



AGENDA MEMORANDUM

Date: December 3, 2019

To: Honorable Mayor Gray and Town Council

From: Bill Detweiler, Director of Development Services
Julie Kirkpatrick, Long Range Project Manager

Subject: Design Review Board Membership and Responsibilities

Executive Summary

Town Council requested that staff summarize the composition, powers, and duties of the Design Review Board (DRB) following Council discussion and review of a downtown development application approved by the DRB. This report provides a summary of the creation of the Downtown Overlay District (DOD), which included formation of the DRB, and the authority granted to DRB to approve site plans and variances. Staff is seeking Council discussion and input on this issue.

Discussion

Town Council recognized that downtown represents “small town character” in Castle Rock. To place emphasis on that theme, in the summer of 2006, Town Council appointed the Downtown Advisory Commission (DAC) with the goal to identify and recommend options and opportunities to improve the downtown environment. The Commission consisted of representatives from Town Council, Town staff, downtown property owners, downtown business owners, and representatives from Douglas County, the Douglas County School Board, and Douglas County Library Board. A series of meetings occurred where numerous options and recommendations arose and the final group consensus was that a strong effort to encourage investment and reinvestment was needed to improve downtown character. The DAC led the effort to vote and form the Downtown Development Authority (DDA), which established a leadership group and financial entity to assist with ongoing investment and improvements in downtown.

In accordance with the efforts to improve downtown, Town Council adopted the Downtown Overlay District in July 2010. The overlay district established architectural, landscaping, building design, and site development guidelines to encourage compatible land uses and ensure higher quality development in downtown to protect property values and to provide safe and efficient pedestrian and automobile access. The DOD

encourages mixed-use within the same structure or block and high-intensity commercial development.

The Design Review Board was formed with Council adoption of the DOD and consists of seven members.

- One member from the Planning Commission with a one year term;
- Two members from the Downtown Development Authority Board with a one year term;
- Two members from the Historic Preservation Board with a one year term, and;
- Two property owners within the Downtown Development Authority boundary. Downtown property owners may not be members of the aforementioned boards and they serve a two year term.
- If at any time a Design Review Board member loses qualification for appointment that member shall concurrently lose a seat on the Design Review Board.

The Board and Commission members nominate representatives to the DRB and those nominations are reviewed and appointed by Town Council, and serve at the pleasure of Council. The two downtown property owner positions undergo the same appointment procedures as other Board and Commission members that Council appoints. Each DRB members serves a one-year term with the exception of properties owners who serve a two-year term.

All involved with formation and adoption of the DOD determined that the code should not be “prescriptive”, similar to building codes in Santa Fe, and instead the code should provide flexibility through use of building materials, building colors, and building height. Council decided that the DRB was the best group to determine appropriateness of site planning, architecture, and building design and those allowances were included in the DOD code language.

In accordance with the Council adopted DOD, the DRB has authority to review all Site Development Plan applications within the DOD boundary in a public hearing setting. Project design review is based on the Council adopted Vision and Comprehensive Master Plan, Castle Rock Design, and the Downtown Master Plan.

A site development plan application requires public hearings with DRB to provide a thorough review of the guiding documents and code standards and allows for community input on applications. The DRB may approve, approve with conditions or deny an application based on the code standards. If a site development plan is denied by the DRB, the applicant may appeal to the Town Council within 30 days of the DRB action. The Town Council reviews any appeal and considers the DRB action following notice and public hearing procedures in the code.

The DRB has authority to grant variances to lot width, setbacks for front yard, side yard, and rear yard, landscape standards, DOD design standards, and fence height, outdoor display of merchandise, and accessory structures and uses. Section 17.42.100.C **(Attachment A)** outlines the process the DRB must consider when reviewing a variance

request. Before any variance is granted or denied, the Board makes a written finding stating the exceptional conditions, the practical difficulties or unnecessary hardship involved and why there is, or is not any adverse effect on public health, safety and welfare. Unless otherwise stated in the DRB resolution, the applicant has six months to apply for a building permit to match the approved variance, and all new construction must be completed within two years from the date the building permit was issued.

The DRB has authority to review building heights in the DOD, as listed in Section 17.42.070.C (**Attachment B**), and the building height depends upon where the building is located within Downtown. There are three districts in the DOD, the Core District and the North and South Districts.

The **Downtown Core District** is bounded by 5th Street on the north, railroad tracks on the east, 2nd Street on the south and I-25 on the west. Building height in the Downtown Core District is limited to four stories, with a maximum height of 60 feet. A landowner may request one additional floor, with the corresponding increase in building height, in the Downtown Core District. The Board, at its discretion, may grant an additional floor request after considering the following criteria:

1. Whether the project will incorporate design elements found in adjacent Landmark structures; and the impacts of the increased building height on adjacent properties, and;
2. Prior to the issuance of a structural building permit within the DOD, all projects must be reviewed by the Board for compliance with the standards set forth in this Section.

The **North District** is bounded by Wolfensberger Road on the north, railroad tracks on the east, 5th Street on the south and I-25 on the west. The **South District** is bounded by 2nd Street on the north, railroad tracks on the east, the Safeway center on the south and I-25 on the east. Building height in the North and South Districts is limited to six stories, with no maximum height limitation. The Board, at its discretion, may grant two additional floors in the North and South Districts.

As noted previously, any application denied by the DRB may be appealed to Town Council.

The DRB conducts hearings open to the public so they adopt bylaws to govern how the public hearings are conducted. The DRB bylaws were last updated in September 2016 (**Attachment C**).

Attachments

Attachment A:	CRMC 17.42.090, 17.42.100, 17.42.110
Attachment B:	CRMC 17.42.070
Attachment C:	Design Review Board Bylaws