

RESOLUTION NO. PC2021-025

A RESOLUTION APPROVING A VARIANCE FROM CHAPTER 17.48 OF THE CASTLE ROCK MUNICIPAL CODE FOR CERTAIN REAL PROPERTY LOCATED IN THE CRYSTAL VALLEY RANCH PLANNED DEVELOPMENT, FOURTH AMENDMENT

WHEREAS, WSB & Associates, on behalf of Crystal Valley Ranch Development Company (the “Applicant”) has applied for a variance from Chapter 17.48 of the Castle Rock Municipal Code (“CRMC”) for 25 single family homes at the property located at Crystal Valley Ranch Planned Development, 4th Amendment, attached as *Exhibit 1*; and

WHEREAS, Applicant seeks a variance to permit 35-foot buildings in the Moderate Skyline Area, where the Moderate Skyline Area permits only 25-foot high structures; and

WHEREAS, Section 17.48.090.D of the CRMC sets forth that Planning Commission may only grant a variance upon making a written finding that one or more of the grounds for variance listed in Section 17.48.090.C.1 of the CRMC have been proven; and

WHEREAS, Section 17.48.090.C.2.a identifies the purpose of assessing a variance request as “[t]he effect on visibility from the viewing platforms resulting from structures on subdivided lots (constructed or to be constructed) in the vicinity of the area subject to the variance request shall be considered;” and

WHEREAS, Section 17.48.090.E states that if Planning Commission should determine that a variance should be approved or approved with conditions, “it shall grant only such relief as is necessary to carry out the intent of this Chapter and may grant a different form of variance than that requested by the applicant.”

WHEREAS, the variance request is consistent with the Town’s Vision and Comprehensive Master Plan, complies with the governing zoning, and conforms to all other relevant legislation and development standards in the CRMC.

NOW, THEREFORE BE IT RESOLVED BY THE PLANNING COMMISSION OF THE TOWN OF CASTLE ROCK AS FOLLOWS:

Section 1. Findings and Determinations. The Planning Commission makes the following findings:

- A. The homes will be painted in earth tones to visually mitigate its impact per Section 17.48.060.C.1 of the CRMC.
- B. The proposed landscaping and vegetation will further visually mitigate the homes per Section 17.48.060.C.2 of the CRMC.

- C. No floodlighting will be allowed per Section 17.48.060.C.3 of the CRMC, and exposed basements will comply with Section 17.48.060.C.4 of the CRMC.
- D. The Applicant has demonstrated Section 17.48.090.C.1.b of the CRMC, which identifies the following grounds for a variance: “A proposed 25-foot high structure in a moderate skyline area will not be visible in the skyline from several points along the viewing platforms, in which event the restrictions of the minor skyline area shall apply.”

Section 2. Approval. The Applicant’s request for a variance to allow 35-foot buildings in the Moderate Skyline Area as defined in *Exhibit 1* is hereby approved. This approval is expressly conditioned upon approval of the Site Development Plan by Town Council.

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2021, by the Planning Commission of the Town of Castle Rock, Colorado, on first and final reading by a vote of ____ for and ____ against.

PLANNING COMMISSION:

ATTEST:

Chair, Planning Commission

Lisa Anderson, Town Clerk

Approved as to form:

Michael J. Hyman, Town Attorney