



Town Council Meeting Minutes - Draft

Mayor Jason Gray
Mayor Pro Tem Kevin Bracken
Councilmember Ryan Hollingshead
Councilmember Laura Cavey
Councilmember Desiree Lefleur
Councilmember Max Brooks
Councilmember Tim Dietz

Tuesday, February 21, 2023

6:00 PM

**Town Hall Council Chambers
100 North Wilcox Street
Castle Rock, CO 80104
Phone in: 720-650-7664
Meeting code: 2486 387 4560
www.CRgov.com/CouncilMeeting**

This meeting is open to the public and will be held in a virtual format in accordance with the Town Council Electronic Participation, Connected, and Hybrid Meeting Policy. Public may choose to attend in person at Town Hall, or electronically or by phone if preferred. This meeting will be hosted online and can be accessed at www.CRgov.com/CouncilMeeting, or phone in by calling 720-650-7664, meeting code 2486 387 4560 (if prompted for a password enter "Feb21Council"). All Town Council Meetings are also streamed online in real time at www.CRgov.com/WatchCouncil, and are broadcast for Comcast Cable subscribers on Channel 22 (please note there is a delay to the broadcast).

All times indicated on the agenda are approximate. Remote participants please visit www.CRgov.com/CouncilComments to sign up to speak to an item, and for related instructions. Public Comments may also be submitted in writing online by 1:00 p.m. February 21, 2023, to be included in the public record.

COUNCIL DINNER & INFORMAL DISCUSSION

INVOCATION

Mayor Gray provided the Invocation.

CALL TO ORDER / ROLL CALL

Present: 7 - Mayor Gray, Mayor Pro Tem Bracken, Councilmember Hollingshead, Councilmember Cavey, Councilmember LaFleur, Councilmember Brooks, Councilmember Dietz

PLEDGE OF ALLEGIANCE

The pledge led by the Boy Scout Troop

COUNCIL COMMENTS

Mayor Gray found out that he lost a college soccer teammate to suicide. We should let our friends and family know when we are going through a hard time.

Councilmember Cavey is concerned about a bill that could override home rule. Mike sent her some information on a law that may be a solution and hope that municipalities will choose to fight.

Councilmember Brooks thanked staff for having Senator Smallwood attend.

Mayor Gray stated he has not had any complaints about the sign code, but doesn't mind discussing it.

Moved by Councilmember Brooks, seconded by Councilmember Dietz, to Direct Staff to bring forward the sign code to review. The motion passed by a vote of:

Yes: 7 - Gray, Bracken, Hollingshead, Cavey, LaFleur, Brooks, Dietz

COUNCIL COMMENTS

Councilmember Dietz inquired how we would handle a derailment in Town and asked for ideas on how we can engage the railroad.

Norris can prepare background for their plans for emergency response.

Moved by Councilmember Dietz, seconded by Councilmember Cavey, to Direct Staff to provide a comprehensive look at our procedures. The motion passed by a vote of:

Yes: 7 - Gray, Bracken, Hollingshead, Cavey, LaFleur, Brooks, Dietz

[ID 2023-019](#)

Senator Jim Smallwood, Colorado State Senate - Presentation

Senator Smallwood provided an update. He has represented District 4 but after redistricting is now representing District 2 which includes just Parker and Castle Rock. He has lived in the county 26 years and raised his children here. He is the outgoing chair of the audit committee and chair of Republican caucus and Health and Human services. They have a 128 day session. The Senate consists of 35 Senators with 12 republicans, and the House have 65 Representatives with 19 republicans. They have a minority on all the committees as well. There are a number of bills on green energy, gun control and workers rights such as the paid medical family leave act. Their priorities are affordable housing, crime and educational choice.

Councilmember Cavey asked about a proposed bill that has to do with zoning and the state taking over what we can do in our communities regarding overriding Council decisions on density and multi-family homes. Smallwood stated the theme is an attack on local control.

Mayor Gray doesn't feel that bill will be introduced. All front range municipalities and Councils have spoken against it on both sides of the isle. Gray asked about taxes on restaurants. Smallwood stated it has not come to the Senate yet but it is designed so be they have to provide schedule to workers several weeks in advance and that it can't be deviated from even if there is no work they have to pay them based on their schedule.

Mayor Pro Tem Bracken referenced HB 23-1184 low income housing tax exemptions. Smallwood has not seen the bill in committee or on the floor yet and reserves his comments until he sees it. He is in favor of doing what we can to create non-rent control of keeping Douglas County affordable. He is opposed to requiring a percentage of affordable homes in condo units, etc. Bracken asked his position on superseding home rule and our current zoning. Smallwood campaigned on maintaining local control. Bracken asked if there is any

opportunity as an emergency action to supersede our home rule and what can we do to stop it. Smallwood stated there are a lot of people in the majority that don't like what happens in Douglas County and he would hope there would be legal means. He is nervous for it.

Smallwood stated he welcomes any calls or emails.

UNSCHEDULED PUBLIC APPEARANCES

No public comment.

TOWN MANAGER'S REPORT

[ID 2023-020](#)

Update: Calendar Reminders

David Corliss, Town Manager, went over calendar items.

[ID 2023-021](#)

Update: Monthly Department Reports

[ID 2023-022](#)

2022 Service Contract Year-end Reports

[ID 2023-023](#)

Update: Quasi-Judicial Projects

[ID 2023-024](#)

Development Services Project Updates

TOWN ATTORNEY'S REPORT

No report.

ACCEPTANCE OF AGENDA

Moved by Mayor Pro Tem Bracken, seconded by Councilmember Brooks, to Approve the Agenda as presented. The motion passed by a vote of:

Yes: 7 - Gray, Bracken, Hollingshead, Cavey, LaFleur, Brooks, Dietz

CONSENT CALENDAR

Moved by Councilmember Hollingshead, seconded by Councilmember Cavey, to Approve the Consent Calendar as presented. The motion passed by a vote of:

Yes: 7 - Gray, Bracken, Hollingshead, Cavey, LaFleur, Brooks, Dietz

[RES 2023-014](#)

Resolution Approving the Purchase of Two 2023 938 Wheeled Loaders from Wagner Equipment Company

[RES 2023-015](#)

Resolution Waiving the Town's Formal Written Bidding Requirement on the Basis of Sole Source and Approving an Agreement for Service with Core Electric Cooperative, for the Crystal Valley Parkway and Plum Creek Boulevard Roundabout Project

[RES 2023-016](#)

Resolution Approving the First Amendment to the 2022 Town of

**Castle Rock/Central Colorado Water Conservancy District Spot
Water Lease Agreement *[Chatfield Reservoir, Douglas County]***

[MIN 2023-005](#) **Minutes: February 7, 2023 Town Council Meeting**

QUASI JUDICIAL HEARINGS

[RES 2023-017](#) **Resolution Approving A Site Development Plan For A Senior
Multifamily Residential Development In The Meadows C-O-I Use Area
(Parcel 2N, Lot 3C, Meadows Filing No. 19, Amendment 1)
*[Meadowmark - North Meadows Extension and Timbermill Parkway]***

Mayor Gray confirmed Council had no conflict of interest.

Mayor Gray read Resolution 2023-017 and Item 2023-009 into the record to be presented together but voted on separately.

Tara Vargish, Development Services Director, provided an overview of the project that is north of Castle View High School. It was zoned and annexed in 1984. Current zoning was amended in 2003. It allows senior housing, office retail, restaurant, recreation, etc. It will be age and income restricted with 200 dwelling units and 255 parking spaces which is over the 206 spaces required. It is a 4 story building with two courtyards and two main entrances.. Planning Commission and staff find the SDP conforms to the goals of the Town documents, meets requirements of the Meadows PD 4th amendment, and Code 17.38.040 SDP criteria in the Towns technical criteria.

Councilmember Cavey asked about parking. Vargish stated they are working on parking requirements for multi-family but the code has different parking requirements for senior multi-family.

The applicant spoke and stated they were awarded low income housing tax credits. The development is 550 feet away from closest single family residential home. It is Senior independent living for 55 and over making \$65-\$70k per year to allow them to comfortably age in place. She went over the design elements and materials.

Mayor Gray asked what surrounding residents would see. Rebecca stated they are below height restrictions.

Councilmember Cavey asked to elaborate on income restrictions. How does it translate back to the residents. The developer replied that the income limit is set by HUD each year and the rent is a formula. Currently a one bedroom is \$1,320 and a two bedroom is \$1500.

No public comment.

Mayor Pro Tem Bracken feels it is a good anchor and project and Councilmember Hollingshead feels it helps keep those folks in town.

Moved by Councilmember LaFleur, seconded by Councilmember Hollingshead, to

Approve Quasi-Judicial Resolution RES 2023-017 as presented. The motion passed by a vote of:

Yes: 7 - Gray, Bracken, Hollingshead, Cavey, LaFleur, Brooks, Dietz

[DIR 2023-009](#)

Discussion/Direction: Meadowmark Partial Fee Waiver Request

[Meadowmark - North Meadows Extension and Timbermill Parkway]

Tara Vargish, Development Services Director stated it is a 200 unit rent-restricted project with rent ranging from \$610 to \$1780 as an attainable senior housing facility. They offer shuttle services and onsite amenities. The owner is requesting a partial fee waiver of \$500k. They are partnering with Douglas County Housing Authority, are utilizing tax credits and are receiving a grant for \$5M from the Colorado Division of Housing. The total cost is \$58M, and Town fees are estimated at \$4.2M.

The Code authorizes Council to waive fees up to 100% for development impact fees. System development fees can receive up to 100% reduction if they provide affordable or attainable housing. They must report annually that they comply with the requirements. In 2013 Council approved \$200k for Auburn Ridge for 90 attainable housing units and \$200k for Oakwood Senior II (45 attainable housing units). If approved, staff would prepare the resolution and agreement to bring back for Council action.

Councilmember Cavey inquired given our budget getting tighter if this was worthwhile. David Corliss, Town Manager, stated he feels it is worthwhile to do and feels it is an appropriate project and meetings a lot of our land use goals and is a good location. He feels this is an opportunity for the Town to participate at a modest level to get something that would be a benefit to the community. This would be one of largest projects this year.

No public comment.

Mayor Gray stated it is good to have seniors in our community and Mayor Pro Tem Bracken feels it is a good anchor and project. Councilmember Hollingshead feels it is good to keep those folks in town.

Moved by Councilmember LaFleur, seconded by Councilmember Dietz, to Direct staff to prepare a Resolution and Agreement to bring back to Council. The motion passed by a vote of:

Yes: 7 - Gray, Bracken, Hollingshead, Cavey, LaFleur, Brooks, Dietz

[ORD 2023-001](#)

Ordinance Annexing to the Town of Castle Rock, Colorado, 409.008 Acres of Land Located in the South Half of Section 30 and the North Half Of Section 31, Township 7 South, Range 66 West, and the Southeast Quarter of Section 25, Township 7 South, Range 67 West of the 6th Principal Meridian, Douglas County, Colorado, Pursuant to an Annexation Petition Submitted by Canyons South, LLC (First Reading) [Canyons Far South Annexation] [409 acres, located east of Founders Parkway, north of Crimson Sky Drive and west of Castle Oaks

Drive]

Mayor Gray read Ordinance 2023-001, 2023-002 and 2023-003 into the record to be presented together and voted on separately.

Tara Vargish, Development Services Director, stated this is different than typical development plans. We are looking at annexing land and establishing its initial zoning.

The property is 409 acres east of Founders and south of Crowfoot Valley. The Annexation petition was filed in May 2021, the Substantial Compliance hearing stating that the application was accurate and complete occurred in June 2021. In August 2021 they held the Eligibility hearing to determine it was eligible to annex. In December 2022 the Planning commission recommended annexation and zoning. There will be 217 acres dedicated to the Town for open space, plus public land dedication for a park, development of parking and trails, and a paved trail that connects to the front range trail. The developer will build sidewalk connectivity and there will be a 300 foot buffer on the south. The project will have single family homes and neighborhood friendly commercial.

The development agreement and zoning limits uses. The development agreement provide us 465 acre feet of groundwater and 153 acre feet of renewable water resources. There are landscape regulations, transportation system improvements, parks and open space dedication, a vegetation management plan, infrastructure obligations, a regional mill levy of 5 mills collected for the Town, vesting through 2037. The front yards must use Coloradoscape and the backyard is limited to 500 square feet of turf. Staff states it meets all requirements and recommends approval.

The applicant presented the project.

Councilmember Dietz asked what the 5 mills is used for. Corliss stated it is to help provide services to the property we are annexing into the community. The 5 mills will be on all of the property even when it isn't developed and will have more value when it is developed. Dietz asked for the build out estimate. The applicant estimates build out in 4-5 years with 110 units per year and 474 units total.

Councilmember Cavey asked about wildlife management. The applicant stated they will educate homeowners on how to live with wildlife in the community.

Councilmember Cavey stated most of the community is not pro growth and asked what is the benefit of doing this and the impact on community services. Corliss stated this is very different than anything else. It is an annexation that entitles a property. Council is not legally required to annex. The staff recommendation is that the benefits exceed the costs. Residential puts a burden on the community and maintaining infrastructure. If we do not annex it, it would have continued pressure to be developed next to a highway and surrounded by residential. We would want it developed under our standards vs. what would happen if it was in the county. Over half is open space which is an important value to the community, the road connection to access Founders, trail connectivity, some sales tax benefit with neighborhood retail. We ensure this is developed to Town standards. Cavey states she drives Castle Oaks now with two lanes and asked if there are any plans

to widen that road and how do we deal with extra traffic on Castle Oaks Drive. Vargish said it is required to be widened and relocated as part of the Terrain development. This development will divert some of that traffic through this development. Cavey asked if it is all of Castle Oaks. Vargish stated some has already been widened with shoulders and turn lanes.

Councilmember Brooks asked if department heads could answer those questions directly. Mark Marlowe, Director of Castle Rock Water, is supportive of this because it is bringing more than adequate ground water and renewable water that meets their demand. It also allows us to bring renewable water supplies that fit within our renewable water projects where we are already building infrastructure and spreads out those costs. From a water standpoint the water conservation is extraordinary and they are more than covering what they will utilize and that we can utilize elsewhere in the Town if we need it.

Councilmember LaFleur stated McAnta built in the County and we agreed to serve them with water. LaFleur feels we missed an opportunity by not being better partners like we have with this one where we complete the sidewalk, improve roadway access, etc. We don't want to miss the opportunities with this project that we could lose if it is developed in the county. Vargish stated by annexing we get to control the development patterns and timelines etc.

No public comment.

Mayor Gray spoke in favor of the motion.

Mayor Pro Tem Bracken stated we are surrounded by County land. If we don't annex it into the Town, we won't get the benefits or the connectivity. Having the influence to get an extraordinary project vs. having it happen to us. If they went to water wells, we would likely have to bail them out down the road.

Councilmember Cavey stated she will see the effects of it more as she lives by it. She has received feedback from people that live along that edge, but they appreciate the buffer and that they listened to them. We don't want another McAnta. She appreciates the hard work that has gone into this.

Moved by Councilmember LaFleur, seconded by Councilmember Brooks, to Approve Quasi-Judicial Ordinance ORD 2023-001 as presented. The motion passed by a vote of:

Yes: 7 - Gray, Bracken, Hollingshead, Cavey, LaFleur, Brooks, Dietz

[ORD 2023-002](#)

Ordinance Approving the Initial Zoning for 409.008 Acres of Land Located in the South Half of Section 30 and the North Half of Section 31, Township 7 South, Range 66 West, and the Southeast Quarter of Section 25, Township 7 South, Range 67 West of the 6th Principal Meridian, Douglas County, Colorado, Pursuant to a Zoning Application Submitted by Canyons South, LLC. (First Reading)
[Canyons Far South Planned Development] [409 acres, located east of Founders Parkway, north of Crimson Sky Drive and west of Castle Oaks Drive] Continued from January 3, 2023

Moved by Councilmember LaFleur, seconded by Councilmember Brooks, to Approve Quasi-Judicial Ordinance ORD 2023-002 as presented. The motion passed by a vote of:

Yes: 7 - Gray, Bracken, Hollingshead, Cavey, LaFleur, Brooks, Dietz

ORD 2023-003 Ordinance Approving the Canyons Far South Development Agreement and Purchase Option Agreement; and Vesting a Site Specific Development Plan through December 31, 2037 (First Reading) Continued from January 3, 2023

Moved by Councilmember LaFleur, seconded by Councilmember Brooks, to Approve Quasi-Judicial Ordinance ORD 2023-003 as presented. The motion passed by a vote of:

Yes: 7 - Gray, Bracken, Hollingshead, Cavey, LaFleur, Brooks, Dietz

RES 2023-018 Resolution Approving a Use by Special Review Application for an Accessory Dwelling Unit at 544 Senter Drive

Tara Vargish,, Director of Development Services, provided an overview of the application. Accessory Dwelling units can be internal, an addition, or a detached unit. The applicant Anthony Chin is on the line if there are any questions. Property owners must occupy the primary home or the ADU. Water and sewer will come from the existing home. They must maintain the design and character and can't exceed 800 square feet. They comply with the approval criteria in our code. Planning commission unanimously recommends approval and staff finds it meets all requirements.

Councilmember Brooks asked if there is a height restriction. Vargish stated it can be higher but they are not going to exceed that.

No public comment.

Mayor Gray stated that 95% of the Town doesn't qualify to have ADUs and we are fortunate we have not seen any problems.

Moved by Councilmember LaFleur, seconded by Councilmember Dietz, to Approve Quasi-Judicial Resolution RES 2023-018 as presented. The motion passed by a vote of:

Yes: 7 - Gray, Bracken, Hollingshead, Cavey, LaFleur, Brooks, Dietz

ADVERTISED PUBLIC HEARINGS & DISCUSSION ACTION ITEMS

ORD 2023-004 Ordinance Approving a Ground Lease Agreement between the Town and CORE Electric Cooperative for an Electric Vehicle Charger at Philip S. Miller Park (First Reading)

Matt Gohl, Special Projects Manager, provided an overview of the item. This is a lease with CORE to install an electric vehicle charger in Miller Park. The chose a location central to amenities in the park and close to electric infrastructure. The funding is from a grant that CORE received for 80% of the cost and CORE will

pick up the remaining 20%. We will waive the permit fees which aren't significant. It is an initial five year lease and includes two five-year renewal options requiring mutual approval. CORE is responsible for 100% installation and maintenance. The Town will not assess any rent throughout the period. The EV will be free of charge for the first 180 days. There are minor parking improvements to make it accessible. Installation would start as soon as possible and be available for use in the summer. Staff recommends approval.

Councilmember Cavey asked about waiving permit fees and not charging them for the lease. Why are we doing that.

Gohl feels it is a benefit to the community and spaces are still accessible to the community. We will get to learn about needs in the community.

Corliss stated cost for installation is about \$16,000 so we are getting something that would cost us \$16k and it is at no cost to us. It helps us learn if it is something that the Town or the community would benefit from. Cavey confirmed they are paying to make the changes in the parking spaces. Corliss stated CORE will pay for it and provide it for 180 days free and then can charge the users for it if they want.

Mayor Pro Tem Bracken asked about the purpose behind the grant and how it benefits Castle Rock. CORE replied they look at service areas and try to pull together areas and communities. They learn how customers utilize electric vehicles. Bracken asked about the anticipated cost for 180 days. CORE stated it will be approximately \$240k per site for installation and infrastructure on the average.

No public comment.

Moved by Mayor Pro Tem Bracken, seconded by Councilmember Hollingshead, to Approve Ordinance ORD 2023-004 as presented. The motion passed by a vote of:

Yes: 7 - Gray, Bracken, Hollingshead, Cavey, LaFleur, Brooks, Dietz

ORD 2023-005 Ordinance Amending Section 110 of Chapter 2.17 of the Castle Rock Municipal Code Regarding Tasting Licenses (First Reading)

Lisa Anderson, Town Clerk, provided an overview of Council direction for this ordinance.

No public comment.

Moved by Councilmember LaFleur, seconded by Councilmember Cavey, to Approve Ordinance ORD 2023-005 as presented. The motion passed by a vote of:

Yes: 7 - Gray, Bracken, Hollingshead, Cavey, LaFleur, Brooks, Dietz

RES 2023-019 Resolution Approving a Service Agreement with Alfred Benesch & Company for Construction Administration Assistance and Inspection Services on the Crystal Valley Interchange Project

Dan Sailer, Director of Public Works, gave a project overview of the interchange.

Construction phases will begin with the Frontage road relocation on the east side, then the west Frontage road will also be relocated and widened. The County will complete the west roadway to Tomah. Staff and Public Works commission recommend approval.

No public comment.

Moved by Councilmember Dietz, seconded by Councilmember LaFleur, to Approve Resolution RES 2023-019 as presented. The motion passed by a vote of:

Yes: 7 - Gray, Bracken, Hollingshead, Cavey, LaFleur, Brooks, Dietz

ADDITIONAL UNSCHEDULED PUBLIC APPEARANCES

None.

ADJOURN

Moved by Mayor Pro Tem Bracken, seconded by Councilmember Cavey, to Adjourn. The motion passed by a vote of:

Yes: 7 - Gray, Bracken, Hollingshead, Cavey, LaFleur, Brooks, Dietz

Meeting adjourned at 9pm.

Submitted by:

Lisa Anderson, Town Clerk