



Meeting Date: September 17, 2024

AGENDA MEMORANDUM

To: Mayor and Members of Town Council

From: Sandy Vossler, Senior Planner, Development Services Department

Thru: Tara Vargish, P.E., Director, Development Services Department

Title: **Ordinance Approving the Initial Zoning for Multiple Parcels of Land Totaling 1.992 Acres Located in Douglas County, Colorado, Pursuant to a Zoning Application Submitted by the Town of Castle Rock, Colorado** [Four Corners Annexation, South Ridge Road No. 1 Annexation, South Ridge Road No. 2 Annexation and Gilbert Street/Plum Creek Parkway Annexation]

Executive Summary

The Ordinance was approved on first reading on September 3, 2024 with a vote of 7 to 0 with no changes.

The Town of Castle Rock, as property owner and applicant, has submitted four petitions to annex several parcels located in Douglas County, known as Four Corners Annexation, South Ridge Road No. 1 Annexation, South Ridge Road No. 2 Annexation and Gilbert Street/Plum Creek Parkway Annexation, and proposes to zone them as Public Land - 1 (Attachment B). The parcels are currently used as right-of-way (ROW), or are for future ROW projects at the intersection of Ridge Road/Founders Parkway and State Highway 86, on Ridge Road and at the intersection of Gilbert Street/Lake Gulch and Plum Creek Parkway (Attachment A).

There are numerous Town-owned parcels that are currently outside of the Town boundaries. The majority of these parcels are small; less than one acre in size. The Town is in the process of annexing the qualified parcels. The purpose of annexing Town-owned property is to allow for consistent application of the Town's zoning regulations and other Municipal Code provisions, as well as law enforcement and code compliance. Previous such annexations have included the Gateway Mesa Annexation and Crowfoot Valley Road Annexation.

The purpose of this staff report is to describe the proposed zoning as Public Land – 1 (Attachment C), and to seek Town Council's approval of the zoning.

The Planning Commission considered the Public Land – 1 zoning request at a public hearing held on August 8, 2024. The Commission voted 6-0 to recommend approval to Town Council.

Discussion

Process of Annexation

Annexation is a three-step process. In the first two steps, Substantial Compliance and Eligibility, Town Council determines whether an annexation request meets the statutory requirements for annexation, as established in the Colorado Revised Statutes, specifically the Municipal Annexation Act of 1965 (Act). On April 16, 2024, Town Council found the Petitions to be in Substantial Compliance with the applicable requirements of the Colorado Municipal Annexation Act of 1965 and voted 7-0 to schedule the Eligibility hearing for Tuesday, June 4, 2024. At the Eligibility hearing, Town Council voted 7-0 to approve the Eligibility resolution, finding that the parcels met the State requirement to be eligible for annexation.

The third step in the process involves Annexation hearings before the Planning Commission and Town Council. At the annexation hearings, Planning Commission and Town Council will consider whether the annexation requests comply with the Town's guiding documents and the Municipal Code, and if the property should be annexed into the Town.

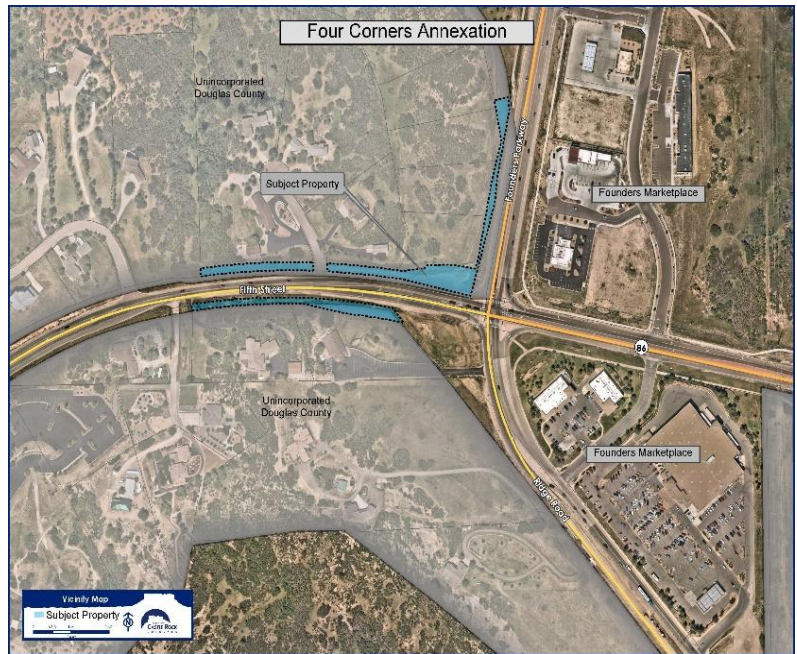


Figure 1: Four Corners Annexation Vicinity Map

The Properties and Surrounding Uses

The Four Corners Annexation consists of eight parcels, grouped as three annexations parcels based on continuity, located north and west of the intersection of State Highway 86 and Founders Parkway/Ridge Road (Figure 1 and Attachment A). The parcels total 1.37 acres and abut Town of Castle Rock right-of-way (ROW). The parcels are undeveloped. The parcels west of Founders Parkway and those north of State Highway 83 are zoned Estate Residential and allow one single-family unit per 2.5 to 4.9 acres. To the east of Founders Parkway, the properties are adjacent to the Town,



Figure 2: South Ridge Road No. 1 Annexation Vicinity Map

specifically, to the Mall and Office Portion of the Villages at Castle Rock Infill PD, which is zoned to allow integrated business uses, such as retail, restaurant and office. The parcels on the south side of Highway 83, are adjacent to Rural Residential zoning, which allows one single-family dwelling per 5 acres to 9.9 acres.

The South Ridge Road No. 1 Annexation consists of one parcel located approximately 225 feet south of the South Ridge Road and Enderud Boulevard roundabout, on the east side of South Ridge Road (Figure 2 and Attachment A). The parcel is 0.12 acres and abuts the Town of Castle Rock Ridge Road ROW. The parcel is undeveloped, except for curb, gutter and sidewalk and is zoned A1 in unincorporated Douglas County. The parcel abuts single-family detached development within the Founders Village PD to north. To the east, is the Mt. Zion PD, where the existing use is single-family detached, and permitted uses include church and associated uses, daycare, parochial school and a rectory. To the west it is adjacent to the Memmen Young portion of The Villages at Castle Rock Infill PD, zoned to allow single-family and multi-family residential.

The South Ridge Road No. 2 Annexation consists of one parcel located approximately 220 feet north of the South Ridge Road and East Plum Creek Parkway roundabout, on the east side of South Ridge Road (Figure 3 and Attachment A). The parcel is 0.02 acres and abuts Town of Castle Rock Ridge Road ROW. The parcel is undeveloped and is zoned Rural Residential. The land to the east and west of the parcel is zoned Rural Residential in Douglas County. To the north, the parcel is adjacent to an open space tract within Founders Village Amended PD, owned by the Founders Villages Master Association HOA.

The Gilbert Street/Plum Creek Parkway Annexation consists of one parcel located at the intersection of Gilbert Street/South Lake Gulch Road and Plum Creek Parkway (Figure 4 and Attachment A). The parcel is 0.47 acres and is within the Town of Castle Rock



Figure 3: South Ridge Road No. 2 Annexation Vicinity Map

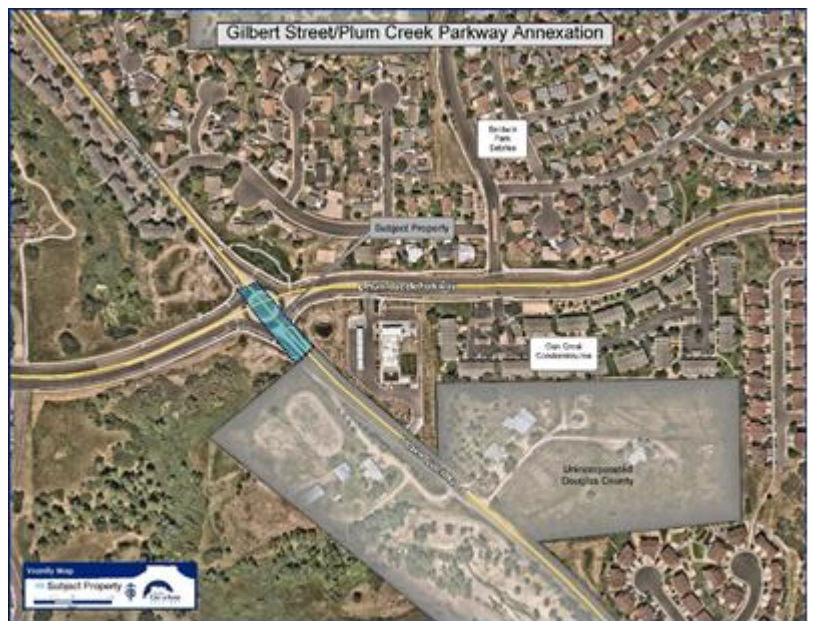


Figure 4: Gilbert Street/Plum Creek Parkway Annexation Vicinity Map

ROW. A roundabout is located within this parcel, which is zoned RR in unincorporated Douglas County. The parcel abuts the Town of Castle Rock boundaries to the north, east and west. The properties to the southeast and northeast are within the Young American PD and zoned Commercial. To the northwest and southwest is the Stanbro PD, zoned for Neighborhood Commercial uses, such as personal services, retail, office and restaurants.

Annexation and Zoning Proposal

Each of the four proposed annexations consist of parcels owned by the Town of Castle Rock and are located within, or adjacent, to Town right-of-way. In addition, the peripheral boundaries of each proposed annexation is at least 1/6th contiguous with the Town’s municipal boundary, as demonstrated in the table below.

	Total Perimeter	1/6 Total Perimeter	Contiguous Perimeter	Percent Contiguity
Four Corners Annexation				
Parcel 1	1,456.76 ft.	242.79 ft.	729.74 ft.	50%
Parcel 2	803.99 ft.	134.00	376.86 ft.	46.87%
Parcel 3	2,233.61 ft.	372.27 ft.	488.07 ft.	21.85%
S. Ridge Road No. 1 Annexation	343.35 ft.	57.22 ft.	343.35 ft.	100%
S. Ridge Road No. 2 Annexation	226.25 ft.	37.71 ft.	136.21 ft.	60.2%
Gilbert St./Plum Creek Parkway Annexation	732.90 ft.	122.15 ft.	349.44 ft.	47.68%

Table 1: Contiguity Dimensions

The various zonings on the parcels include Estate Residential, Rural Residential, and Agriculture 1. Upon annexation, all of the properties will be zoned Public Land-1 (PL-1), which is a straight zoned district established under Chapter 17.30 of the Municipal Code, that allows public right-of-way as a use by right (Attachment C).

Annexation and Zoning Analysis

Staff has completed an analysis of the proposed annexations and proposed PL-1 zoning. The remainder of this report focuses on how the annexations and zoning proposal complies with the State of Colorado statutory requirements, the goals and principles of the Town’s 2030 Vision and Comprehensive Master Plan, and the criterion in the Town’s Municipal Code.

Colorado Revised Statutes – Municipal Annexation Act of 1965 (the Act)

The Town has complied with the process prescribed by the Municipal Annexation Act of 1965. In a public hearing held on April 16, 2024, Town Council found each of the proposed annexation petitions to be in substantial compliance with the prescribed form and content required by the Act, and set the date of the Eligibility hearing for each proposal for June 4, 2024.

After proper public noticing, Town Council held the Eligibility hearing as scheduled, reviewed the statutory statements (referred to as “allegations” in the statute) in the four annexation

petitions, and found that the allegations are accurate, supportable and that the properties are eligible for annexation under the Act.

The third phase of the process is the Annexation hearing, the purpose of which is to determine whether the properties should be annexed to the Town. Section 20.02.040 of the Municipal Code states that Town Council shall consider the policies, guidelines and criteria in the Town [Comprehensive] Master Plan, as amended, along with any other relevant information in determining whether it is in the best interests of the Town to grant or deny the petitions for annexation. The following section identifies the applicable principles of the Comprehensive Master Plan and summarizes how the proposed Four Corners Annexation, South Ridge Road Annexation No. 1, South Ridge Road Annexation No. 2 and Gilbert Street/Plum Creek Parkway Annexation each achieve those principles.

2030 Vision and Comprehensive Master Plan

The principles set forth in the Town's Comprehensive Master Plan are based on four cornerstones identified through a Town-wide visioning effort as the characteristics most important to the community. The following is an analysis of the specific annexation principles found in the Responsible Growth section of the Comprehensive Master Plan and whether each annexation complies.

- *RG-2.1a: Is a logical extension or infill of the Town boundaries*

Each of the four proposed annexations comply with this principle. As noted previously in this report, the parcels are within or abut Town owned right-of-way, and are adjacent to the Town boundaries, exceeding the minimum 1/6 contiguity requirement of the Act.

- *RG-2.1b: Has demonstrated a significant benefit to the Town.*

Annexing and zoning these parcels within the Town will provide for application of consistent zoning standards, allow for enforcement of Town Code, eliminate conflicts between Town and County law enforcement and emergency services, and will reduce jurisdictional redundancy.

- *2.1c: Will be provided with adequate urban services.*

The Town owns and currently maintains the parcels as part of the public right-of-way and provides the necessary urban services.

- *2.1d: Is fiscally responsible.*

Annexation of the parcels will not create new financial obligations for the Town. The Town already maintains the properties and any related infrastructure.

- *2.1e: Conveys to the Town all water right appurtenant to the ground at the time of annexation.*

Conveyance of ownership, and any relevant water rights associated with the properties, have already been conveyed to the Town.

- *2.1f: Secures renewable water to 100 percent of the expected development on the annexed area.*

This principle is not applicable, as no development requiring water resources exists on the property and none is proposed with the annexation and zoning.

Zoning: Public Land District – (PL-1)

The current right-of-way use on the properties is not proposed to change. The PL-1 straight zoned district, established in the Town Municipal Code Section 17.30.020, is a zoning that is applied to public lands with active uses (Attachment C). Public right-of-way is specifically called out as a permitted use. This is the most appropriate zoning classification for these parcels upon annexation.

Public Notification and Outreach

Public Hearing Notice

Public hearing notice signs were posted on the properties on July 23, 2024, and monitored throughout the public noticing period. A joint written notice of the Planning Commission and Town Council public hearings was sent to property owners and Homeowner Associations (HOA) within 500 feet of the properties, at least 15 days prior to the date of the Planning Commission public hearing. Town staff published notice of the Planning Commission and Town Council public hearings on the Town's website and provided information about the proposal on the Town's *Development Activity* interactive map.

Neighborhood Meetings

The Town held one neighborhood meeting on February 28, 2024. The meeting was held in a hybrid format. Three residents attended in-person, and no one attended the meeting virtually. All four proposed annexations were discussed. There were no objections raised. See Attachment D. The second and third neighborhood meetings were waived by the Town Manager.

External Referrals

External referrals were sent to local service providers and Douglas County agencies, as well as adjacent HOAs. Of the responding agencies, no substantive comments were received. Xcel Energy noted that any development encroaching into Xcel easements or right-of-way would require approval of Xcel.

There are no unresolved external referral comments.

Budget Impact

Annexation and zoning of the properties within the Town will not add new budget impacts.

Findings

Planning Commission found that the proposed annexation and zoning of the Four Corners, South Ridge Road No. 1 and No. 2, and Gilbert Street/Plum Creek Parkway parcels:

- Complies with the principles of the Town Vision and the Comprehensive Master Plan, and
- Meets the Municipal Code Section 17.30.020 PL-1 for municipally owned property and public uses.

Recommendation

Planning Commission voted 6 to 0 recommend to Town Council approval of the Public Land – 1 Zone District for Four Corners Annexation, South Ridge Road No. 1 Annexation, South Ridge Road No. 2 Annexation and Gilbert Street/Plum Creek Parkway Annexation, as proposed.

Proposed Motions

The proposed PL-1 zoning for all four annexations are combined in a single Ordinance and motion. The proposed motions are as follows:

Zoning

Option 1: Approval

“I move to approve the PL-1 Zoning Ordinance, as introduced by title.”

Option 2: Approval with Conditions

“I move to approve the PL-1 Zoning Ordinance, with the following conditions:” [list conditions]

Option 3: Continue item to next hearing (need more information to make decision)

“I move to continue this item to the Town Council meeting on [date], at [time].”

Attachments

Attachment A: Vicinity Maps

Attachment B: PL-1 Zoning Ordinance

Attachment C: Public Land – 1

Attachment D: Neighborhood Meeting #1 Summary

T:\Development Review\Annexations Town-Owned Property\Four Corners Plus Anx - Joint Mtgs and Schedules\Anx- Zon Public Hearings\TC 1st Rdg 8-20-24\Zoning