



AGENDA MEMORANDUM

To: Honorable Mayor and Members of Town Council

From: Donna Ferguson, Planner I, Development Services

Title: An Ordinance Amending the Brookwood PD Zoning Regulations Concerning Fences (Second Reading)

Executive Summary

This ordinance was approved as presented on first reading on July 21, 2015 with a vote of 7 to 0 with no changes.

The applicant requests a Planned Development Amendment (Amendment) application to repeal a fence provision from the Brookwood Planned Development Zoning Regulations (PD Zoning). The Amendment is being requested by the developer in order to allow greater fence location flexibility within the Brookwood Planned Development (Brookwood PD). The current fence provision prohibits perimeter type fencing along individual property lines. The developer has indicated that the market has changed since the Brookwood PD concept was conceived and that there is now a need to allow for more flexible fence placement options.

The Brookwood PD is a 73 acre large lot residential subdivision which includes 15 acres of open space. There is a significant amount of topography and vegetation on the site and portions of the site residing within minor and moderate skyline areas. The original intent of the fence provision was to support an open neighborhood character and to allow wildlife movement through the site.

Issues and Concerns

A number of property owners have raised concerns regarding less restrictive fence regulations, changing the character of their neighborhood from its current very open and close to nature character. Other residents have raised concerns about impeding wildlife movement through their properties and their desire to install some type of fencing. Repealing the provision from the PD Zoning would align the fence requirements with current Town Standards and allow the current HOA to decide upon and enforce more restrictive fence designs which balance the desired neighborhood character, wildlife movement through the site and the need for fence location flexibility through the use of Design Guidelines.

Notification and Outreach Efforts

The proposed Amendment was noticed in accordance with the Town of Castle Rock Municipal Code. In addition, the applicant and developer, Richmond Homes, conducted a neighborhood meeting on February 4th, 2015. The neighborhood meeting was attended by 13 members of the public and by

Town staff representative, Sandy Vossler. Most public comments indicated that some form of fence controls regarding fence location and fence architecture were wanted. There were differences of opinion regarding the details of these controls. External referrals were sent to neighboring Home Owner Associations, Diamond Ridge Estates HOA and Timber Canyon HOA, with no response/ concerns being reported. External referrals were also sent to Douglas County Development & Planning and Colorado Parks and Wildlife with no responses at this time.

Planning Commission History

Planning Commission voted 6-0-0 on July 9, 2015 to recommend approval to Town Council of this PD Amendment (**Attachment B**).

Town Council approved Ordinance No. 2015-25: An Ordinance Amending the Brookwood PD Zoning Regulations Concerning Fences on 1st reading on July 21, 2015 by a vote of 7-0.

Background

The property was annexed into the Town of Castle Rock and zoned Brookwood PD in 2002. The Preliminary Plat and Final PD Site Plan were approved in 2006. Both the PD Zoning Regulations and the Final PD Site Plan contain the fence provisions that outline limited fence placement within the Brookwood PD. An application to repeal the fence provision to allow greater fence location flexibility within the PD Zoning and the Final PD Site Plan has been submitted by the developer. Repealing the provision from the PD Zoning Regulations will repeal the same from the Final PD Site Plan. Because the application constitutes a significant change in design it shall be processed as a Major PD Amendment and will require public hearings before Planning Commission and Town Council.

Discussion and Analysis

Property Description

The 72.98 acre Brookwood PD is located north of Founders Parkway and west of and adjacent to Crowfoot Valley Road (Figure 1). The Brookwood PD is a large lot residential subdivision (Figure 2) consisting of 26 acres of single-family estate home lots which range in size from 49,000 to 64,000 square feet, 32 acres of single-family detached home lots which range in size from 12,000 to 34,000 square feet and 15 acres of open space. There is a significant amount of topography and vegetation on the site and open space is located to preserve significant natural areas such as rock outcroppings and vegetation. There are also portions of the site within minor and moderate skyline areas. The Brookwood PD is surrounded by residentially zoned property on all sides.

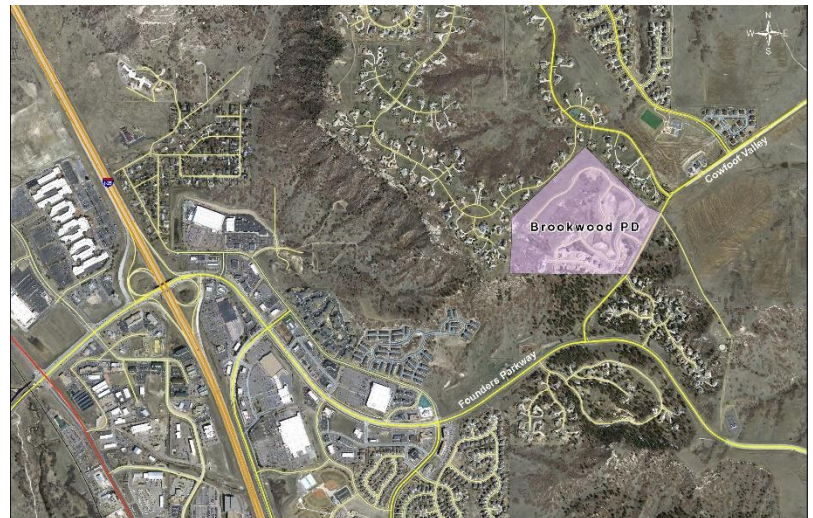


Figure 1: Brookwood PD is located in northeast Castle Rock

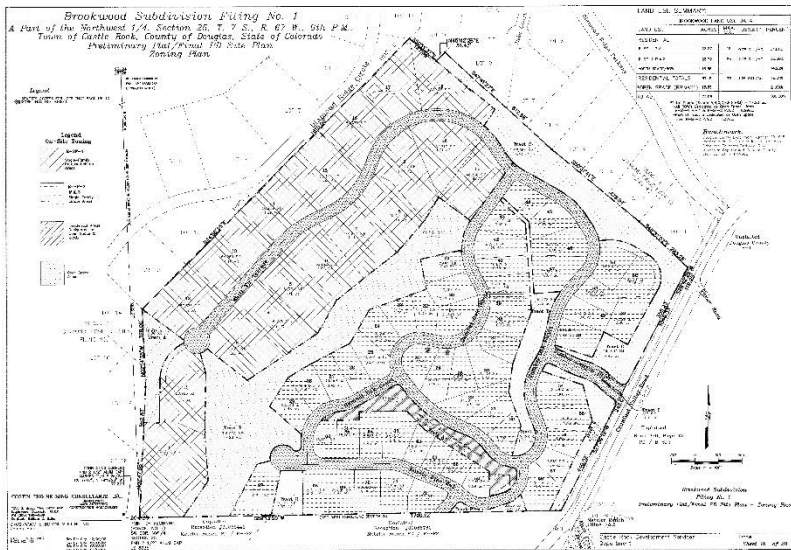


Figure 2: Brookwood Subdivision

Current Zoning and Proposed Amendment

The original intent of the fence provision (Figure 3) was to support an open neighborhood character and to allow wildlife movement through the site. If this provision was removed, the subdivision would be subject to fence heights and other requirements outlined in Town standards, and also allow the Timber Ridge HOA to regulate fence location and style in the side and rear yards. (www.brookwoodsubdivisionhoa.com).

5.5 Fences and Retaining Walls

A. No fences shall be permitted within Single-family private patios, dog runs, etc. attached to the primary residence. Town regulations, and shall be finished in a manner consistent with the Property line fencing is not allowed with the exception of a fence shall be constructed so as not to restrict wildlife movement.

B. Fence permits from the Town of Castle Rock are subject to Town standards.

C. Retaining walls which are within three feet of a property line and which are in excess of 30" in height shall require a permit for structural stability. Town of Castle Rock standards apply.

D. No barbed wire or electric fence shall be permitted.

E. No fence over 42 inches in height shall be permitted.

F. The maximum height of any single retaining wall shall be 4 feet.

Figure 3: Ordinance 2002-17: Brookwood PD Zoning Fence and Retaining Walls

Proposed Motion

I move to approve Ordinance No. 2015-25: An Ordinance Amending the Brookwood PD Zoning Regulations Concerning Fences on 2nd reading.

Attachments

- Attachment A: Ordinance
- Attachment B: PC Minutes