



AGENDA MEMORANDUM

To: Honorable Mayor and Members of Town Council

From: Bill Detweiler, Director, Development Services

Title: **Ordinance Repealing and Reenacting Section 17.42.090 of the Castle Rock Municipal Code Concerning the Design Review Board; and Providing for its Emergency Adoption on Second and Final Reading (Second Reading)**

Executive Summary

The Design Review Board (DRB) reviews and acts on land use applications and variances authorized within the Council approved Downtown Overlay District (DOD). Currently the DRB terms start on September 1 and terminate on August 31 of the following calendar year. Staff is requesting an ordinance amendment to change the DRB appointment time and terms to ensure consistency with all other Boards and Commissions serving the Council and community. Approval of the ordinance means the DRB terms would also start in June and end in May of the following year.

On May 3, 2016, Council heard the DRB ordinance amendment. Council received a positive recommendation from the Planning Commission and did not receive any public input. Council voted 7-0 to approve the DRB Ordinance amendment on first reading.

Following Council action on May 3, 2016, staff did not receive any inquiries about the ordinance. Staff is seeking emergency adoption on second reading. The request for emergency adoption is because the Planning Commission continued this item from the April 14, 2016, public hearing due to lack of a quorum. Therefore, the item could not be heard by Council on April 19 with a second reading on May 3; instead, Council's first reading was on May 3 with a second reading on May 17. Given no action can occur within the 30 day referendum period, the ordinance will not become effective in time for the various Boards and Commissions that make up the DRB to be recommended for appointment and approved by Council. The DRB scheduled public meetings occur on June 8 and June 22, 2016.

Council approved the ordinance on first reading by a vote of 7-0. To ensure the Board and Commissions that serve on the DRB have sufficient time to recommend DRB membership and allow for approval by Town Council, staff is recommending Council approval of the DRB ordinance with emergency adoption on second reading.

Discussion

The Design Review Board has specific duties related to the Downtown Overlay District including review of all development applications that require a site plan, review and approval of crown (top of a building) design and height, review and act on variance requests to Municipal Code, Chapter 17.51, relating to setbacks, landscaping requirements, fence height, design standards, and other relevant items and the authority to approve extra floor height for historic preservation efforts by the developer.

The DRB members assist in other duties as needed to help the Town move forward with its visions and goals for downtown development through authority granted by the Downtown Overlay District.

The Design Review Board membership currently consists of:

- Two property owners within the Downtown Overlay District boundary
- Two members from the Historic Preservation Board
- Two members from the Downtown Development Authority
- One member from the Planning Commission

Resignations and turnover in DRB membership in 2013-2014 caused a modification to the DRB member appointments. Council approved temporary DRB appointments in 2013 that resulted in several DRB member terms ending December 31, 2015. To ensure the DRB had enough members to hear land use cases in downtown between January and June, 2016, Council approved an interim Design Review Board to serve through May 31, 2016, recognizing this would give staff time to establish a new DRB appointment ordinance so appointments could occur in June.

Currently the appointment of DRB members occurs in September and terms run from September 1 through August 31 of the following year. All other Board and Commission interviews occur in May with formal Council appointments at the first Council meeting in June. Staff recommends, for purposes of consistency in advertising, interviewing and appointing DRB members, that Council approve the attached ordinance to change the DRB appointment dates from September to June with membership appointments as follows:

- Planning Commission representative (1 rep) – one-year term
- Downtown Development Authority representatives (2 reps) – one-year term
- Historic Preservation Board representatives (2 reps) – one-year term
- Property owners within the DRB boundary (2 reps) – two-year term

The difference between one and two-year terms for the membership relates to the fact that representatives appointed from the various Boards and Commissions may not line up with a two-year term. If appropriate, DRB representatives can be reappointed by Council each year to fill any vacancies that may exist.

Proposed Motion

I move to approve the Ordinance as introduced by title.

Attachments

Attachment A: Ordinance