS SHOWN **ALLIANCE ZONE:** VPM

DATE: 12-22-00 **BP REF:** DLL

DESIGNED BY: PTB **ALLIANCE PK:** WDH

DRAWN BY: DFC **FILE NAME:** 7115SIP1-D

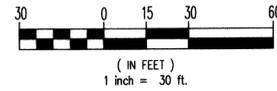
CHECKED BY: BSL

DRAWING TITLE:

LIGHTING PLAN

SHEET NO.:

5 OF 15



CHARTER OAKS, 5th AMENDMENT, TRACTS B-1 AND B-2

NE 1/4 of SECTION 3, T7S, R67W, of the 6th P.M., DOUGLAS COUNTY, CO
1.686 ACRES
SITE IMPROVEMENT PLAN - SP00-012

CALL UTILITY NOTIFICATION
CENTER OF COLORADO
1-800-922-1987

CALL 2 BUSINESS DAYS IN ADVANCE
BEFORE YOU DIG, GRADE OR EXCAVATE
FOR THE MARKING OF UNDERGROUND
MEMBER UTILITIES.

CLIENT: **bp**
28100 TORCH PARKWAY
WARRENVILLE, ILLINOIS 60555
ALLIANCE PROJECT MANAGER and AUTHORIZED AGENT:

Bovis
Land Lease
801 WARRENVILLE ROAD - SUITE 6000
Lisle, ILLINOIS 60532-5206

ALLIANCE ENGINEERING CONSULTANT:
Farnsworth
GROUP
ENGINEERS
ARCHITECTS
SURVEYORS
SCIENTISTS
2696 South Colorado Boulevard
Suite 250
Denver, Colorado 80222
303/692-8838, 303/692-0470 fax
www.f-w.com

APPROVAL CERTIFICATE

THIS SITE IMPROVEMENT PLAN HAS BEEN REVIEWED AND FOUND TO BE COMPLETE AND IN ACCORDANCE WITH DOUGLAS COUNTY REGULATIONS.

Engineering Division: *James Herman* Date: *12/18/01*
Planning Division: *B. Allen* Date: *12/18/01*

* Building permits pursuant to this Site Improvement Plan shall NOT be issued after three years from date of site plan approval (Phase 1), as noted herein. Failure to obtain a building permit in the 3-year period after approval of Phase 1, shall cause the unbuild portion of this plan to be null and void.

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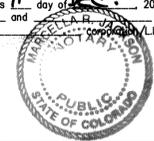
* Signs shown herein are NOT approved. All signs require approval of a sign permit in accordance with Section 29 of the Douglas County Zoning Resolution.

The undersigned as the owner or owner's representative of the lands described herein, hereby agree on behalf of itself and its successors and assigns to develop and maintain the property described herein in accordance and compliance with this approved Site Improvement Plan and the Douglas County Zoning Resolution.

BP PRODUCTS NORTH AMERICA, Inc. / F/W/A Douglas Co. C.
(PRINT CORPORATION/LLC NAME)
BY: *Dan Lillis*
TITLE: *VP. SITE DEVELOPMENT MGR.*
DATE: *12-7-01*

ATTEST:
SECRETARY: _____
The foregoing instrument was acknowledged before me this *17* day of *Dec.*, 2001 by Secretary of _____ as _____ and _____ as _____, all of _____, LLC.

Witness my hand and official seal.
My commission expires: _____
Notary Public: *Maureen P. Jackson*



NO.	DATE	REVISION DESCRIPTION
5	11/21/01	PER DOUGLAS COUNTY COMMENTS
4	10/15/01	PER DOUGLAS COUNTY COMMENTS
3	7/17/01	REVISED BASED
2	6/27/01	REVISED GRADING BASED ON COUNTY ROAD PROJECT
1	4/13/01	PER DOUGLAS COUNTY COMMENTS

PREPARED UNDER THE DIRECT SUPERVISION OF:
BRYANT S. LEHR, P.E. (33632)
FOR AND ON BEHALF OF FARNSWORTH GROUP

ITEM	SQUARE FOOTAGE	% OF GROSS SITE
GROSS SITE AREA	73,450	100
• BUILDING FOOTPRINTS	5,192	7
• PARKING/ROADS (INCLUDING PLANTED INTERIOR PARKING ISLANDS)	44,342	60
HARDSCAPE TOTAL	49,534	67
• PLANTED AREA (EXCLUDING PLANTED INTERIOR PARKING ISLANDS)	23,916	33
• EXISTING VEGETATION	0	0
LANDSCAPE TOTAL (INCLUDING TRAILS/WALKS)	23,916	33

ITEM	SQUARE FOOTAGE
BUILDING SIZE (FOOD SHOP)	4,224 SQ. FT. TOTAL
CAR WASH	968 SQ. FT. TOTAL
REQUIRED PARKING	
1 PER EMPLOYEE ON MAX SHIFT = 4	
1 PER 250 SQ. FT. C-STORE = 17	
2 PER PUMP ISLAND = 16	
TOTAL REQUIRED = 37	
PROVIDED PARKING	
STANDARD SPACES = 21	
HANDICAP SPACES = 1	
PUMP SPACES = 16	
TOTAL PROVIDED = 38	

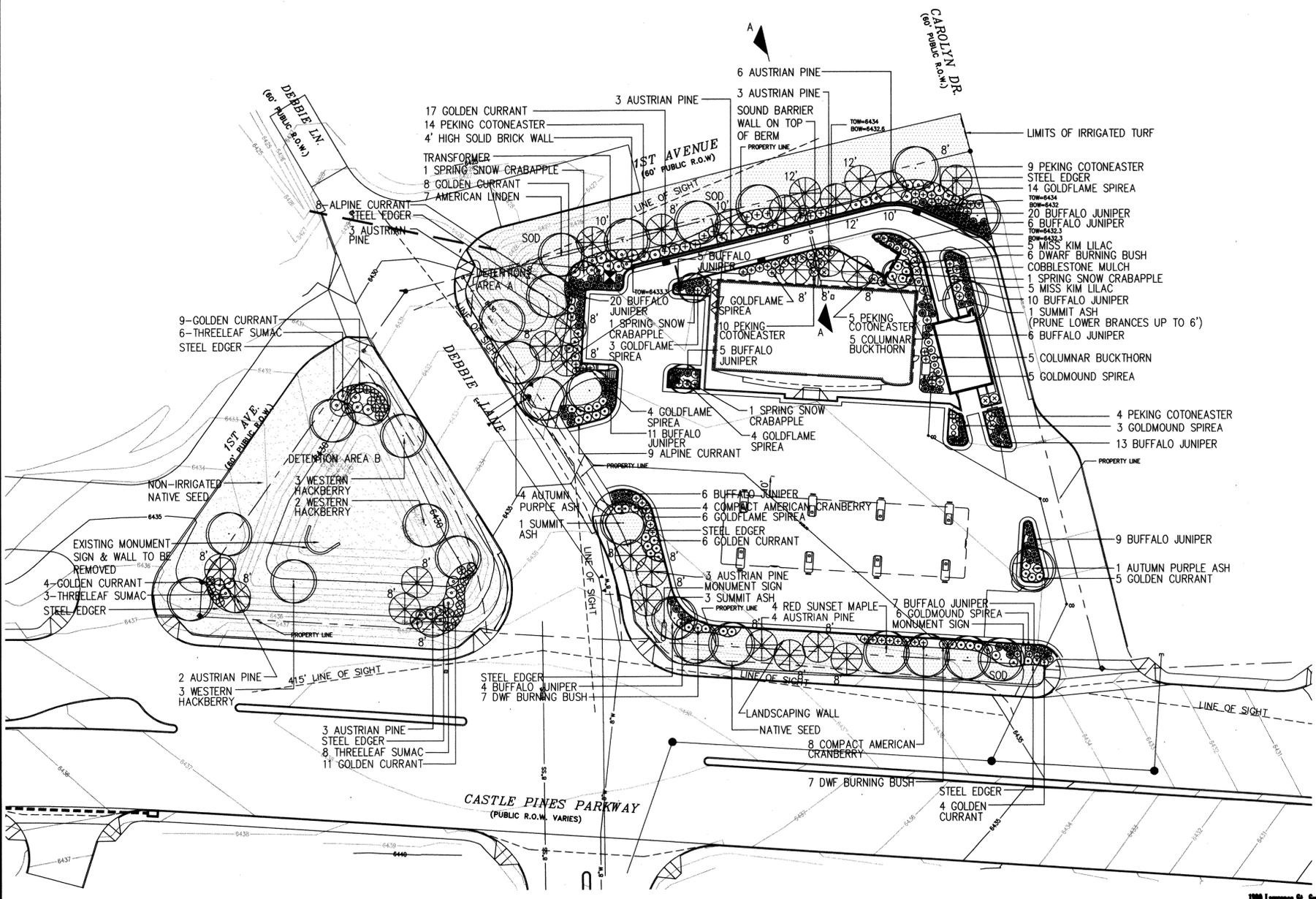
DEVELOPMENT INFORMATION:
NEW BUILD (STICK-BUILD)
4200 SERIES HARMONY WITH
WILD BEAN CAFE
CAR WASH & 8 MPD
DOMINO CANOPY (W/DIESEL)

SITE ADDRESS:
7610 DEBBIE LANE
DEBBIE LN & CASTLE PINES PKWY
DOUGLAS COUNTY, CO
SS#14626

SCALE: AS SHOWN	ALLIANCE ZONE: VPM
DATE: 12-22-00	BP REF: DLL
DESIGNED BY: MW	ALLIANCE PM: WDH
DRAWN BY: MAG	FILE NAME: AMC-CASTLE-101501
CHECKED BY: MW	

DRAWING TITLE:
LANDSCAPE PLAN

SHEET NO:
7 OF 15



THIS DRAWING REFLECTS THAT CASTLE PINES PARKWAY & DEBBIE LANE EXTENSION ARE BUILT AS PROPOSED BY DOUGLAS COUNTY. FUTURE REVISIONS WILL BE UPDATED WITH CURRENT INFORMATION FOR THE STREET IMPROVEMENT PROJECT

1390 Lawrence St., Suite 100, Denver, CO 80202
d h m design
corporation
Site Design, Land Planning
& Landscape Architecture
PHONE: 303-692-8838
FAX: 303-692-0470

XRef Files: EXIST > ..\exist.dwg | BASE > ..\base.dwg | DATE: 11/21/2001 | Time: 15:31
 | kcurry | W:\p\97119\harmony\sp\submit\5th\dm\AMC-CASTLE-101501.DWG |

CHARTER OAKS, 5th AMENDMENT, TRACTS B-1 AND B-2

NE 1/4 of SECTION 3, T7S, R67W, of the 6th P.M., DOUGLAS COUNTY, CO

1.686 ACRES

SITE IMPROVEMENT PLAN - SP00-012

3390 Lawrence St., Suite 100, Denver, CO 80202



corporation
Site Design, Land Planning
& Landscape Architecture
Phone: 303-441-1000
Fax: 303-441-0001



28100 TORCH PARKWAY
WARRENVILLE, ILLINOIS 60555

ALLIANCE PROJECT MANAGER and AUTHORIZED AGENT



801 WARRENVILLE ROAD - SUITE 6000
LISLE, ILLINOIS 60532-5206

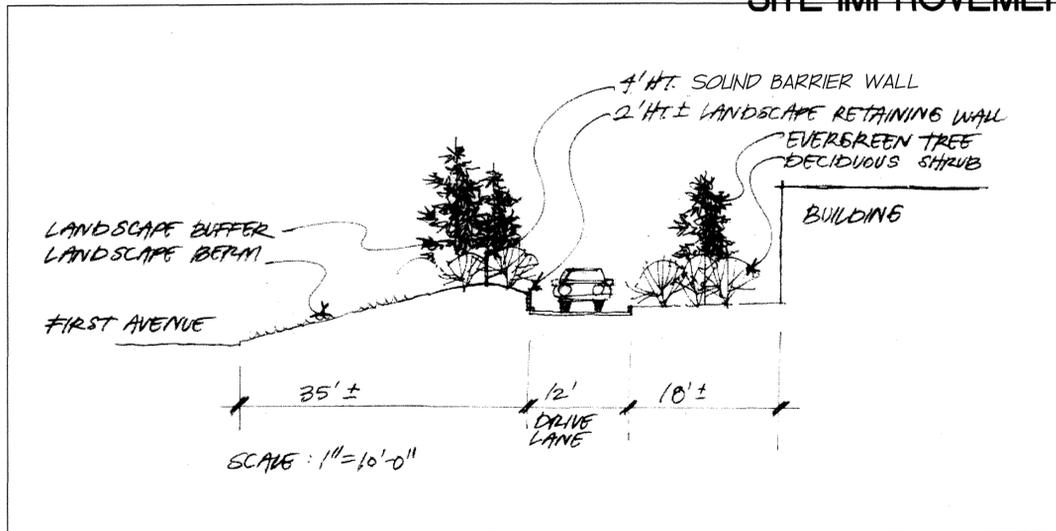
ALLIANCE ENGINEERING CONSULTING



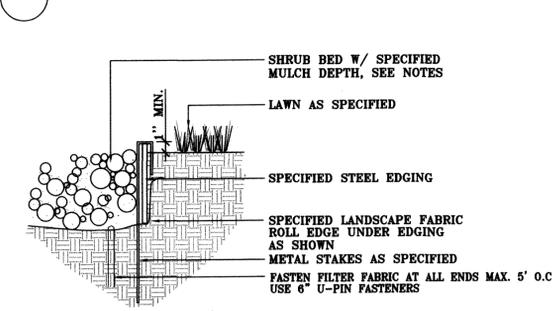
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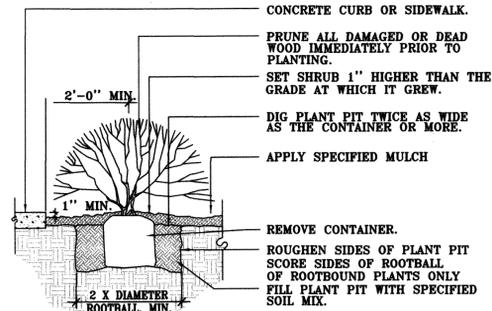
SECTION A-A THRU LANDSCAPE BERM



- NOTES:
- 1) SET ALL EDGING 1" ABOVE FINISH GRADE AS SHOWN.
 - 2) EDGING SHALL ADJUT ALL CONCRETE CURBS AND WALKS PERPENDICULAR, AND FLUSH W/ GRADES OF CONCRETE.
 - 3) ALL JOINTS TO BE SECURELY STAKED.
 - 4) CONTRACTOR SHALL CUT TOP EDGE(S) AS NEEDED TO BE PARALLEL WITH GRADE.

STEEL EDGER

NOT TO SCALE



- NOTE: ANY BROKEN OR CRUMBLING ROOTBALL WILL BE REJECTED. REMOVING THE CONTAINERS WILL NOT BE AN EXCUSE FOR DAMAGED ROOTBALLS.
- NOTE: HOLD GRADE 1" BELOW EDGE OF WALK OR CURB

SHRUB PLANTING

NOT TO SCALE

CALL UTILITY NOTIFICATION
CENTER OF COLORADO
1-800-922-1987

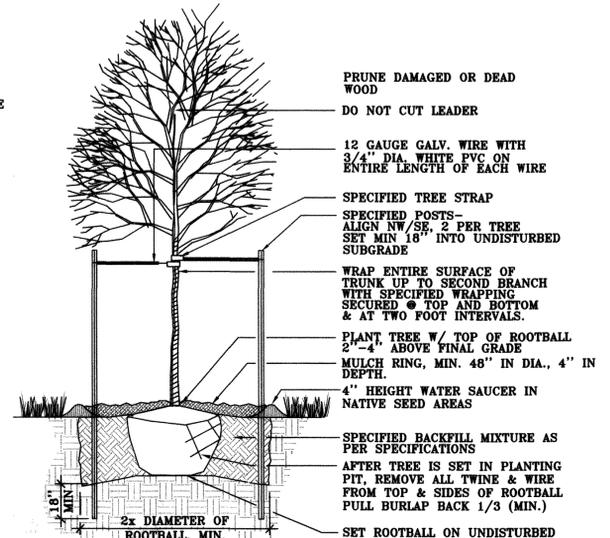
CALL 2 BUSINESS DAYS IN ADVANCE BEFORE YOU DIG, GRADE OR EXCAVATE FOR THE MARKING OF UNDERGROUND MEMBER UTILITIES.



1. INSTALL SPECIFIED MULCH TO DRIPLINE OF TREE WHERE PLANTED IN LAWN AREAS.
2. DO NOT PROVIDE WATER BASIN IN IRRIGATED LAWN / SHRUB BED AREAS.

EVERGREEN TREE PLANTING

NOT TO SCALE



DECIDUOUS TREE PLANTING

NOT TO SCALE

NOTE: DO NOT PROVIDE WATER BASIN IN IRRIGATED LAWN / SHRUB BED AREAS.

LANDSCAPE NOTES:

1. THE TURF AREAS SHALL BE SODDED WITH BLUEGRASS BLEND INCORPORATING DROUGHT TOLERANT VARIETIES. THE TURF AREAS, AS WELL AS SHRUB BEDS SHALL BE ROTOTILLED WITH NITROLIZED ASPEN HUMUS AT THE RATE OF 3 CUBIC YARDS PER 1,000 SQUARE FEET. THIS PREPARATION SHALL BE THOROUGHLY INCORPORATED INTO THE TOP 6" OF SOIL.
2. ALL SHRUB BEDS ARE TO BE MULCHED WITH SPECIFIED GRAVEL MULCH AT A MINIMUM DEPTH OF 3 INCHES OVER FILTER FABRIC.
3. ALL LANDSCAPE AREAS WILL BE WATERED BY AN UNDERGROUND AUTOMATIC IRRIGATION SYSTEM. ALL TURF AREAS LESS THAN 25' WILL HAVE A POP-UP SPRAY SYSTEM AND ALL TURF AREAS GREATER THAN 25' WILL HAVE A ROTARY POP-UP SYSTEM PROVIDING HEAD TO HEAD COVERAGE. ALL SHRUB BEDS WILL HAVE FULL COVERAGE WITH DRIP OR POP-UP HEADS.
4. NON-IRRIGATED SEED SHALL BE DOUGLAS COUNTY PERENNIAL DRYLAND NATIVE SEED MIX.
5. A TEMPORARY IRRIGATION DRIPLINE SHALL BE PROVIDED TO ALL TREES WITHIN NATIVE SEED.
6. COBBLESTONE MULCH TO BE 6" TO 8" DIA. COBBLES HANDSET OVER FILTER FABRIC.

NATIVE SEED MIX

DOUGLAS COUNTY MIX AS SUPPLIED BY ARKANSAS VALLEY SEEDS COMPANY
4625 COLORADO BLVD., DENVER, CO 80216 (303) 320-7500

SEED SPECIES/ VARIETIES	Pounds of PLS/Acre IN MIX
CRESTED WHEATGRASS	3.0
ANNUAL RYE GRASS	3.0
SLENDER WHEATGRASS	3.0
SIDEOTS GRAMA	2.0
PUBESCENT WHEATGRASS	2.0
CANADA BLUEGRASS	2.0
HARD FESCUE, DURAR	2.0
YELLOW INDIANGRASS	1.0
BLUE GRAMA	1.0
SWITCHGRASS	1.0
TOTAL PLS/AcreLBS/Acre	20.0

LANDSCAPE LIST

QTY	BOTANICAL NAME	COMMON NAME	SIZE	NOTES
FUTURE PROP. Evergreen Trees				
24	<i>Pinus nigra</i>	Austrian Pine	8"-12" ht.	Full form, B&B, guyed
Evergreen Shrubs				
107	<i>Juniperus sibirica</i> 'Buffalo'	Buffalo Juniper	5 gal.	Container 18"-24" spread
Deciduous Trees				
7	<i>Tilia americana</i>	American Linden	2 1/2" cal.	Specimen Quality, B&B guyed
4	<i>Acer rubrum</i> 'Red Sunset'	Red Sunset Maple	2 1/2" cal.	Specimen Quality, B&B guyed
6	<i>Fraxinus americana</i> 'Autumn Purple'	Autumn Purple Ash	2 1/2" cal.	Specimen Quality, B&B guyed
6	<i>Fraxinus pennsylvanica</i> 'Summit'	Summit Ash	2 1/2" cal.	Specimen Quality, B&B guyed
4	<i>Malus spp.</i> 'Spring Snow'	Spring Snow Crabapple	1 1/2" cal.	Specimen Quality, B&B guyed
8	<i>Celtis occidentalis</i>	Western Hackberry	2 1/2" cal.	Specimen Quality, B&B guyed
Deciduous Shrubs				
17	<i>Ribes trilobata</i>	Three Leaf Sumac	5 gal.	Container, 5 calcs min., 18"-24" ht.
42	<i>Cotoneaster bodnei</i>	Peking Cotoneaster	5 gal.	Container, 5 calcs min., 18"-24" ht.
20	<i>Spiraea alata compacta</i>	Swart Burning Bush	5 gal.	Container, 5 calcs min., 18"-24" ht.
10	<i>Ribes fruticosum edmonstonei</i>	Common Buckthorn	5 gal.	Container, 5 calcs min., 18"-24" ht.
28	<i>Spiraea lanceolata</i> 'Goldflame'	Goldflame Spirea	5 gal.	Container, 5 calcs min., 24" ht. Min.
16	<i>Spiraea lanceolata</i> 'Goldmead'	Goldmead Spirea	5 gal.	Container, 5 calcs min., 24" ht. Min.
64	<i>Ribes aureum</i>	Golden Currant	5 gal.	Container, 5 calcs min., 18"-24" ht.
10	<i>Syringa patula</i>	Miss Kim Lilac	5 gal.	Container, 5 calcs min., 18"-24" ht.
17	<i>Ribes alpinum</i>	Alpine Currant	5 gal.	Container, 5 calcs min., 24" ht. Min.
12	<i>Viburnum trilobum compactum</i>	Compact American Cranberry	5 gal.	Container, 5 calcs min., 24" ht. Min.

Landscape shall be planted and maintained in a neat, clean and healthy condition by the owner. This shall include proper pruning, weeding, watering, removal of litter, and the regular watering of all plantings. Should any plants die, the owner, successor, or assignee shall be responsible for the replacement of plant(s) within one planting season. Replacement of plant material shall occur at the following rates:

TYPE	PLANT REPLACEMENT WITHIN		
	1 year	2-5 years	6+ years
Deciduous Tree	Increase caliper by 1"	Increase caliper by 1.5"	Increase caliper by 1 1/2", plus increase qty. by 2 (orig. size)
Coniferous Tree	Increase ht. by 2'	Increase ht. by 2'. Plus increase qty. by 1 (orig. size)	Increase ht. by 2' (orig. size), plus increase qty. by 2 (orig. size)
Shrubs	Increase qty. by 2 (orig. size)	Increase qty. by 4 (orig. size)	Increase qty. by 12 (orig. size)

Additional replacement shall be in conformance with the landscape material species requirements set forth by this plan or alternative material species acceptable to the Douglas County Board Coordinator.

APPROVAL CERTIFICATE

THIS SITE IMPROVEMENT PLAN HAS BEEN REVIEWED AND FOUND TO BE COMPLETE AND IN ACCORDANCE WITH DOUGLAS COUNTY REGULATIONS.

Engineering Division: *[Signature]* Date: 12/11/01

Planning Division: *[Signature]* Date: 12/13/01

* Building permits pursuant to this Site Improvement Plan shall NOT be issued after three years from date of site plan approval (Phase 1), as noted hereon. Failure to obtain a building permit in the 3-year period after approval of Phase 1, shall cause the unbuild portion of this plan to be null and void.

* Approval of site construction drawings by Douglas County Engineering shall be required (as applicable) prior to issuance of building permits.

* Signs shown hereon are NOT approved. All signs require approval of a sign permit in accordance with Section 29 of the Douglas County Zoning Resolution.

The undersigned as the owner or owner's representative of the lands described herein, hereby agree on behalf of itself and its successors and assigns to develop and maintain the property described hereon in accordance and compliance with this approved Site Improvement Plan and the Douglas County Zoning Resolution.

[Signature] *[Signature]* *[Signature]*

BY: *[Signature]* DAN LULLS
TITLE: REAL ESTATE DEVELOPMENT MGR.
DATE: 12-7-01

ATTEST:

SECRETARY

The foregoing instrument was acknowledged before me this 7th day of DEC, 2001 by *[Signature]* as Secretary of *[Signature]* Corporation/LLC.

Witness my hand and official seal.

My commission expires: *[Signature]*

Notary Public

BRYANT S. LEHR, P.E. (33632)
FOR AND ON BEHALF OF FARNSWORTH GROUP

NEW BUILD (STICK-BUILD)

4200 SERIES HARMONY WITH
WILD BEAN CAFE
CAR WASH & 8 MPD
DOMINO CANOPY (W/DIESEL)

SITE ADDRESS:

7610 DEBBIE LANE
DEBBIE LN & CASTLE PINES PKWY
DOUGLAS COUNTY, CO

SS#14626

SCALE: AS SHOWN ALLIANCE ZONING: VPM
DATE: 12-22-00 BP PERM: DLL
DESIGNED BY: MW ALLIANCE PM: WDH
DRAWN BY: MAG FILE NAME: detail-sheet10-15-01
CHECKED BY: MW

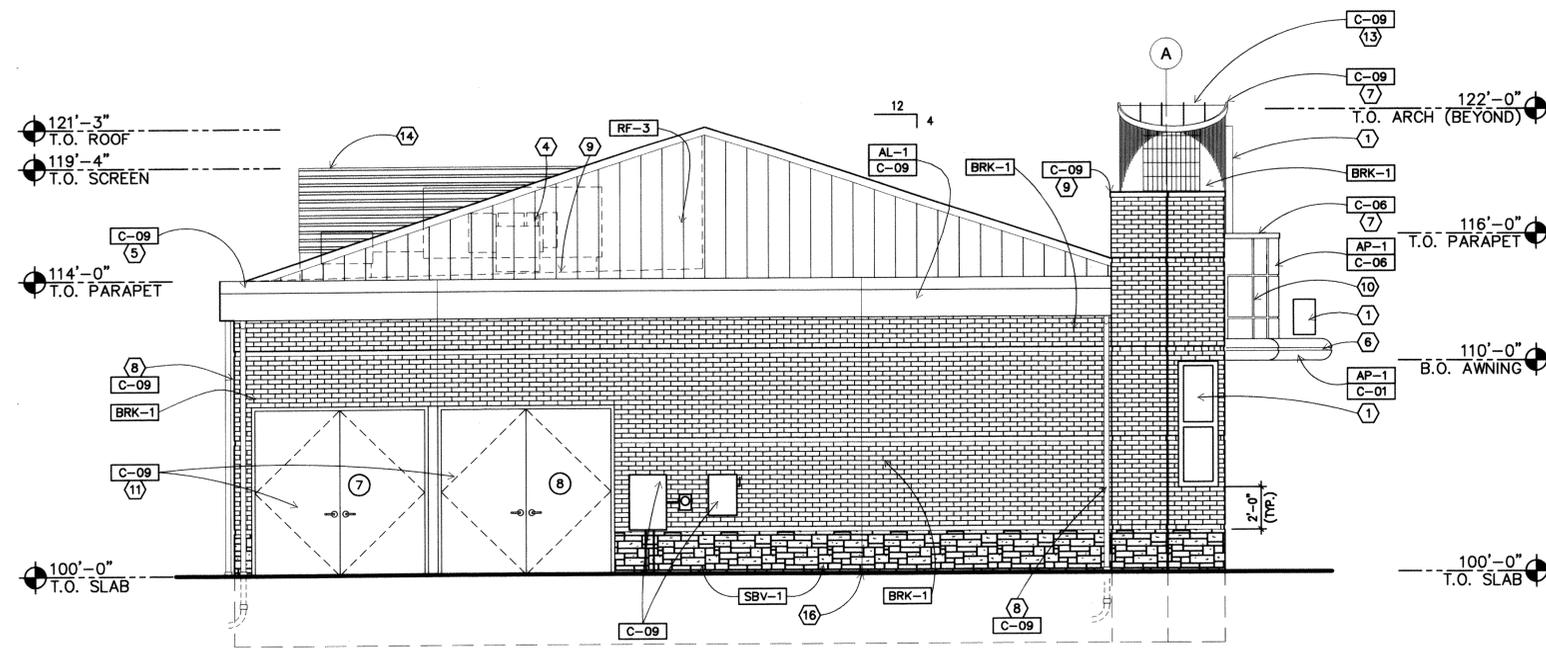
DRAWING TITLE:

DETAILS SHEET

SHEET NO:

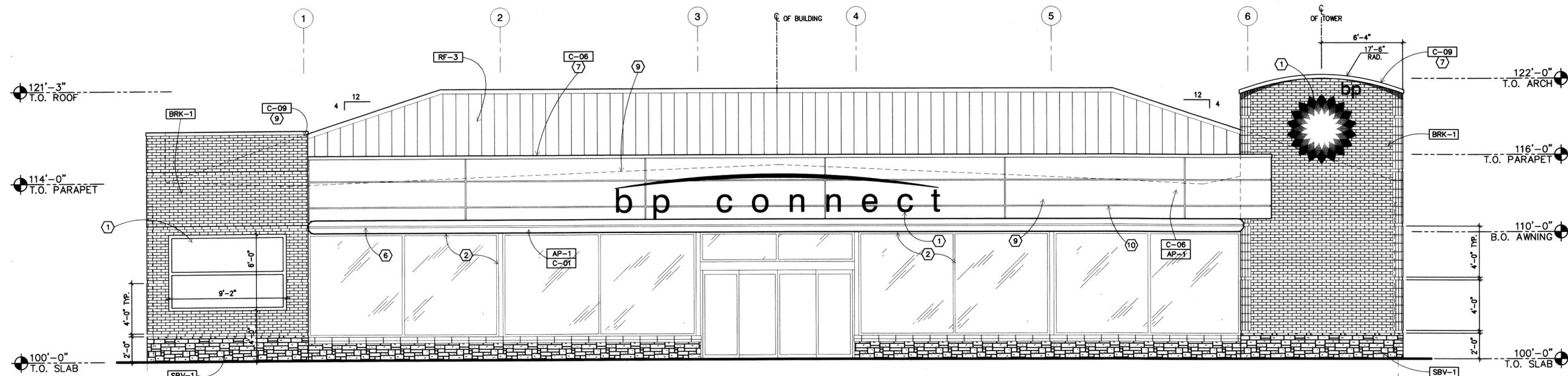
8 OF 15

CHAPTER OAKS 5th AMENDMENT TRACTS B:1 & B:2
 NE 1/4 SECTION 3, T7S, R67W OF THE 6th P.M.
 1.686 ACRES
 SITE IMPROVEMENT PLAN - SPOO-012



01 LEFT ELEVATION
 A.2.1 SCALE: 1/4"=1'-0"
 1/2"=2'-1"

NOTE: BUILDING SIGNS ARE SHOWN FOR ILLUSTRATIVE PURPOSES ONLY. ACTUAL SIGN TEXT & SIZE TO BE DETERMINED PRIOR TO SIGN PERMIT APPLICATION SUBMITTAL.



02 FRONT ELEVATION
 A.2.1 SCALE: 1/4"=1'-0"
 1/2"=2'-1"

GENERAL NOTES:

A. REVEAL LOCATIONS SHOWN ARE TO BE MATCHED AS CLOSELY AS POSSIBLE. SOME VARIATION DUE TO PRODUCT LIMITATIONS WILL BE ACCEPTABLE.

KEYED NOTES:

- 1 SIGNAGE BY SIGN CONTRACTOR.
- 2 KAWNEER TR-FAB 450 ALUMINUM STOREFRONT SYSTEM. C-07
- 3 EXTERIOR LIGHT.
- 4 ROOF TOP MECHANICAL UNITS
- 5 CONTINUOUS INTERGRAL GUTTER BY METAL-ERA C-09
- 6 L.E.D. LIGHT C-02
- 7 PREFABRICATED CONTINUOUS NAILED RIDGE, REFER TO ROOF PLAN.
- 8 4" DIA. GALVANIZED STEEL DOWNSPOUT C-09
- 9 APPROXIMATE ROOF LINE
- 10 1" REVEALS IN FINISH TYPICAL.
- 11 FINISH DOOR AND FRAME AS NOTED
- 12 OPEN.
- 13 RADIUS STANDING SEAM METAL ROOFING, REFER TO ROOF PLAN.
- 14 EQUIPMENT SCREEN. MEDIUM BRONZE
- 15 EQUIPMENT SCREEN GATE. MEDIUM BRONZE
- 16 MASONRY EXP. JT. WITH JT. FILLER.
- 17 FASCIA PANEL BUTT JT. LOCATION- PROVIDE 1/4" GAP AND 4" STIP PANEL UNDER FASCIA PANEL.

APPROVAL CERTIFICATE

THIS SITE IMPROVEMENT PLAN HAS BEEN REVIEWED AND FOUND TO BE COMPLETE AND IN ACCORDANCE WITH DOUGLAS COUNTY REGULATIONS.

Engineering Division: *Janet Johnson* 12/11/01
 Planning Division: *B. Allen* 12/13/01

* Building permits pursuant to this Site Improvement Plan shall NOT be issued after three years from date of site plan approval (Phase 1), as noted hereon. Failure to obtain a building permit in the 3-year period after approval of Phase 1, shall cause the unbuild portion of this plan to be null and void.

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* Signs shown hereon are NOT approved. All signs require approval of a sign permit in accordance with Section 29 of the Douglas County Zoning Resolution.

The undersigned as the owner or owner's representative of the lands described herein, hereby agree on behalf of itself and its successors and assigns to develop and maintain the property described hereon in accordance and compliance with this approved Site Improvement Plan and the Douglas County Zoning Resolution.

BP Products of North America, Inc. FKA/Amoco Oil
 (PRINT CORPORATION/LLC NAME)
 BY: *Janis Ann Lillis*
 TITLE: Real Estate Development Mgr.
 DATE: 12/13/01

ATTEST:

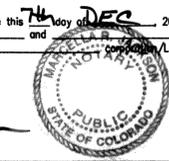
SECRETARY

The foregoing instrument was acknowledged before me this 7th day of DEC 2001 by _____ as _____ and _____ as _____ Secretary of _____ a _____ L.L.C.

Witness my hand and official seal.

My commission expires:

Marcella R. Jackson
 Notary Public

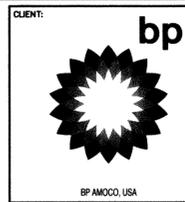


EXTERIOR FINISHES

- AP-1 ALUMINUM PANEL SYSTEM WITH 1" REVEAL TYPICAL
 - AL-1 ALUM. FASCIA PANEL OVER 3/4" PLYWOOD. PROVIDE 4" LAP PANELS UNDER FASCIA PANELS AT LAP JOINTS.
 - BRK-1 ROBINSON BRICK COMPANY, "OLD DOVER GREY".
 ALTERNATE 1: NONE
 ALTERNATE 2: NONE
 - SBV-1 BASE BID: CULTURED STONE BASE, ROBINSON BRICK COMPANY, CHARDONWAY LIMESTONE #CSV-2045.
 ALTERNATE 1: NONE
 ALTERNATE 2: NONE
 - RF-3 BASE BID: STANDING SEAM METAL ROOFING OVER (2) LAYERS RED ROBIN PAPER (STAGGER SEAMS), MEDIUM BRONZE.
 ALTERNATE 1: NONE
 ALTERNATE 2: NONE
- EXTERIOR PAINTS
- C-01 COLOR: YELLOW
 FINISH COATING: PMS 109C - SATIN FINISH
 - C-02 COLOR: LIGHT GREEN
 FINISH COATING: PMS 368C - SATIN FINISH
 - C-03 COLOR: GREEN
 FINISH COATING: PMS 355C - SATIN FINISH
 - C-04 MCCI SIGNATURE 300
 "CLASSIC GREEN"
 - C-05 COLOR: PEARLESCENT WHITE
 FINISH COATING: SATIN FINISH
 - C-06 COLOR: BP GREEN
 FINISH COATING: PMS 348C - SATIN FINISH
 - C-07 COLOR: CLEAR ANODIZED ALUMINUM FINISH
 - C-08 COLOR: WHITE
 FINISH COATING: SATIN FINISH
 - C-09 COLOR: CUSTOM MIX
 FIELD APPLIED COLOR TO MATCH BRK-1
 - C-10 COLOR: BLACK
 FINISH COATING: SATIN FINISH

IMPORTANT NOTE:

THE BUILDING ELEVATIONS SHOWN AND APPROVED HEREON ARE INTENDED TO DEMONSTRATE HVAC SCREENING IN COMPLIANCE WITH THE DOUGLAS COUNTY ZONING RESOLUTION. IT IS THE OWNER'S RESPONSIBILITY TO ENSURE THAT THE APPROVED SCREENING IS CONSTRUCTED IN ACCORDANCE WITH THESE PLANS, OR OTHER CIRCUMSTANCES. FAILURE TO PROVIDE APPROVED SCREENING MAY RESULT IN DELAYS IN SITE INSPECTIONS AND APPROVALS.



BP AMOCO, USA

ALLIANCE MANAGER, AGENT FOR BP:



200 EAST RANDOLPH DRIVE, MAIL CODE 6000
 CHICAGO, ILLINOIS 60601

NATIONAL SITE ADAPT CONSULTANT:



a strategic development partner

1201 Dublin Road
 Columbus, Ohio 43215-1026
 T 614.221.0840
 F 614.221.2484
 E inbox@wdpartners.com

wdpartners.com

NO. DATE REVISION DESCRIPTION

NO.	DATE	REVISION DESCRIPTION
1	11/21/01	PER DOUGLAS COUNTY COMMENTS

DEVELOPMENT INFORMATION:

STICK-BUILD (NEW)
 4200 SERIES HARMONY
 CENTER CASHIER
 WILD BEAN CAFE QSR
 NO DRIVE THRU

SITE ADDRESS:

7610 DEBBIE LANE,
 @ CASTLEPINES PARKWAY
 DOUGLAS CO., CO

RF# 14626

DESIGNED BY: ALLIANCE ZADM

CHECKED BY: BP REP/

DRAWN BY: ALLIANCE PM

VERSION: V02A PROJECT NO: 12.520

DATE: 06-22-01

DRAWING TITLE:

EXTERIOR ELEVATIONS

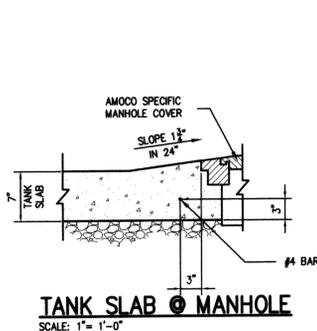
SHEET NO:

SB02
 9 of 15

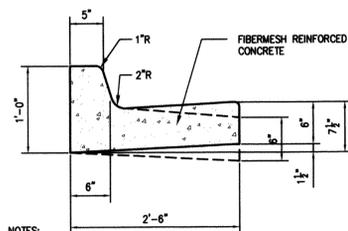
koury | W: | P: | 97119 | harmony | submittal | 5th | elevations | 10-16-01 | 520-A-2-1-FWDWG | DATE: 11/21/2001 | TIME: 15:38

CHARTER OAKS, 5th AMENDMENT, TRACTS B-1 AND B-2

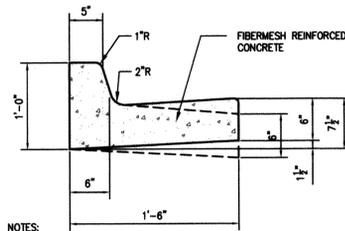
NE 1/4 of SECTION 3, T7S, R67W, of the 6th P.M, DOUGLAS COUNTY, CO
1686 ACRES
SITE IMPROVEMENT PLAN - SP00-012



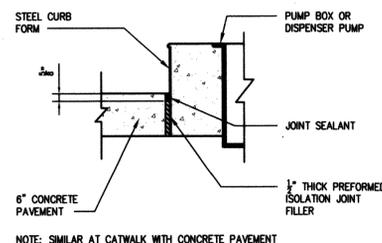
TANK SLAB & MANHOLE
SCALE: 1" = 1'-0"



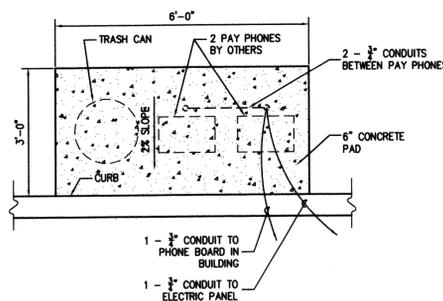
CONCRETE CURB & GUTTER (PUBLIC)
SCALE: 1" = 1'-0"



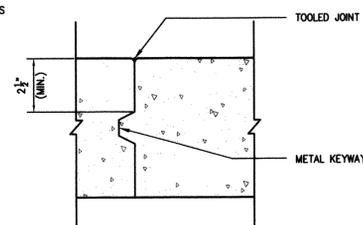
CONCRETE CURB & GUTTER (PRIVATE)
NOT TO SCALE



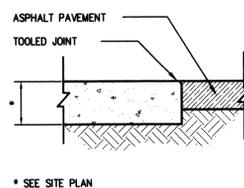
ISOLATION JOINT & ISLANDS
SCALE: 1" = 1'-0"



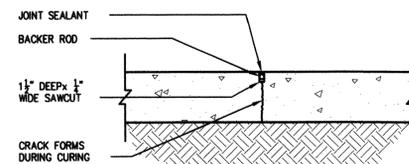
PAY PHONE PAD DETAIL
SCALE: 1/2" = 1'-0"



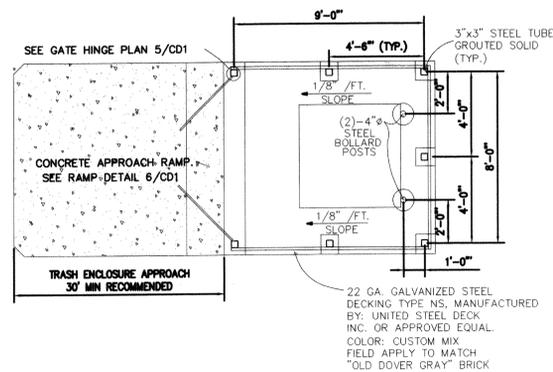
CONSTRUCTION JOINT
SCALE: 3/4" = 1'-0"



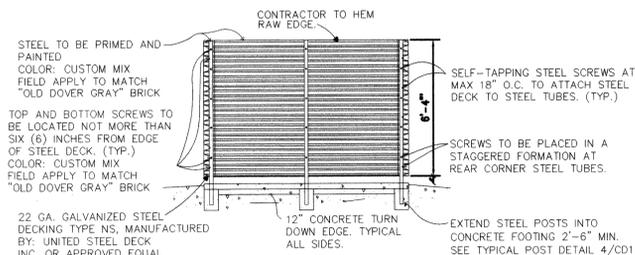
TERMINAL JOINT W/ ASPHALT PAV'T
SCALE: 1" = 1'-0"



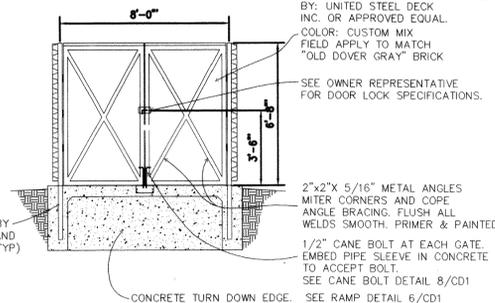
CONTRACTION JOINT
SCALE: 1" = 1'-0"



TRASH ENCLOSURE PLAN
SCALE: NONE



TRASH ENCLOSURE ELEVATION (INTERIOR)
SCALE: NONE



GATE ELEVATION
SCALE: NONE

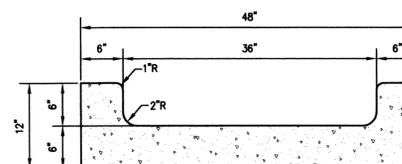
DETAILS

REFERENCES:

1. SEE AMOCO TANK AND PIPE DRAWINGS.

GENERAL NOTES:

- TANK SLAB SHALL COVER ENTIRE AREA OF TANK EXCAVATION.
- MAXIMUM SPACING OF CONTRACTION JOINTS SHALL BE 16'-0" UNLESS OTHERWISE INDICATED ON THIS DRAWING. MAXIMUM SPACING SHALL BE 10'-0", MAX. SIZE OF SLAB IS 16x16'
- SAWCUT CONTROL JOINTS NO SOONER THAN 4 HOURS AND NO LATER THAN 12 HOURS AFTER PLACEMENT. CLEAN JOINTS AND SEAL IMMEDIATELY.
- INSTALL JOINT SEALANT IN ALL JOINTS.
- MAXIMUM SPACING BETWEEN 1" EXPANSION JOINTS IN OPEN PAVED AREAS SHALL BE 75'.
- USE TOOLED JOINTS ON CATWALKS, DO NOT SAWCUT.
- TOOL SLAB EDGES, ISOLATION AND EXPANSION JOINTS AND ALL TERMINAL EDGES AT CONSTRUCTION.
- ALL CONCRETE SHALL BE 4000 PSI. UNLESS SPECIFIED OTHERWISE.
- SIP IMPROVEMENTS CONSTRUCTED IN THE PUBLIC RIGHT-OF-WAY SHALL BE OWNED BY DOUGLAS COUNTY, EXCEPT THAT THE MAINTENANCE OF CURB, GUTTER, SIDEWALK, CROSSSPAN, AND PAVEMENT WITHIN THE ACCESS TO THE SITE SHALL REMAIN WITH THE DEVELOPER/OWNER.



**SECTION B-B
CURB SPILL**
SCALE: NONE

NOTE:

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APPROVAL CERTIFICATE

THIS SITE IMPROVEMENT PLAN HAS BEEN REVIEWED AND FOUND TO BE COMPLETE AND IN ACCORDANCE WITH DOUGLAS COUNTY REGULATIONS.

Engineering Division: *James Herman* Date: *12/11/01*
Planning Division: *B. Hillen* Date: *12/13/01*

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* Signs shown hereon are NOT approved. All signs require approval of a sign permit in accordance with Section 29 of the Douglas County Zoning Resolution.

The undersigned as the owner or owner's representative, of the lands described herein, hereby agree on behalf of itself and its successors and assigns to develop and maintain the property described hereon in accordance and compliance with this approved Site Improvement Plan and the Douglas County Zoning Resolution.

BP Products of North America, Inc. FKA/A Amoco Oil
(PRINT CORPORATION/LLC NAME)

BY: *J. Dan Lillis*
TITLE: *Real Estate Development Mgr.*
DATE: *12/12/01*

ATTEST:

SECRETARY

The foregoing instrument was acknowledged before me this *7th* day of *December* 2001 by _____ as Secretary of _____ corporation/LLC.

Witness my hand and official seal.

My commission expires: _____

Marlene R. Jackson
Notary Public



CLIENT:



28100 TORCH PARKWAY
WARRENVILLE, ILLINOIS 60555

ALLIANCE PROJECT MANAGER and AUTHORIZED AGENT:



801 WARRENVILLE ROAD - SUITE 6000
LISLE, ILLINOIS 60532-4206

ALLIANCE ENGINEERING CONSULTANT:

Farnsworth
GROUP

ENGINEERS
ARCHITECTS
SURVEYORS
SCIENTISTS

2696 South Colorado Boulevard
Suite 250
Denver, Colorado 80222
303/692-8838, 303/692-0470 fax
www.f-w.com

AVANTI / BENCHMAK / DORGAN
FARNSWORTH & POLK / FARNSWORTH & WYLLIE
MASSMANN / NETT AVANTI / WISCHMEYER

NO.	DATE	REVISION DESCRIPTION
1	4/13/01	PER DOUGLAS COUNTY COMMENTS
2	10/15/01	PER DOUGLAS COUNTY COMMENTS

PREPARED UNDER THE DIRECT SUPERVISION OF:

BRYANT S. LEHR, P.E. (33632)
FOR AND ON BEHALF OF FARNSWORTH GROUP

DEVELOPMENT INFORMATION:

NEW BUILD (STICK-BUILD)

4200 SERIES HARMONY WITH
WILD BEAN CAFE
CAR WASH & 8 MPD
DOMINO CANOPY (W/DIESEL)

SITE ADDRESS:

7610 DEBBIE LANE
DEBBIE LN & CASTLE PINES PKWY
DOUGLAS COUNTY, CO

SS#14628

SCALE:	AS SHOWN	ALLIANCE 2800: VPM
DATE:	1-5-2001	BP REPA: DLL
DESIGNED BY:	PTB	ALLIANCE PM: WDH
DRAWN BY:	DFC	FILE NAME: 7119DET1-F
CHECKED BY:	BSL	

DRAWING TITLE:

DETAILS

SHEET NO:

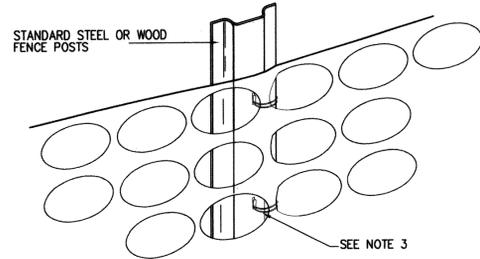
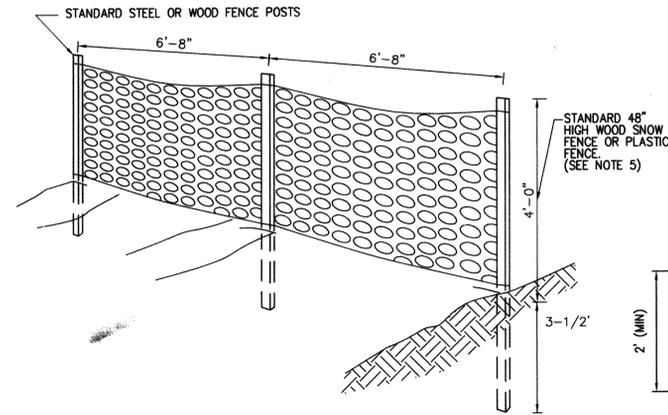
13 OF 15

CHARTER OAKS, 5th AMENDMENT, TRACTS B-1 AND B-2

NE 1/4 of SECTION 3, T7S, R67W, of the 6th P.M., DOUGLAS COUNTY, CO

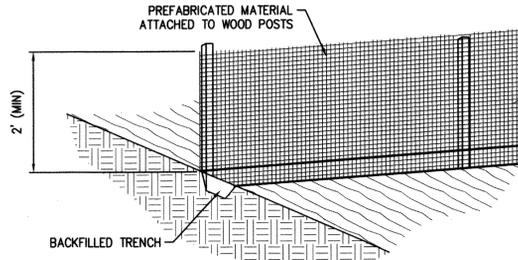
1.686 ACRES

SITE IMPROVEMENT PLAN - SP00-012

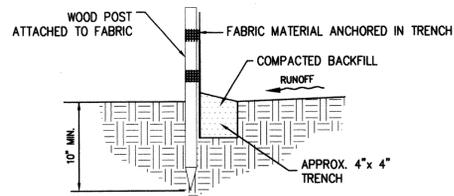


- NOTES:**
1. SPACE SUPPORT FENCE POSTS AT 6'-8" INTERVALS.
 2. DRIVE SUPPORT POSTS 3-1/2" INTO GROUND.
 3. FIRMLY FASTEN FENCE MATERIAL IN PLACE BY WIRING TO FENCE POST WHILE MAINTAINING TENSION ACROSS FULL HEIGHT OF FENCE. WIRING SHALL BE DONE IN A MANNER THAT WILL PREVENT SAGGING OF FENCE MATERIAL.
 4. PROVIDE PERIODIC INSPECTION AND MAINTENANCE OF FENCE INCLUDING REPAIRS AS NECESSARY AND REQUIRED.
 5. PLASTIC FENCE MATERIAL SHALL BE MORNING BARRIER FENCE COLOR-INTERNATIONAL GRANCE, AS MANUFACTURED BY ADPI ENTERPRISES, INC. OR APPROVED EQUAL.

CONSTRUCTION FENCE
NTS

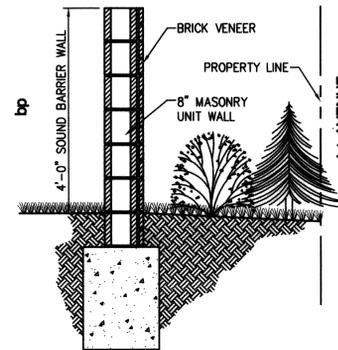


PERSPECTIVE VIEW

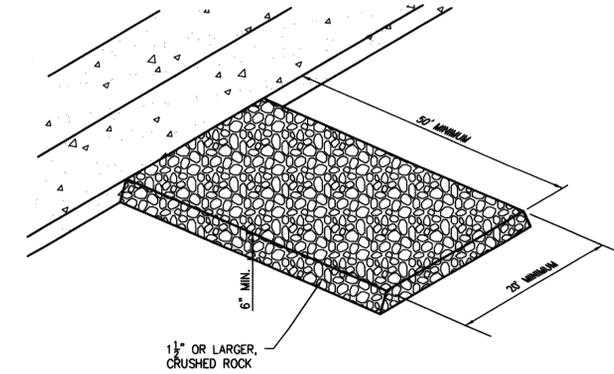


FINISHED SECTION

PREFABRICATED SILT FENCE INSTALLATION
NTS



4'-0" SOUND BARRIER WALL
NTS



NOTES:

1. ENTRY INTO, AND EXIT FROM, THE SITE BY ALL VEHICLES SHALL BE THROUGH A CONSTRUCTION STAGING AREA CONSISTING OF A CRUSHED ROCK PAD 50 FEET LONG (MINIMUM) AND 20 FEET WIDE (MINIMUM) WITH A THICKNESS OF AT LEAST SIX INCHES.
2. CRUSHED ROCK SHALL BE 1 1/2 INCHES OR LARGER.
3. THE CRUSHED ROCK STAGING AREA SHALL BE PLACE WITHIN ONE WEEK AFTER OVERLOT GRADING COMMENCES.

VEHICLE TRACKING CONTROL
N.T.S.

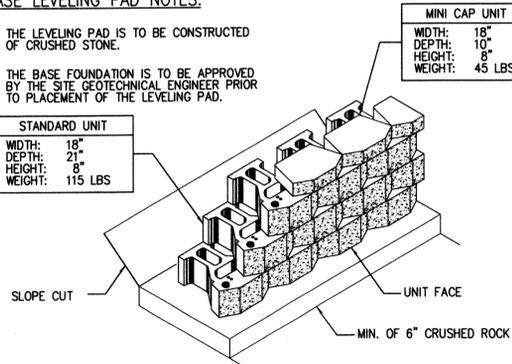
NOTE:

1. SIP IMPROVEMENTS CONSTRUCTED IN THE PUBLIC RIGHT-OF-WAY SHALL BE OWNED BY DOUGLAS COUNTY, EXCEPT THAT THE MAINTENANCE OF CURB, GUTTER, SIDEWALK, CROSSPANS, AND PAVEMENT WITHIN THE ACCESS TO THE SITE SHALL REMAIN WITH THE DEVELOPER/OWNER.

BASE LEVELING PAD NOTES:

1. THE LEVELING PAD IS TO BE CONSTRUCTED OF CRUSHED STONE.
2. THE BASE FOUNDATION IS TO BE APPROVED BY THE SITE GEOTECHNICAL ENGINEER PRIOR TO PLACEMENT OF THE LEVELING PAD.

STANDARD UNIT
WIDTH: 18"
DEPTH: 21"
HEIGHT: 8"
WEIGHT: 115 LBS

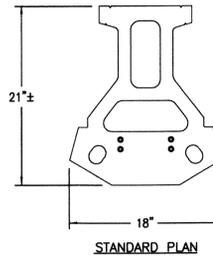


STANDARD UNIT/BASE PAD ISOMETRIC VIEW
NTS

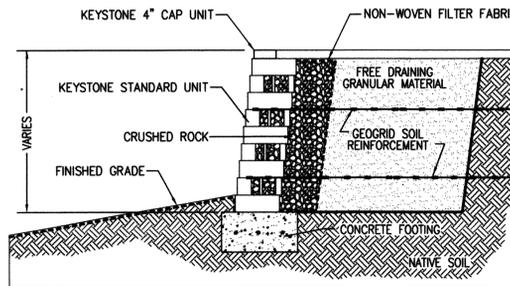
MINI CAP UNIT
WIDTH: 18"
DEPTH: 10"
HEIGHT: 8"
WEIGHT: 45 LBS



STANDARD ELEVATION

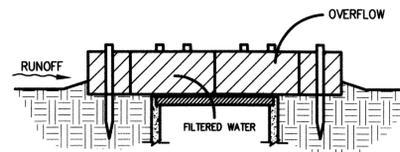
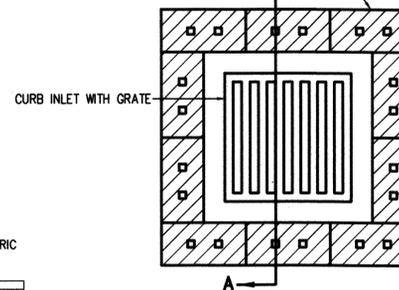


STANDARD UNIT
NTS



TYPICAL CUT WALL SECTION
STANDARD UNIT

STRAW BALES ARE TO BE PLACED 4" IN THE SOIL, TIGHTLY ABUTTING WITH NO GAPS, STAKED AND BACKFILLED AROUND THE ENTIRE OUTSIDE PERIMETER



SECTION A-A
INLET PROTECTION
NTS

APPROVAL CERTIFICATE

THIS SITE IMPROVEMENT PLAN HAS BEEN REVIEWED AND FOUND TO BE COMPLETE AND IN ACCORDANCE WITH DOUGLAS COUNTY REGULATIONS.

Engineering Division: *Janet Herman* Date: 12/1/01
Planning Division: *B. Allen* Date: 12/13/01

- * Building permits pursuant to this Site Improvement Plan shall NOT be issued after three years from date of site plan approval (Phase 1), as noted hereon. Failure to obtain a building permit in the 3-year period after approval of Phase 1, shall cause the unbuilt portion of this plan to be null and void.
- * Approval of site construction drawings by Douglas County Engineering shall be required (as applicable) prior to issuance of building permits.
- * Signs shown hereon are NOT approved. All signs require approval of a sign permit in accordance with Section 29 of the Douglas County Zoning Resolution.

The undersigned as the owner or owner's representative of the lands described herein, hereby agree on behalf of itself and its successors and assigns to develop and maintain the property described hereon in accordance and compliance with this approved Site Improvement Plan and the Douglas County Zoning Resolution.

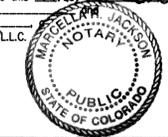
BP Products of North America Inc. FKA Amoco Oil
(PRINT CORPORATION/LLC NAME)

BY: *DAN LILES*
TITLE: *Real Estate Development Mgr.*
DATE: 12/13/01

ATTEST:
SECRETARY

The foregoing instrument was acknowledged before me this 7th day of December 2001 by _____ as Secretary of _____ as _____ corporation/LLC.

Witness my hand and official seal.
My commission expires: _____
Notary Public



ALLIANCE PROJECT MANAGER and AUTHORIZED AGENT:



ALLIANCE ENGINEERING CONSULTING:



ENGINEERS
ARCHITECTS
SURVEYORS
SCIENTISTS

2696 South Colorado Boulevard
Suite 250
Denver, Colorado 80222
303/692-8838, 303/692-0470 fax
www.f-w.com

AVANTI / BENCHMARK / DORGAN
FAIRSWORTH & POLK / FAIRSWORTH & WYLLIE
MASSMANN / NIETZ AVANTI / WISCHMEYER

2 10/15/01 PER DOUGLAS COUNTY COMMENTS

1 4/13/01 PER DOUGLAS COUNTY COMMENTS

NO. DATE REVISION DESCRIPTION

PREPARED UNDER THE DIRECT SUPERVISION OF:

BRYANT S. LEHR, P.E. (33632)
FOR AND ON BEHALF OF FARNSWORTH GROUP

DEVELOPMENT INFORMATION:

NEW BUILD (STICK-BUILD)
4200 SERIES HARMONY WITH WILD BEAN CAFE
CAR WASH & 8 MPD
DOMINO CANOPY (W/DIESEL)

SITE ADDRESS:

7610 DEBBIE LANE
DEBBIE LN & CASTLE PINES PKWY
DOUGLAS COUNTY, CO

SS#14628

SCALE: AS SHOWN ALLIANCE ZONE: VPM
DATE: 1-5-2001 BP REPR: DLL
DESIGNED BY: PTB ALLIANCE PK: WDH
DRAWN BY: DFC FILE NAME: 7119D22-F
CHECKED BY: BSL

DRAWING TITLE:

DETAILS

SHEET NO.:

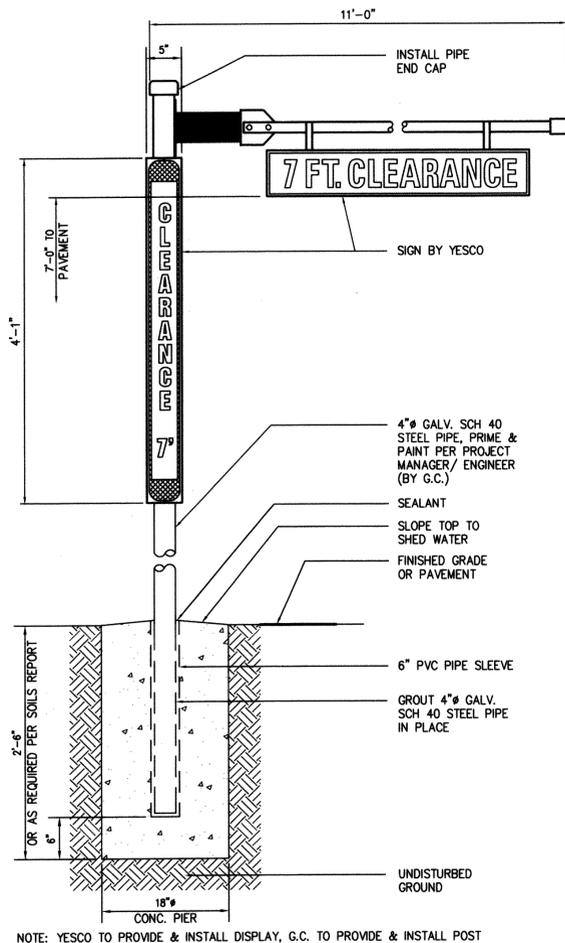
14 OF 15

CHARTER OAKS, 5th AMENDMENT, TRACTS B-1 AND B-2

NE 1/4 of SECTION 3, T7S, R67W, of the 6th P.M., DOUGLAS COUNTY, CO

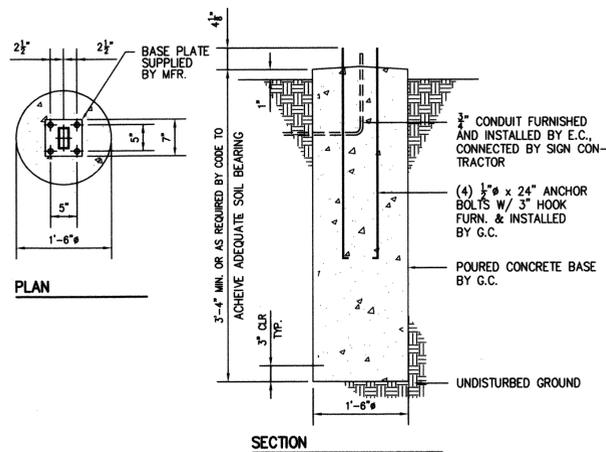
1.686 ACRES

SITE IMPROVEMENT PLAN - SP00-012



HEIGHT DETECTOR (FOR CAR WASH)

1" = 1'-0"

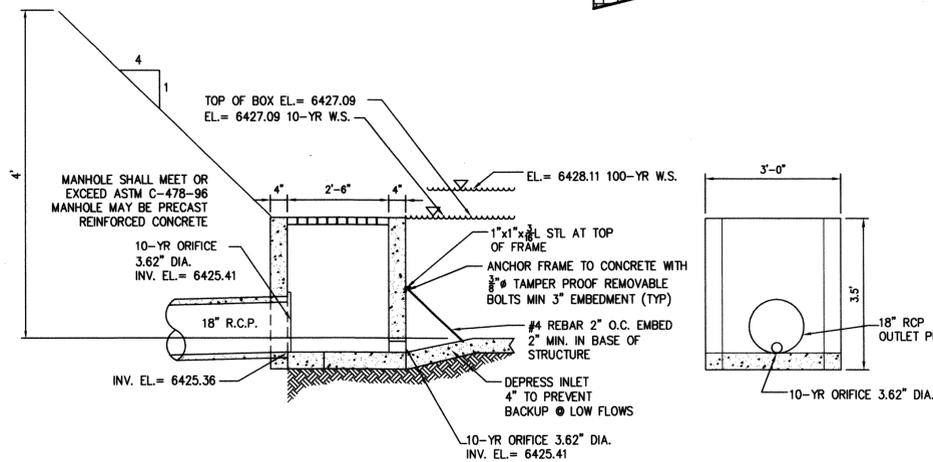
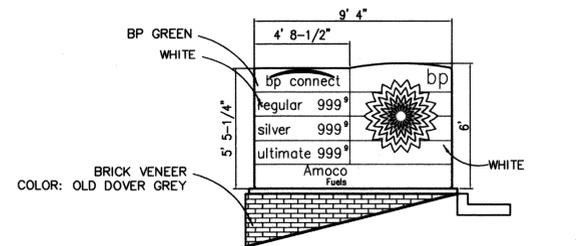


DIRECTIONAL SIGN FOUNDATION

3/4" = 1'-0"

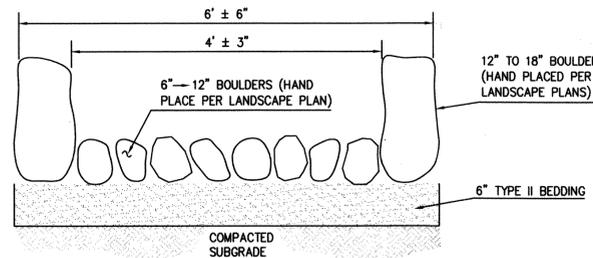
NOTES:

1. THIS DETAIL TO BE USED WITH SITE SIGNS FROM: TENCON, EVERBRITE, OR YESCO. CONTRACTOR TO COORDINATE DETAILS WITH SIGN COMPANY.
2. THIS FOOTING DETAIL TO BE USED FOR ALL ENTER/EXIT/WELCOME SIGNS AND DRIVE THRU DIRECTIONAL SIGNAGE. COORDINATE WITH THE SITE PLANS AND McDONALD'S PROJECT MANAGER FOR THE EXACT LOCATION, ORIENTATION AND NUMBER OF SIGNS TO BE INSTALLED AT THIS SITE. ALL WORK TO BE COORDINATED WITH OTHER TRADES.



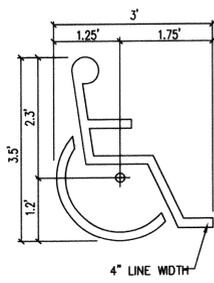
DETENTION OUTLET CONTROL STRUCTURE

N.T.S.



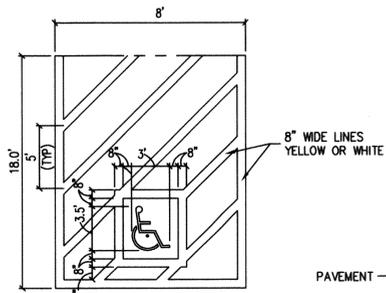
COBBLE TRICKLE CHANNEL

N.T.S.

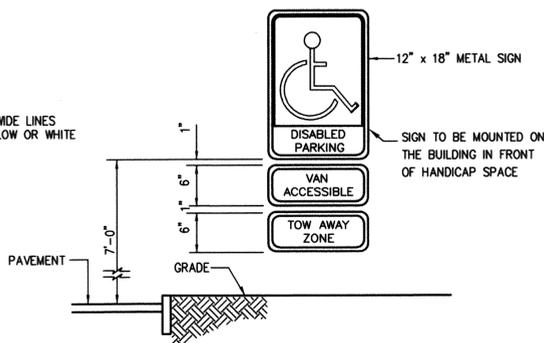


SYMBOL LAYOUT

NOTE: SIGN LETTERING TO BE IN UPPER CASE



LAYOUT PLAN



HANDICAPPED PARKING ONLY SIGN (WALL MOUNT)

N.T.S.

NOTE:
1. SIP IMPROVEMENTS CONSTRUCTED IN THE PUBLIC RIGHT-OF-WAY SHALL BE OWNED BY DOUGLAS COUNTY, EXCEPT THAT THE MAINTENANCE OF CURB, GUTTER, SIDEWALK, CROSSPANS, AND PAVEMENT WITHIN THE ACCESS TO THE SITE SHALL REMAIN WITH THE DEVELOPER/OWNER.

NO.	DATE	REVISION DESCRIPTION
2	10/15/01	PER DOUGLAS COUNTY COMMENTS
1	4/13/01	PER DOUGLAS COUNTY COMMENTS

PREPARED UNDER THE DIRECT SUPERVISION OF:

APPROVAL CERTIFICATE

THIS SITE IMPROVEMENT PLAN HAS BEEN REVIEWED AND FOUND TO BE COMPLETE AND IN ACCORDANCE WITH DOUGLAS COUNTY REGULATIONS.

Engineering Division: *Samuel Skerman* Date: *12/18/01*

Planning Division: *B. Allen* Date: *12/19/01*

* Building permits pursuant to this Site Improvement Plan shall NOT be issued after three years from date of site plan approval (Phase 1), as noted hereon. Failure to obtain a building permit in the 3-year period after approval of Phase 1, shall cause the unbuilt portion of this plan to be null and void.

* Approval of site construction drawings by Douglas County Engineering shall be required (as applicable) prior to issuance of building permits.

* Signs shown hereon are NOT approved. All signs require approval of a sign permit in accordance with Section 29 of the Douglas County Zoning Resolution.

The undersigned as the owner or owner's representative, of the lands described herein, hereby agree on behalf of itself and its successors and assigns to develop and maintain the property described hereon in accordance and compliance with this approved Site Improvement Plan and the Douglas County Zoning Resolution.

BP Products of North America, Inc. F/K/A Amoco Oil
(PRINT CORPORATION/ALC NAME)

BY: *Dawn Lillis*
TITLE: *Real Estate Development Mgr.*
DATE: *12/10/01*

ATTEST: _____
SECRETARY

The foregoing instrument was acknowledged before me this *7th* day of *December*, 2001 by _____ as _____ and _____ as _____ Secretary of _____ a _____ corporation/LLC.

Witness my hand and official seal.

My commission expires: _____

Marcella R. Decker
Notary Public

bp
28100 TORCH PARKWAY
WARRENVILLE, ILLINOIS 60555

ALLIANCE PROJECT MANAGER and AUTHORIZED AGENT

Bovis
Lend Lease
801 WARRENVILLE ROAD - SUITE 6000
LESLIE, ILLINOIS 60532-3206

ALLIANCE ENGINEERING CONSULTING

Farnsworth
GROUP
ENGINEERS
ARCHITECTS
SURVEYORS
SCIENTISTS

2696 South Colorado Boulevard
Suite 250
Denver, Colorado 80222
303/692-8838, 303/692-0470 fax
www.f-w.com

AVANTI / BENCHMARK / DOUGAN
FARNSWORTH & POLK / FARNSWORTH & WYLLIE
MASSMAN / REEL / AVANTI / WICKHAM /

NO.	DATE	REVISION DESCRIPTION
2	10/15/01	PER DOUGLAS COUNTY COMMENTS
1	4/13/01	PER DOUGLAS COUNTY COMMENTS

PREPARED UNDER THE DIRECT SUPERVISION OF:

BYRANT S. LEHR, P.E. (A33632)
FOR AND ON BEHALF OF FARNSWORTH GROUP
DEVELOPMENT INFORMATION:

NEW BUILD (STICK-BUILD)
4200 SERIES HARMONY WITH
WILD BEAN CAFE
CAR WASH & 8 MPD
DOMINO CANOPY (W/DIESEL)

SITE ADDRESS:
7610 DEBBIE LANE
DEBBIE LN & CASTLE PINES PKWY
DOUGLAS COUNTY, CO

SS#14626

SCALE: AS SHOWN ALLIANCE ZONE: VPM
DATE: 1-5-2001 BP REPR: DLL
DESIGNED BY: PTB ALLIANCE PR: WDH
DRAWN BY: DFC FILE NAME: 7119DET3-E
CHECKED BY: BSL
DRAWING TITLE:

DETAILS

SHEET NO:
15 OF 15

ATTACHMENT 6

DOUGLAS COUNTY ZONING RESOLUTION (as of incorporation of City of Castle Pines)

- 1102 Principal Uses in Business Zone District
- 1103 Accessory Uses in Business Zone District
- 2802.03 Mixed-Use Parking
- 2807.08 Car Wash/Detail Shop
- 2807.16 Gas Station Self Serve/Convenience Store

1101 Intent (Amended 6/22/05)

To provide areas for retail business uses in balance with residential development as an integral part of the community providing essential services and employment opportunities that are conveniently and efficiently located to reduce unnecessary commuting, protect air quality and facilitate the cost-effective provision of services. Adequate facilities, such as roads, water and sanitation, fire protection, emergency service, and public utilities shall be available to serve the development. Growth should occur in a phased and contiguous manner to save on the costly, premature extension of basic infrastructure.

Development within this district is encouraged in compact centers rather than in extended strips of development along roadways so as to provide for orderly development, minimized traffic congestion, and provide for safe pedestrian movement. Business centers shall be located so as to minimize conflicts with residential and agricultural uses, wildlife habitats/corridors, and environmentally and visually sensitive areas in accordance with the intent of the Douglas County Comprehensive Master Plan, as amended. Offices may serve as a transition between urban residential, and major commercial or industrial areas.

The B zoning district is characterized by retail business buildings situated in a landscaped setting with landscaped off-street parking areas. Site improvements including landscaping shall be provided and designed to minimize the impact on adjacent residential uses and maintain the appearance and visual quality of the County. A site improvement plan is required prior to the use of the lot for any purpose. Typical uses include drug stores, flower shops, book stores and other general merchandise stores, offices, banks, private clubs, and public recreational areas. Development or use of land in this district is permitted only in accordance with the provisions herein.

1102 Principal Uses (Amended 6/22/05)

The following uses shall be allowed upon the approval of, and in accordance with, a Site Improvement Plan in accordance with Section 27 of this Resolution, and shall be conducted entirely within an enclosed building, unless exempted by the Director. The Director may determine other similar uses as appropriate. (Amended 10/14/02)

- 1102.01 Automobile service station with gasoline pumps
- 1102.02 Bank/financial institution (including drive-up facility)
- 1102.03 Bar/lounge
- 1102.04 Club/country club
- 1102.05 Community uses:
 - Church
 - Cultural facility

- Fire station
- Library
- Open space/trails
- Park/playground
- Recreation facility - indoor
- School - including college or university and related facilities
- Sheriff substation

1102.06 Day-care center - (*outdoor play area shall be enclosed by 6' fence*)

1102.07 Firing range - indoor

1102.08 Hospital (*helipad permitted as an accessory use*)

1102.09 Hotel/motel, including conference or convention facilities located within the principal building

1102.10 Nursing or convalescent home and other extended-care facilities

1102.11 Office

- general, medical, dental, professional, governmental
- temporary (*refer to Section 22*)

1102.12 Parking lot - public or private

1102.13 Restaurant/fast-food establishment

1102.14 Retail/service business - indoor

1102.15 Retirement home

1102.16 Seasonal use (*refer to Section 22A*)

1102.17 Theater - indoor

1102.18 Utility service facility

1102.19 Veterinary clinic/hospital - animals shall be confined in an enclosed building which is part of the principal structure

1103 Accessory Use (*Amended 6/22/05*)

The following shall be allowed only when a principal use has been established on the lot:

- Satellite dish
- Single or multifamily residence for management or employees (*provided unit is incorporated into principal structure*)

1104 Uses Permitted By Special Review (Amended 6/22/05)

The following uses are permitted, upon approval by the Board, in accordance with Section 21 Use By Special Review and Section 27 Site Improvement Plan, of this Resolution. (Amended 5/14/03)

1104.01 Heliport

1104.02 Residence

- Group home for registered sex offenders (Amended 9/12/00)
- Group Residential Facility
- Multifamily - apartments, condominiums

1104.03 Utility - major facility

1105 Minimum Lot Area: none

1106 Water and Sanitation Requirement

All uses shall be served by a central water and sanitation facility.

1107 Utilities

All public utility distribution lines shall be placed underground.

1108 Land Dedication

A portion of the gross site area shall be dedicated to Douglas County for public use, or cash-in-lieu of land as required by the Douglas County Subdivision Resolution.

1109 Street Standards

Construction of paved streets in accordance with the Douglas County Roadway Design and Construction Standards, Storm Drainage Design and Technical Criteria manual, and other applicable County regulations.

1110 Parking Standards

Parking shall be provided as shown on the approved Site Improvement Plan, prepared in accordance with Sections 27 Site Improvement Plan and 28 Parking Standards, of this Resolution.

1111 Landscaping Requirement

Each lot shall be landscaped as shown on the approved landscape plan prepared in accordance with Section 27 Site Improvement Plan, of this Resolution. Areas to be

2801 Intent

Off-street parking areas shall be required in all districts as an accessory use to buildings and uses newly constructed, restored, changed, or substantially extended or expanded. Except as provided in other sections of this Resolution, off-street parking areas shall be in accordance with this Section 28.

2802 General Provisions**2802.01 Additional Parking for Expansion of Use**

Nothing in this section shall prevent the extension of, or addition to, a building, structure or use into an existing parking area provided the same amount of parking spaces taken by the extension or addition is provided by an enlargement of the existing parking area, or if additional parking is found elsewhere in accordance with these regulations herein; and provided the total number of spaces required for all uses on the lot are met.

2802.02 Change of Land Use/Tenant Finish

Prior to approval of "Tenant Finish" permits, by the Douglas County Building Division, the applicant shall demonstrate that adequate parking exists for the proposed land-use change. The square footage of all tenant finish areas shall be identified by each use proposed. When proposed uses, resulting from tenant finish changes, require more parking than exists, the applicant shall be required to revise the SIP to increase the number of parking spaces consistent with the requirements herein. Failure to provide this parking will result in the denial of the proposed land-use change and tenant finish permit.

All additional parking and other improvements, as shown on the revised Site Improvement Plan (SIP), shall be completed in the field prior to approval of any final inspection or certificate of occupancy issuance, as applicable.

2802.03 Mixed-Use Parking

In the case of mixed uses within a single center or within a single building, or of collective parking for several buildings or uses on two or more contiguous parcels, except for shopping centers over 100,000 square feet, the total requirements for off-street parking facilities shall be the sum of the requirements for each of the various uses separately. Off-street parking facilities for one use shall not be construed as provided for under Planned Developments, or as otherwise permitted under Section 2802.05 and .06, herein.

- 2807.02 Bank/Credit Union/Savings & Loan
- 1 space per 300 square feet of floor area, plus
 - 6 stacking spaces per drive up window
- 2807.03 Bar/Lounge/Night Club, or similar place of assembly
- 1 space per three seats, plus
 - 1 space per employee on maximum shift
- 2807.04 Beauty Parlor/Barber Shop
- 2 spaces per operator station, plus
 - 1 space per employee on maximum shift
- 2807.05 Boarding House
- 1 space per bedroom, plus
 - 1 space per employee on maximum shift
- 2807.06 Bowling Alley
- 3 spaces per lane, plus
 - 1 space per employee, plus
 - additional spaces per each extra non-bowling use, as specified herein
- 2807.07 Car Dealership/Recreational Vehicles or Boats
- 1 space per 1,000 square feet of auto display area, plus
 - 1 space per employee on maximum shift
- 2807.08 Car Wash/Detail Shop
- 1 space per employee on maximum shift, plus
 - 2 spaces per bay or stall
- 2807.09 Church - the greater of:
- 1 space per three fixed seats, or
 - 1 space per 150 square feet of gross floor area
- 2807.10 Day Care/Nursery
- 1 space per each employee on maximum shift (*include overlap as applicable*), plus
 - 1 space per facility owned vehicle, plus
 - 1 space per eight children, plus

- for centers with student capacity equal to or greater than 25, sufficient area shall be set aside for dropping-off and picking up children in a safe manner that will not cause the children to cross the parking area or traffic drive lanes.

2807.11 Firing Range (*Archery/Skeet/Rifle or Gun*)

- 1 space per platform, plus
- 1 space per employee on maximum shift

2807.12 Fraternity/Sorority House

- 3 spaces per bedroom, plus
- 1 space per employee on maximum shift

2807.13 Funeral Home/Mortuary

- 1 space per 100 sq. feet of floor area open for public use

2807.14 Group Home

Youth: (18 years and younger)

- 2 spaces per home, plus
- 1 space per eight beds

Adult: (for persons under 60 years)

- 1 space per bedroom, plus
- 1 space per caregiver/employee

Elderly: (exclusive for persons 60 years or older)

- 0.5 space per bedroom, plus
- 1 space per caregiver/employee

2807.15 Gas Station/Repair Garage

- 1 space per employee on maximum shift, plus
- 2 space per bay or stall, plus
- 2 spaces per pump island

2807.16 Gas Station Self Serve/Convenience Store

- 1 space per employee on maximum shift, plus
- 1 space per 250 square feet of convenience store area, plus
- 2 spaces per pump island

2807.17 Golf Course

- 5 spaces per hole, plus
- 1 space per employee on maximum shift

ATTACHMENT 7

**CORRESPONDENCE FROM CHRIS MUELLER
RE: NATURE OF BUSINESS OPERATIONS**

From: Chris Mueller <Chris.Mueller@ees.us.com>
Sent: Wednesday, January 13, 2021 6:21 PM
To: Nicholas Hufford <nicholas.hufford@castlepinesco.gov>
Subject: RE: Pre-Submittal Questions Debbie Lane

Nick,

Here are responses in **red** from the Developer.

Thanks!

Chris

From: Nicholas Hufford <nicholas.hufford@castlepinesco.gov>
Sent: Wednesday, January 13, 2021 4:38 PM
To: Chris Mueller <Chris.Mueller@ees.us.com>
Cc: Sam Bishop <sam@castlepinesco.gov>
Subject: Pre-Submittal Questions

Chris,

Sam and I were discussing the Pre-Submittal and were trying to be thorough. Could you please get the answers to these questions before the Pre-Submittal?

- Are there separate businesses/operators running the gas station and car wash? **Same business/operators running the Gas station/ car wash. Maybe few more employees.**
- Are there separation points of payment ... or are revenues combined? **Combined revenue. Customers can buy wash @pumps, inside store, or directly at wash entrance access box.**
- Will the option to get a car wash be offered when pumping gas? **Yes, just like currently. Customers can buy wash at pumps also.**
- Will there be distinct staff assigned to run the car wash or will the same staff be charged with running both? **Same staff will be running both wash & store. With maybe few more expanded employees.**

Thank you for your time and consideration,

Nicholas Hufford
Planner II
City of Castle Pines
360 Village Square Lane, Suite B
Castle Pines, CO 80108
(303) 705-0224
castlepinesco.gov

ATTACHMENT 8

ANDERSON V. DENVER BOARD OF ADJUSTMENT

931 P.2d 517
Colorado Court of Appeals,
Div. V.

Donald E. ANDERSON and Marilee
Anderson, Plaintiffs–Appellants,

v.

BOARD OF ADJUSTMENT FOR
ZONING APPEALS, City and County of
Denver; the City and County of Denver;
Richard K. Kaufman; and M. Elaine
Kaufman, Defendants–Appellees.

No. 94CA2209.

|
Oct. 10, 1996.

Synopsis

Property owners sought judicial review of decision of city board of adjustment for zoning appeals permitting nonconforming accessory use of neighboring property, requested issuance of cease and desist order by zoning administrator, and filed separate action for declaratory judgment against nonconforming use of such property. The District Court of the City and County of Denver, [Warren O. Martin](#), J., consolidated actions, upheld administrative determination, and dismissed action for declaratory judgment as frivolous and groundless. Property owners appealed. The Court of Appeals, Sternberg, C.J., held that: (1) city zoning ordinance governing nonconforming uses did not permit expansion of nonconforming filling station to include accessory use consisting of similarly nonconforming automated car wash; (2) board's interpretation of such ordinance was not entitled to deference on judicial review; and (3) property owners were not required to delay seeking declaratory relief until after ruling by zoning administrator on their request for cease and desist order.

Reversed and remanded.

West Headnotes (13)

[1] **Zoning and Planning** 🔑 Nonconforming
Uses

Nonconforming use of real property is use which lawfully existed prior to enactment of zoning ordinance and which is maintained after effective date of ordinance, although it does not comply with zoning restrictions applicable to district in which it is situated.

2 Cases that cite this headnote

[2] **Zoning and Planning** 🔑 Nonconforming
Uses

Zoning and Planning 🔑 Enlargement or
Extension of Use

Nonconforming use of real property is entitled to protection under law; such use may continue, but right to continue does not include right to extend or enlarge use.

[3] **Zoning and Planning** 🔑 Nonconforming
Uses

Zoning and Planning 🔑 Enlargement or
Extension of Use

Right to extend, enlarge, or even to continue, nonconforming use of real property may legally be restricted.

1 Cases that cite this headnote

[4] **Zoning and Planning** 🔑 Nonconforming
Uses

Nonconforming uses of real property should be reduced to conformity as speedily as possible.

[5] **Zoning and Planning** 🔑 Nonconforming
Uses

Zoning ordinances should be interpreted strictly against allowing indefinite continuation of nonconforming use; zoning provisions permitting nonconforming uses to continue should be strictly construed, and provisions restricting nonconforming uses should be liberally construed.

2 Cases that cite this headnote

[6] **Zoning and Planning** 🔑 [Enlargement or Extension of Use](#)

City zoning ordinance governing nonconforming uses of real property did not permit expansion of nonconforming filling station to include similarly nonconforming automated car wash, which would have been accessory use of filling station as of right if filling station had been located in zone in which it would have been conforming use; interpreting zoning code to allow such expansion would ignore rule that such ordinances should be interpreted strictly against allowing indefinite continuation of nonconforming uses and reverse rule of law that provisions allowing nonconforming uses to be continued are strictly construed and zoning provisions restricting such uses are entitled to liberal construction. Denver, Colo., Revised Municipal Code § 59–631(b).

[2 Cases that cite this headnote](#)

[7] **Zoning and Planning** 🔑 [Construction by board or agency](#)

Interpretation of zoning ordinance by administrator and zoning body are entitled to deference.

[8] **Zoning and Planning** 🔑 [Construction by board or agency](#)

Reviewing court is not bound by interpretation of zoning ordinance by administrator and zoning body if there is no competent evidence to support such interpretation or if decision misconstrues or misapplies law.

[2 Cases that cite this headnote](#)

[9] **Zoning and Planning** 🔑 [Enlargement or Extension of Use](#)

Zoning and Planning 🔑 [Decisions of boards or officers in general](#)

Interpretation of zoning ordinance governing nonconforming uses of real property by city board of adjustment for zoning appeals to permit expansion of nonconforming filling

station to include similarly nonconforming automated car wash was not entitled to deference on judicial review, as such deference would permit amendment of ordinance in guise of interpretation. Denver, Colo., Revised Municipal Code § 59–631(b).

[10] **Zoning and Planning** 🔑 [Particular cases involving continuance or change of use](#)

Zoning and Planning 🔑 [Enlargement or Extension of Use](#)

Installation of automatic car wash in one service bay of filling station constituted change or expansion in use of station impermissible under zoning ordinances governing nonconforming uses of real property; while cars which had been repaired at station in past were washed by hand using hoses and sponges, cars never lined up for washing, and owners were not charged for washing, new automated car wash would increase number of vehicles washed each day and car wash facility was needed to make filling station more competitive and economically viable. Denver, Colo., Revised Municipal Code § 59–631(b).

[11] **Zoning and Planning** 🔑 [Use of new instrumentalities](#)

“Modern instrumentalities doctrine” allows nonconforming uses of real property to expand by replacing older methods of operation with newer, modern means.

[12] **Declaratory Judgment** 🔑 [Counties and municipalities and their officers](#)

Property owners were not required to delay seeking declaratory relief against nonconforming use of neighboring property until after ruling by zoning administrator on their request for cease and desist order with respect to such nonconforming use; issues in cease and desist proceeding were same as in earlier building permit hearing concerning proposed expansion of filling station to include automated car wash, and property owners thus had prior

notice of zoning administrator's position on permissibility of contested use.

[13] Administrative Law and Procedure  **Futility**

Exhaustion of available administrative remedies is not always prerequisite to filing suit; where plaintiff has notice of administrative body's interpretation of pertinent law, to await another and different answer on same question would be exercise in futility and would not serve purposes underlying exhaustion doctrine.

[2 Cases that cite this headnote](#)

Attorneys and Law Firms

***518** [Gilbert Goldstein](#), Denver, [Darrel L. Campbell](#), Englewood, for Plaintiffs–Appellants.

[Daniel E. Muse](#), City Attorney, [Thomas Bigler](#), [John Stoffel](#), Assistant City Attorneys, Denver, for Defendants–Appellees Board of Adjustment for Zoning Appeals and the City and County of Denver.

Beimford & Gleason, P.C., [Richard J. Gleason](#), Denver, for Defendants–Appellees Richard K. Kaufman and M. Elaine Kaufman.

Opinion

Opinion by Chief Judge STERNBERG.

Plaintiffs, Donald and Mary Lee Anderson, appeal the order of the trial court upholding a decision of the defendant Board of Adjustment for Zoning Appeals of the City and County of Denver (the Board). That decision allowed defendants Richard and Emilene Kaufman to install an automated car wash on their non-conforming filling station property. Plaintiffs also appeal the trial court's order concluding that their declaratory judgment suit was frivolous and groundless. We reverse.

Plaintiffs own an apartment building located adjacent to property on which the Kaufmans own and operate a filling station. The Kaufman property is located in a B–1 zone, which does not allow a filling station as a permitted use; however, because the station has been in operation since before the time

of adoption of Denver's present zoning code, it has the status of a legal non-conforming use. Filling stations are a use by right in a B–2 zone.

***519** The Kaufmans obtained a permit allowing the installation of an automated car wash in one of the three service bays of their filling station. Shortly thereafter, plaintiffs sought injunctive relief to delay installation of the car wash in order to allow time to appeal the issuance of the permit to the Board. An order delaying issuance of the building permit was granted and plaintiffs duly appealed to the Board.

The Board conducted an evidentiary hearing. Neighborhood residents in favor pointed to the convenience of the car wash in that location. Those opposed objected to increased traffic, noise and air pollution. The zoning administrator testified that the Kaufmans' station “is non-conforming and by virtue of being non-conforming, goes by B–2 rules. An automobile gasoline filling station can do all things that a B–2 gasoline filling station is allowed to do.”

The Board upheld the decision of the zoning administrator allowing installation of the automated car wash. It ruled that the change did not constitute an expansion or alteration of the structure. In so ruling, the Board adopted the view of the zoning administrator and reasoned that, because a car wash is allowed as an accessory use by right in a B–2 zone filling station, a non-conforming filling station located in a B–1 zone was entitled to the same use by right. Plaintiffs sought review of the Board's decision pursuant to [C.R.C.P. 106\(a\)\(4\)](#).

Thereafter, the plaintiffs wrote to the zoning administrator, asking her to order the Kaufmans to cease and desist the use of their property as a non-conforming gas station, and also filed a complaint seeking a declaratory judgment. The two district court actions were consolidated. The court upheld the decision of the Board allowing the Kaufmans to install the automatic car wash, dismissed the declaratory judgment claim, and held that claim to be frivolous and groundless. The court awarded attorney fees to defendants Kaufman and to the city. This appeal followed.

I.

Plaintiffs contend that the Board erred in its interpretation of the portion of the city code relating to non-conforming uses, that the Board's decision amounts to an unauthorized

rezoning of the Kaufman property, and that the installation of the automated car wash constitutes an illegal expansion of the Kaufmans' non-conforming use.

Defendants, on the other hand, assert that the Board's conclusion that the car wash did not constitute a change or expansion of use is binding on review. They also argue that, while the Kaufmans' station is located in a B-1 zone, "their legal non-conforming use is that of a B-2 filling station" which allows car washes as a permitted accessory use. Defendants contend further that accomplishing an existing use (washing cars by hand) by a different means (automatic machine washing) does not constitute a change in the character or an expansion of the use. We agree with the plaintiffs and disagree with defendants.

[1] A non-conforming use is one which lawfully existed prior to the enactment of zoning ordinances and which is maintained after the effective date of the ordinance, although it does not comply with the zoning restrictions applicable to the district in which it is situated. 1 K. Young, *Anderson's American Law of Zoning* § 601 (4th ed.1995).

[2] Non-conforming uses are entitled to protection under the law. The use may continue; however, the right to continue does not include the right to extend or enlarge the use. See *Bird v. Colorado Springs*, 176 Colo. 32, 489 P.2d 324 (1971); *Anderson's American Law of Zoning*, *supra*, at § 6.45.

[3] [4] The right to extend or enlarge, or indeed, even to continue, a non-conforming use may legally be restricted. *Bird v. Colorado Springs*, *supra*. Further, non-conforming uses should be reduced to conformity as speedily as possible. *Wasinger v. Miller*, 154 Colo. 61, 388 P.2d 250 (1964).

[5] Zoning ordinances should be interpreted strictly against allowing indefinite continuation of a non-conforming use. *Wyatt v. Board of Adjustment—Zoning*, 622 P.2d 85 (Colo.App.1980). Provisions permitting non-conforming uses to continue should be strictly construed, and zoning provisions restricting *520 non-conforming uses should be liberally construed. *Hartley v. City of Colorado Springs*, 764 P.2d 1216 (Colo.1988).

The language of the zoning code of the city, Denver Revised Municipal Code § 59-631(b) (1988), recognizes these limitations on non-conforming uses. That code section states that "no change *whatsoever* in any aspect of and feature

of or in the character of the non-conforming use is permitted if the non-conforming use is to continue." (emphasis added)

[6] Without citing any authority, defendants argue that, because the filling station is located in a B-1 zone and is non-conforming and filling stations are conforming uses in a B-2 zone, they are, as a matter of right, entitled to all of the uses for filling stations located in a B-2 zone. They argue similarly that an ordinance that specifically amended the zoning ordinance permitting filling stations located in B-2 zones to install car washes as an accessory use applies to this non-conforming use located as it is in a B-1 zone.

We are aware of no authority for these propositions. To the contrary, interpreting the zoning code as urged by defendants ignores the rule that such ordinances should be interpreted strictly against allowing indefinite continuation of non-conforming uses. See *Wyatt v. Board of Adjustment—Zoning*, *supra*. Indeed, defendants' interpretation reverses the rule of law that provisions allowing non-conforming uses to be continued are strictly construed and zoning provisions restricting such uses are entitled to liberal construction. See *Hartley v. City of Colorado Springs*, *supra*.

[7] [8] [9] It is correct, as defendants urge, that interpretation of a zoning ordinance by an administrator and zoning body are entitled to deference. See *Humana, Inc. v. Board of Adjustment*, 189 Colo. 79, 537 P.2d 741 (1975). Nevertheless, a reviewing court is not bound by such a decision if there is no competent evidence to support it or if, as here, the decision misconstrues or misapplies the law. Judicial deference to the decision of the zoning official and the Board cannot extend to allowing those officials to amend the ordinance in the guise of interpreting it.

[10] The defendants also contend that installation of the automatic car wash does not constitute a "change or expansion in the use of the station." Undisputed evidence in the record is contrary to this contention. Defendant Richard Kaufman testified that cars which had been repaired at the station in the past were washed by hand using hoses and sponges, that the cars never lined up, and that the owners were not charged for washing. The new automated car wash, on the other hand, would increase the number of vehicles washed each day since every gas purchaser would be entitled to a free wash and the facility would be open from 7 a.m. to 8 p.m. He also testified that the car wash facility was needed to make the filling station more competitive and economically viable.

As explained in *Anderson's American Law of Zoning, supra*, § 6.47:

The addition of new facilities or the enlargement of existing ones seems most likely to be regarded as an extension of use if the non-conforming use is thereby rendered more incompatible with permitted uses, *if the volume or intensity of use is increased* (emphasis added)

We also conclude that, contrary to the zoning administrator's interpretation and the defendants' contention on appeal, the amendment of the accessory use ordinance, Denver Revised Municipal Code § 59-277(1)(c)(10) (1988), does not apply to a non-conforming filling station use. By its language, it applies only to uses accessory to a use by right in a B-2 zone.

[11] Finally, we reject defendants' alternative argument that we adopt the "Modern Instrumentalities Doctrine." That rule, adopted in Pennsylvania, allows non-conforming uses to expand by replacing older methods of operation with newer, modern means. *See, e.g., Chartiers v. William H. Martin, Inc.*, 518 Pa. 181, 542 A.2d 985 (1988). Under that doctrine, a change from hand-washing of cars to machine-washing probably might be allowed even if the volume or intensity of use would be increased. *But see* *521 *IMS America, Ltd. v. Zoning Hearing Board*, 94 Pa.Cmwlth. 501, 503 A.2d 1061 (1986). In any event, this doctrine is inconsistent with Colorado jurisprudence, as discussed above, and we decline to adopt it.

For these reasons, the decision of the Board, and that of the trial court upholding it, must be reversed.

II.

Footnotes

* Sitting by assignment of the Chief Justice under provisions of the [Colo. Const. art. VI, Sec. 5\(3\)](#), and [24-51-1105, C.R.S.](#) (1996 Cum.Supp.).

[12] The plaintiffs next contend that the trial court erred in holding that their declaratory judgment claim was frivolous. In light of our holding above, we conclude that the trial court erred in ruling that plaintiffs had to delay seeking declaratory relief until after a ruling by the zoning administrator on their request for a cease and desist order. The issues in the cease and desist proceeding were the same as in the earlier building permit hearing; thus, the position of the zoning administrator that the installation of the car wash was a permitted use was a foregone conclusion. It involved an erroneous interpretation of law. *See Trainor v. City of Wheat Ridge*, 697 P.2d 37 (Colo.App.1984).

[13] Exhaustion of available administrative remedies is not always a prerequisite to filing suit. *See Gramiger v. Crowley*, 660 P.2d 1279 (Colo.1983). Here, inasmuch as plaintiffs had notice of the zoning administrator's interpretation of the pertinent law, for them to have awaited another and different answer on the same question would have been an exercise in futility and would not have served the purposes underlying the exhaustion doctrine. *See Golden's Concrete Co. v. Colorado*, 937 P.2d 789, 1996 WL 317002 (Colo.App. No. 95CA0069, June 13, 1996).

The judgment is reversed, and the cause is remanded for further proceedings consistent with this opinion.

ROY and TURSI*, JJ., concur.

All Citations

931 P.2d 517



City of Castle Pines, Colorado Minutes

REGULAR MEETING OF THE PLANNING COMMISSION & BOARD OF ADJUSTMENT Held Virtually via Zoom Thursday, February 25, 2021 - 6:00 PM

Planning Commission/ Board of Adjustment

Michelle Wiley
Chair

Leanna Palmer
Chair Pro Tem

Craig Barragry

Willard Foraker

Lisa Glynn

David Goode

Seth Katz

1. CALL TO ORDER

The regular meeting of the Planning Commission of the City of Castle Pines, Colorado, was called to order by Commissioner Goode at 6:01 p.m.

2. ROLL CALL

Those present were: Commissioner Craig Barragry
Commissioner Willard Foraker
Commissioner David Goode
Commissioner Lisa Glynn
Commissioner Seth Katz
Commissioner Leanna Palmer
Commissioner Michelle Wiley

Also present with the Commission:

Sam Bishop, Community Development Director
Tobi Basile, City Clerk
Linda Michow, City Attorney
Nicholas Hufford, Planner II
Megan Palizzi, Management Analyst
Makenna Shaw, Administrative Assistant

3. APPROVAL OF AGENDA

The agenda was approved as presented.

4. DISCLOSURE OF CONFLICTS OF INTEREST AS TO ANY ITEM ON THE AGENDA

- No disclosures of conflicts were received.

5. PLANNING COMMISSION – Action Items

a. Motion Suspending the Rule at Article III, Section 2 of the Commission Bylaws and Rules requiring election of officers at the first regular meeting in January of each year and that election of officers be first order of business at that meeting

- Sam Bishop, Community Development Director, spoke briefly regarding the item.
- Linda Michow, City Attorney, presented the item.

Motion: Commissioner Goode moved to suspend the rule at Article III, Section 2 of the Commission Bylaws and Rules requiring election of officers at the first regular meeting in January of each year and that election of officers be the first order of business at that meeting. Commissioner Palmer seconded. The motion passed unanimously.

b. 2021 Election of Officers

- Commissioner Goode called for nominations.

- Commissioner Glynn nominated Commissioner Wiley for the position of Chairperson. Commissioner Goode seconded the nomination.
- Commissioner Wiley accepted the nomination.
- Commissioner Goode nominated Commissioner Palmer for the position of Chair Pro Tem. Commissioner Wiley seconded the nomination.
- Commissioner Palmer accepted the nomination.

Motion: Commissioner Katz moved to appoint Commissioner Wiley as the Chair for 2021 and Commissioner Palmer as the Chair Pro Tem for 2021. Commissioner Goode closed the nominations. Commissioner Wiley was appointed Chairperson with a unanimous vote of the members of the commission. Commissioner Palmer was appointed Chair Pro Tem with a unanimous vote of the members of the commission.

- Commissioner Goode congratulated Commissioners Wiley and Palmer and turned the meeting over to Chairperson Wiley.

c. Approval of the January 28, 2021 Planning Commission Minutes

Motion: Commissioner Glynn moved to approve the meeting minutes of the January 28, 2021 Planning Commission. Commissioner Goode seconded the motion. The motion passed by unanimous consent.

d. Planning Commission Resolution 21-01, A Resolution Of The Planning Commission Of The City Of Castle Pines, Colorado Adopting Bylaws And Rules of Procedure

- Linda Michow, City Attorney, presented the item.

Motion: Commissioner Glynn moved to adopt the Planning Commission Resolution 21-01, A Resolution of the Planning Commission of the City of Castle Pines, Colorado Adopting Bylaws and Rules of Procedure. Commissioner Katz seconded. The motion passed by unanimous consent.

e. PUBLIC MEETING: The Canyons Preliminary Plan No. 2, Case No. SPP2020-002

- Applicant Skyler Hager of Shea Homes agreed to the Public Meeting in an electronic/virtual format.
- Commissioner Wiley opened the Public Meeting at 6:22 p.m.
- City Attorney Michow confirmed this is not a public hearing.
- Nicholas Hufford, Planner II, gave a brief presentation.
- Skyler Hager, Shea Homes, gave a presentation regarding the application.
- Mr. Hager answered questions regarding total unit counts.

- Mr. Hager answered questions regarding school dedications and school acreage requirements.
- Commissioner Wiley closed the Public Meeting at 7:07 p.m.

Motion: Commissioner Katz moved that Planning Commission recommend to the City Council approve The Canyons Preliminary Plan Filing No. 2, Case No. SPP-2020-002, subject to the following conditions of approval found in the Staff Report, dated February 18, 2020:

- a. The Applicant shall resolve any technical issues in relation to the Preliminary Plan as directed by City staff; and
- b. The Applicant shall pay all fees and costs incurred by the City and its consultants, in the review and processing of the Preliminary Plan application for the Property within forty-five (45) days of receiving an invoice from the City; if such fees and costs are not paid within forty-five (45) days of receiving an invoice, the City may withhold issuance of building permits or further approvals until the invoices have been paid in full.

Commissioner Goode seconded. The motion passed unanimously.

6. PLANNING COMMISSION DISCUSSION ITEMS

a. Comprehensive Plan Schedule and Progress Update Presentation

- Miriam McGilvray of Logan Simpson gave a presentation and led a discussion with the members of the Planning Commission regarding land use categories.

b. Next Meeting 24, 2021

- Sam Bishop, Community Development Director, spoke regarding the date of the next Planning Commission Meeting.

7. CONVENE AS THE BOARD OF ADJUSTMENT

- Commissioner Wiley convened the group as the Board of Adjustment at 8:47 p.m.
- Members present were:
 - Commissioner Craig Barragry
 - Commissioner Willard Foraker
 - Commissioner David Goode
 - Commissioner Lisa Glynn
 - Commissioner Seth Katz
 - Commissioner Leanna Palmer
 - Commissioner Michelle Wiley

8. BOARD OF ADJUSTMENT ACTION ITEMS

a. Board of Adjustment Resolution 21-01, A Resolution Of The Board Of Adjustment Of The City Of Castle Pines, Colorado Adopting Bylaws And Rules Of Procedure

- Sam Bishop, Community Development Director, spoke briefly regarding the item.
- Linda Michow, City Attorney, presented the item.



Motion: Commissioner Katz moved to adopt the Board of Adjustment Resolution 21-01, A Resolution of the Board of Adjustment of the City of Castle Pines, Colorado Adopting Bylaws and Rules of Procedure. Commissioner Goode seconded. The motion passed by unanimous consent.

9. ADJOURNMENT

- Commissioner Wiley adjourned the meeting at 8:54 p.m.

RESPECTFULLY SUBMITTED:

APPROVED:

Tobi Basile, City Clerk

Michelle Wiley, Chairperson

IMPLEMENTATION STRATEGIES

Implementation strategies must be relevant, adaptive, and decisive in order to realize the vision, goals, and objectives of the Plan. This means recognizing the evolution of market trends, regional opportunities, and emerging technologies. The key strategies and projects listed in Table 5 are intended to influence future zoning and regulation changes, suggest potential financing tools, establish, and leverage new partnerships, prioritize capital investments, and redefine land development patterns. The resources and partnerships required for each strategy will be considered in conjunction with annual budgeting and capital planning. Each strategy outlined in Table 5 encompasses a series of implementation projects, which fall under three categories:

REGULATORY REFORM

Some development regulations and standards will need to be updated to ensure consistency with the goals and objectives of the Comprehensive Plan. This includes zoning, subdivision regulations, roadway, signage standards, and taxing structures.

CAPITAL PROJECTS

These major infrastructure investments and funding partnerships are specifically relevant to the implementation of the Comprehensive Plan goals and objectives but will be considered in conjunction with other capital improvements to determine priorities, project efficiencies, and timing of capital improvement expenditures.

SUPPORTING PLANS AND STUDIES

Specific locations or initiatives in Castle Pines may require additional support and direction at a more detailed level than of what is established in this the Comprehensive Plan. These include site-specific development guidelines, feasibility studies, master plans, subarea plans, or additional funding mechanisms.

Table 5

STRATEGIES AND PROJECTS	REGULATORY REFORM	CAPITAL PROJECTS	PLAN OR STUDY
<i>1.0 Invest in Downtown Revitalization</i>			
1.1 Create a Downtown Plan that encompasses the Mixed-Use Downtown land use category and illustrates a cohesive vision for future development and public amenities.			✓
1.2 Investigate the creation of a dedicated funding source for economic development efforts in the Business District. Consider creation of a Downtown Development Authority (DDA) to capture the tax revenue increment and finance redevelopment.			✓
1.3 Implement a competitive mill levy and/or lower tax burden on existing commercial property.	✓		
1.4 Continue negotiations to redevelop the vacant Safeway site.		✓	
<u>1.4 Streamline development review and approval processes for projects that meet the economic development goals of this Plan.</u>	✓		

STRATEGIES AND PROJECTS	REGULATORY REFORM	CAPITAL PROJECTS	PLAN OR STUDY
<u>1.5 Hire an Economic Development Specialist to guide recommended initiatives and actions.</u>		✓	
<u>1.6 Support ongoing “Shop Local” campaign and regularly profile business to support existing businesses</u>			✓
<u>1.7 Pursue public/private partnerships to redevelop targeted redevelopment and infill sites.</u>			✓
<u>1.8 Work to acquire street rights-of-way within the Business District to be able to implement desired improvements and streetscape amenities.</u>		✓	
<u>1.9 Establish a grant matching program to encourage improvements to existing properties.</u>		✓	
2.0 Activate Downtown with Events and Community Gathering Space			
2.1 Initiate a feasibility study to examine type, location, community benefit and cost of a new outdoor civic space.			✓
2.2 Conduct an audit of existing events and identify opportunities and partnerships to establish new community events.			✓
2.3 Provide pedestrian-oriented landscape and streetscape improvements as outlined in a Downtown Plan, including benches, trees, trash receptacles, banners, lighting, wider sidewalks, striped crosswalks, planters, and bike racks.		✓	
3.0 Facilitate Development of Recreation and Wellness Center			
3.1 Initiate a feasibility study for recreation and wellness center looking specifically at size, cost, programming, and public support.			✓
3.2 Identify funding initiatives and cost sharing opportunities.			✓
3.3 Investigate opportunities for Public-Private Partnership (PPP).			✓
3.4 Release Request for Proposals (RFP) for contracting the design and construction of the facility.		✓	
4.0 Build on Current Look, Feel, and Brand of Castle Pines			
4.1 Establish Gateway Overlay area to address design guidelines and/or funding, within 0.25 miles of interchanges at I-25/Castle Pines Parkway and I-25/Happy Canyons Road.	✓		
4.2a Create a wayfinding strategy and guidelines.			✓
4.2b Implement <u>Gateway and Wayfinding strategy and guidelines Plan</u> .		✓	
4.3a Develop streetscape standards along all major arterials.			✓
4.3b Implement streetscape standards along all major arterials.		✓	
4.4 Design and construct entry signs at highway interchanges.		✓	
4.5 Revise sign regulations in the Zoning Ordinance.	✓		
4.6 Update local roadway and highway signs to identify the City of Castle Pines.		✓	

STRATEGIES AND PROJECTS	REGULATORY REFORM	CAPITAL PROJECTS	PLAN OR STUDY
5.0 Manage Design for New and Infill Development			
5.1 Revise zoning categories to reflect intent of Future Land Use Categories.	✗		
5.2 Establish consistent design criteria for mixed use commercial areas.	✗		
5.3 Update housing and commercial mix and density regulations.	✗		
5.4a Implement and construct public amenities associated with Rueter Hess Reservoir access.		✗	
5.4b Coordinate with Parker Water District and The Canyons to develop a commercial area with access to the Rueter Hess Reservoir.			✗
56.0 Strengthen Open Space and Park Development			
5.41a Implement and construct public amenities associated with Rueter-Hess Reservoir access.		✓	
5.41b Coordinate with Parker Water District and The Canyons to develop access to the Rueter-Hess Reservoir.			✓
6.1 Create a separate, specific Parks, Trails, and Open Space Plan.			✗
65.2a Amenitize trails with benches, trees, and lighting to encourage an enjoyable walking experience.		✓	
5.2b Monitor opportunities and funding sources for implementation of park and trail amenities.			
65.3 Investigate opportunities to acquire new parks and open space.			✓
65.4 Develop Intergovernmental Agreements (IGA) or Memorandum of Understanding (MOU) with the CPN Metro District to establish a consistent set of high standards for parks and open space.	✓		
65.5 Expand the trail system to connect commercial and recreation destinations to neighborhoods. Identify acquisition and funding strategies to complete new and gap trail opportunities identified in PaRC Plan and Trails Master Plan.		✓	
5.6 Initiate development of the new Preserve open space area in The Canyons to preserve biodiversity, provide recreational opportunities, and capitalize on scenic views of the Rueter-Hess Reservoir and mountains.			
5.7 Update the Subdivision Ordinance to include the PaRC Plan's recommendations for park and open space dedication, universal access, trail design, and level of service.	✓		
76.0 Improve Streetscape and Circulation			
7.1 Create a separate, specific Transportation Plan to address maintenance, traffic syncing, and road improvements.			✗
76.2 Continue to implement the <u>Master Transportation Plan and Multi-Modal Enhancement Plan</u> for Castle Pines Parkway and Monarch Boulevard.		✓	
76.3a Coordinate with Colorado Department of Transportation (CDOT) on a feasibility study for interchange reconfigurations to incorporate bicycle and pedestrian facilities, and longer turn lanes.			✓

STRATEGIES AND PROJECTS	REGULATORY REFORM	CAPITAL PROJECTS	PLAN OR STUDY
7.6.34b Coordinate with private developments, Douglas County, and CDOT to mitigate on- and off- site impacts of large-scale development and share cost of interchange improvements.			✓
<u>6.5 Establish a circulator or shuttle bus to connect with Ridgeway Parkway RTD station.</u>		✓	
<u>6.6a Develop a circulation study to look at traffic congestion issues and path connections around existing and future school sites.</u>			✓
<u>6.6b Investigate DRCOG and CDOT grant funding for Safe Routes to School improvements.</u>			✓
<u>6.7 Prioritize road maintenance and repair along Monarch Blvd. and Castle Pines Parkway.</u>		✓	
<u>8.7.0 Pre-Position Future Transit Opportunities</u>			
<u>8.7.1 Coordinate with join the Regional Transit District (RTD) on feasibility of joining the district</u> to acquire access to public transportation and connect regionally.	✓		
<u>8.7.2a Initiate a station area plan to create parking and transit facilities on either side of I-25, just south of Castle Pines Parkway.</u>			✓
<u>8.7.2b Coordinate with CDOT to bBuild a pedestrian and bicycle overpass or underpass</u> to safely connect commercial areas and future transit facilities across I-25.		✓	
<u>7.3 Monitor and get more involved with possible connections to the Front Range Passenger Rail.</u>			✓
<u>8.9.0 Incorporate Food Production and Urban Agriculture</u>			
<u>9.8.1 Initiate a feasibility study to assess appropriate locations, cost, and partnerships for local community gardens.</u>			✓
<u>9.8.2 Implement budgetary funding for design, construction and maintenance of community gardens.</u>		✓	
<u>9.0 Transition to a Sustainable Community</u>			
<u>9.1 Implement water-wise landscaping standards and practices for all parks and public-landscaped areas.</u>	✓		
<u>9.2 Transition city streetlights to LEDs.</u>		✓	
<u>9.3 Work with businesses and waste collectors to increase recycling rates.</u>			✓
<u>9.4 Implement a dark sky policy to require all outdoor lights to be shielded and face down.</u>	✓		
<u>9.5 Update landscaping standards to identify minimum requirements for native species.</u>	✓		
<u>9.6 Explore a zero-waste approach for city facilities, city events, and city purchasing policies.</u>	✓		
<u>9.7 Create programs, incentives, and code amendments to encourage above-code energy efficiency.</u>	✓		

FUTURE LAND USE PLAN

The Future Land Use Plan embodies the community vision, illustrating the desired mix, character, and location of future land uses. The Future Land Use Plan identifies the distribution of mixed-use, residential, recreation and civic land uses within the City limits of Castle Pines. Each Future Land Use Category, described in Tables 1-through 4 includes a list of defining characteristics, intended land use mix, and a guideline for residential density.

What is the difference between a future land use plan and zoning?

The Future Land Use Map-Plan and Future Land Use Category descriptions, coupled with the goals and objectives within each framework, help direct development patterns and city-wide infrastructure improvements citywide to achieve the overall community vision.

Zoning refers to land-use entitlements and requirements that regulate appropriate use, bulk, height, density, and other characteristics appropriate for a specific site.

The general recommendations of the Future Land Use Plan form the basis for zoning and municipal code regulations and updates.

MIXED-USE CATEGORIES

Table 1

FUTURE LAND USE CATEGORY	DEFINING CHARACTERISTICS	LAND USE MIX	AVERAGE NET RESIDENTIAL DENSITY
<i>Mixed-Use Marketplace</i>	<ul style="list-style-type: none"> Intended to develop as a concentrated and dense mix of uses Scaled to create a functional, walkable, pedestrian-friendly urban environment with public gathering spaces <u>Includes a</u> <u>vertical</u> and horizontal mix of uses that integrates high-density residential units with retail, <u>commercial</u>, office, and restaurant uses Sited adjacent to major regional roadways and to incorporate potential future transit Promotes <u>cohesive</u> urban design with consistent development standards 	<ul style="list-style-type: none"> Retail and Services Hotels Offices Civic and Community Facilities Entertainment, <u>Cultural</u>, and <u>Arts</u> <u>Facilities</u> Plazas and Parks Multifamily Housing (including apartments and condominiums, and excluding single-family housing) Transit Facilities Vertical Mixed-use Senior Housing 	30 Dwelling Units/-Acre

FUTURE LAND USE CATEGORY	DEFINING CHARACTERISTICS	LAND USE MIX	AVERAGE NET RESIDENTIAL DENSITY
<i>Mixed-Use Downtown</i>	<ul style="list-style-type: none"> • Central business district serving the local and regional area • Includes a dDiverse mix of land use, including restaurants, community facilities, and multifamily residential • Incorporates sSpace for local community events and daily socialization • Designed as a walkable and pedestrian-scaled activity center with small block sizes, highly connected street network, and wide sidewalks • Encourages redevelopment and infill of catalyst sites 	<ul style="list-style-type: none"> • Retail and Services • Entertainment, Cultural, and Arts Facilities • Hotels • Medium-Rise Offices • Educational Facilities • Civic and Community Facilities • Plazas and Parks • Multifamily Housing • Vertical Mixed-use • Offices • Senior Housing 	15 Dwelling Units/-Acre
<i>Mixed-Use Community</i>	<ul style="list-style-type: none"> • Serves local and regional commercial, service, and employment needs • Sited at intersections of major arterials and Interstate 25, typically anchored by a grocery store, employment, or civic uses • Encourages integrated vertical and horizontal mixed-use with multifamily residential 	<ul style="list-style-type: none"> • Medium-Format Retail and Services (including grocery stores) • Low and Medium-Rise Office • Hotels • Entertainment, Cultural, and Arts Facilities • Plazas and Parks • Multifamily Housing • Senior Housing 	Range of 10-15 Dwelling Units/Acre (see Objective H-1.4 for intention of range)
<i>Mixed-Use Neighborhood</i>	<ul style="list-style-type: none"> • Provides a mix of supporting services and small-scale commercial for the surrounding neighborhoods • Designed to complement the neighborhoods' character and social activities 	<ul style="list-style-type: none"> • Neighborhood-Serving Commercial and-Retail • Small-Scale Office • Civic and Community Facilities 	N/A

NEIGHBORHOOD CATEGORIES

Table 2

FUTURE LAND USE CATEGORY	DEFINING CHARACTERISTICS	LAND USE MIX	AVERAGE NET RESIDENTIAL DENSITY
<i>Neighborhood Village</i>	<ul style="list-style-type: none"> Primarily residential in character, consisting of a variety of housing types Represents the largest residential component (geographically) of the City's <u>Future</u> Land Use Plan and the majority of newly developing neighborhoods Compatible with character of established neighborhoods Clustersed development to maximize open space and the natural environment 	<ul style="list-style-type: none"> Single-Family Detached Homes (including patio and cottage-style) Single-Family Attached Homes (including townhomes and duplexes) <u>Multifamily Housing (including Condominiums and low-rise apartments)</u> Parks Schools Civic and Community Facilities Mixed-Use Neighborhood Retail and Services 	4-10 Dwelling Units/-Acre
<i>Neighborhood Estate</i>	<ul style="list-style-type: none"> Low-density residential neighborhoods, primarily composed of detached single-family housing 	<ul style="list-style-type: none"> Single-Family Detached Homes <u>MixedMulti-Use Trails</u> 	1 Dwelling Unit/Acre
<i>Neighborhood Conservation</i>	<ul style="list-style-type: none"> Lowest residential densities and large lot areas with agriculture or equestrian uses Located near or adjacent to significant natural features or established open spaces Consisting of a variety of housing types, with detached single-family homes as <u>the</u> primary type 	<ul style="list-style-type: none"> Single-Family Detached Homes <u>Small-Scale Agriculture</u> Open Space <u>Multixed-Use Trails</u> Schools Fire Station 	1 Dwelling Unit/20 Acres

RECREATION CATEGORIES

Table 3

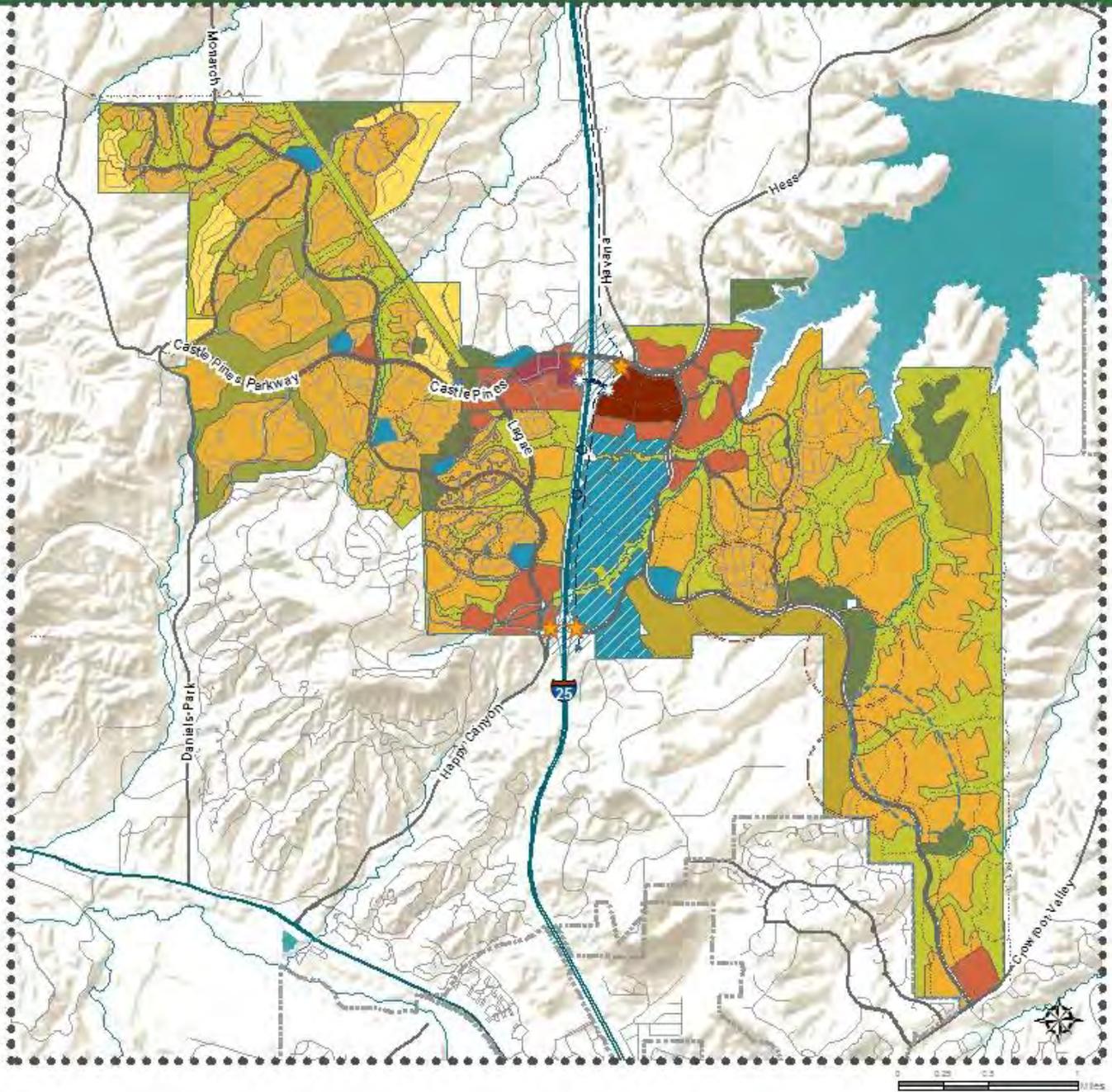
FUTURE LAND USE CATEGORY	DEFINING CHARACTERISTICS	LAND USE MIX	AVERAGE NET RESIDENTIAL DENSITY
<i>Park</i>	<ul style="list-style-type: none"> Intended to provide both passive and active recreational and community environments Integrated into neighborhoods and connected to <u>the</u> city-wide trail system Provides space for private and community events 	<ul style="list-style-type: none"> Parks Multi-Use Trails Civic, Cultural, and Arts Facilities Playgrounds Small-Scale Commercial, f and Food Service 	N/A
<i>Golf Course</i>	<ul style="list-style-type: none"> Public or private golf courses and associated facilities 	<ul style="list-style-type: none"> Golf Courses Driving Ranges Clubhouse and R Related E facilities 	N/A
<i>Open Space</i>	<ul style="list-style-type: none"> Maintains the natural character with minimal disturbance of the land Provides opportunities for passive recreation activities Protects viewsheds and important community buffers 	<ul style="list-style-type: none"> Natural Areas Open Lands Conservation Easements Environmentally Sensitive Lands Multi-Use Trails 	N/A
<i>Farm</i>	<ul style="list-style-type: none"> Intended to be primarily used for community-supported agriculture production and sales Providing limited access to the public through multi-use trails Supports agritourism and urban agriculture education 	<ul style="list-style-type: none"> Agricultural Production Farm Sales Multi-Use Trails Equestrian Facilities 	N/A

CIVIC CATEGORIES

Table 4

FUTURE LAND USE CATEGORY	DEFINING CHARACTERISTICS	LAND USE MIX	AVERAGE NET RESIDENTIAL DENSITY
<i>Public/Quasi Public</i>	<ul style="list-style-type: none"> • <u>Provides civic and community facilities that are open to the public, or provide services to the community</u> • <u>Integrates smaller community-serving or educational facilities are integrated into neighborhoods</u> • <u>Integrates centrally located, larger community-serving or educational facilities centrally located</u> • <u>These areas are also appropriate for cultural or institutional facilities, such as museums or libraries.</u> • <u>Offers community-serving agricultural areas such as community gardens and Community Supported Agriculture (CSA)</u> 	<ul style="list-style-type: none"> • <u>Civic and Community Facilities</u> • <u>Government Offices</u> • <u>Schools</u> • <u>Recreation Facilities</u> • <u>Employment</u> • <u>Utility Infrastructure</u> • <u>Libraries</u> • <u>Fire Stations</u> • <u>Small-Scale Agricultural or Community Garden</u> • <u>Multi-Use Trails</u> 	N/A
<i>Community Benefit Overlay</i>	<ul style="list-style-type: none"> • <u>Requires development to demonstrate a quantifiable public benefit</u> • <u>Public benefit could include public access to amenities, significant jobs or tax revenue for the City, increased opportunities for education or recreation, or fulfill an identified community need</u> • <u>Employment uses should be a catalyst for the local economy</u> 	<ul style="list-style-type: none"> • <u>Public/Quasi Public Future Land Uses</u> • <u>Recreational, Entertainment, and Leisure Uses</u> • <u>Corporate, Institutional, Educational, or Research and Technology Industries</u> 	N/A

FUTURE LAND USE PLAN



- | | | | | | |
|-----------------------|--------------------------------|---------------------------------------|---------------------------|-------------|---------------------------|
| Castle Pines | Pedestrian Bridge or Underpass | Mixed-Use Marketplace | Neighborhood Village | Park | Public/Quasi Public |
| Other Municipalities | Transit Station/ Park-n-Ride | Mixed-Use Downtown | Neighborhood Estate | Golf Course | Community Benefit Overlay |
| Railroad | Transit-Oriented Development | Mixed-Use Community | Neighborhood Conservation | Open Space | Future School Site |
| Interstate | Transit Line | 0.25 mile Mixed-Use Neighborhood Area | | | |
| Major Road | Gateway Features | | | | |
| Local Road | Existing Trails | | | | |
| Streams | Planned Trails | | | | |
| Rueter-Hess Reservoir | | | | | |

GOALS AND OBJECTIVES

Goal PR-3: Advance opportunities for new recreational, educational, entertainment, and leisure activities within the Community Benefit Overlay.

- PR-3.1 Encourage public spaces and facilities that are open to the public or services that are provided at a reduced rate to community members.
- PR-3.2 Locate and design land uses to respect the ecological context and topography of the site.

Goal ED-1: Foster a robust and resilient economy and workforce.

- ED-1.8 Leverage the Community Benefit Overlay to attract catalyst employment uses for the local economy, such as corporate, institutional, educational, or research and technology industries.

Goal LU-7: Evaluate new land uses that directly benefit the Castle Pines community. (See the Community Benefit Overlay land use)

- LU-7.1 Require development proposals to show a quantifiable public benefit within the Community Benefit Overlay.
- LU-7.2 Support uses that show a prolonged and enduring benefit to the community.
- LU-7.3 Consider public benefits such as enhanced public access, significant jobs or tax revenue for the City, increased opportunities for education or recreation, or to fulfill an identified community need.