

**AGENDA MEMORANDUM**

**To:** Honorable Mayor and Members of Town Council

**Through:** Tara Vargish, Director, Development Services

**From:** Sandy Vossler, Senior Planner, Development Services

**Title:** AN ORDINANCE AMENDING THE TOWN'S ZONE DISTRICT MAP BY APPROVING A CHANGE OF ZONE TO PL-2 PUBLIC LAND IN THE GATEWAY MESA ANNEXATION AREA (FIRST READING)

**Executive Summary**

On July 9, 2020, the Planning Commission voted 7 to 0 to recommend approval of the Gateway Mesa zoning, as presented. No members of the public offered written comments prior to the meeting, nor joined the meeting to address the Commission.

The Town of Castle Rock (Town), property owner and applicant, has submitted an application proposing to annex and zone a 199-acre property, currently known to the public as Gateway Mesa Open Space and Trails (**Attachment B and C**).

The property is located adjacent to State Highway 86, approximately ¾ of a mile east of the intersection of State Highway 86 and Enderud Boulevard/High Point Road (**Figure 1 and Attachment A**). This proposed annexation and zoning is part of a larger initiative to bring Town-owned properties into the municipal boundaries.

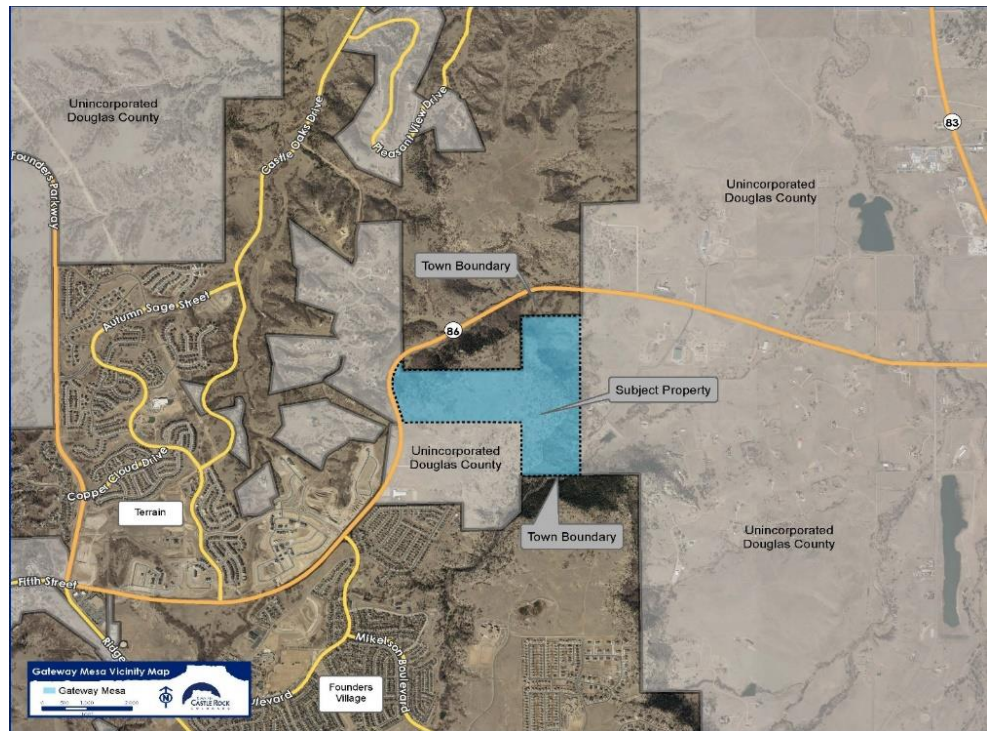


Figure 1: Vicinity Map

The property is zoned Agricultural One (A-1) in unincorporated Douglas County. The Town does not intend to change the public access to, or open space and trail uses, on the property. The proposed zoning is Public Land-2 (PL-2), a straight zone classification established in the Town of Castle Rock Municipal Code, Section 17.30.030, that allows open space, trails and associated service facilities as permitted uses.

## **Discussion**

### **Annexation Request**

Per the Colorado Revised Statutes, when a municipality is annexing municipally-owned property, the process requirements are different from private annexations. For example, submittal of the annexation petition, the Substantial Compliance hearing and the Eligibility hearing are not required. The Town of Castle Rock Municipal Code requires that an Annexation hearing be held before the Planning Commission and Town Council. Finally, since the Town is the property owner, an Annexation and Development Agreement is not necessary.

There are approximately 50 Town-owned parcels that are currently outside of the Town boundaries. The majority of these parcels are less than one acre in size with others up to 79 acres. Staff has begun the process of annexing the qualified parcels. Annexation allows for the enforcement of the Town of Castle Rock Municipal Code provisions relative to the property, such as Town law enforcement, Town zoning regulations and enforcement of code violations, etc. Annexation also avoids service conflicts or redundancy as to which jurisdiction governs the property. This process of annexing Town-owned properties is expected to occur over an extended period. The first of such annexation proposals is that of the Gateway Mesa Open Space and Trail property (Gateway Mesa).

The proposed Gateway Mesa Annexation consists of four parcels of land totaling approximately 199 acres. The property is located on the south and east side of State Highway 86, approximately  $\frac{3}{4}$  of a mile east of the intersection of State Highway 86 and Enderud Boulevard and High Point Road. The property is currently zoned Agricultural One (A-1) in Douglas County. The A-1 zoning allows agricultural uses, certain community uses and large lot residential development.

The Town purchased the property in 1999 with the intention that it be preserved and used as public open space. A 1.6-mile natural surface trail traverses the property and connects to Mitchell Creek Canyon Trail. An unpaved trailhead parking lot is located east of State Highway 86. Permanent conservation use restrictions on the property prohibit mountain bikes and horses on the trails. The Town of Castle Rock, Parks and Recreation Department maintains the property. The Gateway Mesa Open Space and Trail brochure is attached as **Attachment E**.

### **Zoning Request**

The current A-1 zoning allows open space, trails and agriculture, as well as large lot residential development, schools and churches with up to 350 maximum seating capacity. The Town is proposing to zone the property as Public Land-2. PL-2 is a straight zone

classification established in the Town of Castle Rock Municipal Code, Section 17.30.030. The PL-2 zoning allows open space and trail uses, as well as associated service facilities and parking. The PL-2 zoning would eliminate agricultural activities, residential development, schools and churches as permitted uses on the property.

Existing Conditions

The 199-acre property is located in the northeast portion of Town. Vegetation on the site include mature ponderosa pines, juniper, scrub oak, douglas fir, cottonwoods and prairie grasses. Mule deer, coyote, fox, raptors, and wild turkey are among the wildlife species found on the property.

Landforms include cap rock outcroppings and steep cliffs facing the Cherry Creek Valley to the east. To the west, the views of the Front Range extend from Pikes Peak to the south to Longs Peak to the north.

PL – 2 Uses and Development Standards	
Permitted Uses	Height and Setbacks
<ul style="list-style-type: none"> <li>• Open space</li> <li>• Wildlife sanctuary</li> <li>• Trails</li> <li>• Associated service facilities</li> <li>• Off-street parking and drives</li> </ul>	<ul style="list-style-type: none"> <li>• Maximum height is 25 feet</li> <li>• Front yard setback is 25 feet</li> <li>• No other setbacks prescribed</li> </ul>

Figure 2: Uses and Development Standards

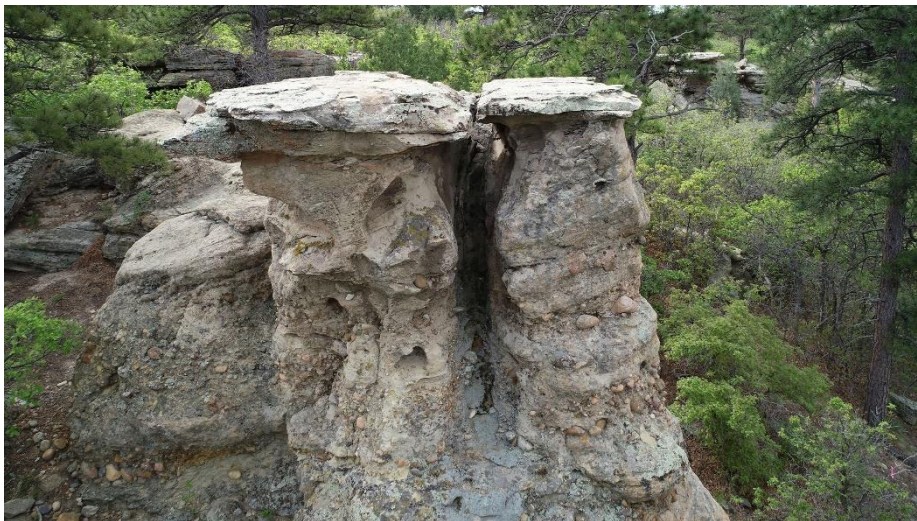


Figure 3: Unique Landforms

Due to the natural, scenic and open space condition of the property, a perpetual Conservation Easement (Easement) was established on the property in 1999. The Conservation Easement restricts the use of the property to public

recreation, environmental education, and wildlife conservation. The Easement further prohibits timber harvesting, mining, motorized vehicles, commercial activity, rock climbing and horseback riding. The size of the parking lot is limited by the Easement. The unpaved parking lot and trailhead are located on the west side of the property off State Highway 86. Neither the annexation, nor the PL-2 zoning effects the enforcement of the Conservation Easement.

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Surrounding Land Uses

The Gateway Mesa property abuts the Hidden Mesa Open Space (Hidden Mesa) to the north. Hidden Mesa is incorporated in to the Town, although owned by Douglas County and managed by Douglas County Open Space (**Attachment F**). Hidden Mesa consists of 1,294 acres and has been preserved through a joint venture of Douglas County, the Pinery

Water and Wastewater District and the Town of Castle Rock. A 4.5-mile trail is open to hikers and horseback riders. Primary access to Hidden Mesa is from State Highway 83, north of Franktown.

The parcels located east and west of Gateway Mesa are zoned A-1 in Douglas County and are developed as large lot single family residential (**Attachment G**). The properties along the southern boundary include Rural Residential and A-1 zoning in Douglas County, as well as 95 acres of private open space within the Bella Mesa Planned Development (PD), which is located within the Town boundaries.

### Service and Infrastructure Capacity

Water, sanitary sewer and storm sewer facilities are not located on the property, nor necessary for the current uses on the property, or for the proposed PL-2 zoning.



Figure 4: Trailhead and Parking Lot

### Transportation and Traffic

Vehicular access to the site is by State Highway 86. There are no changes proposed by the Town with the annexation and zoning that would negatively affect the capacity of State Highway 86.

### Neighborhood Outreach

A neighborhood meeting was held, via a virtual format, on May 6, 2020. Written notices of the meeting were mailed to all property owners within 500 feet of the property.

Additionally, the site was posted with two public notice signs and a descriptive notice was posted to the Town's website.

One person joined the meeting via an audio connection only. She was a resident of Douglas County; whose property is directly adjacent to the eastern boundary of Gateway Mesa. Staff discussed the reason for the annexation, the current zoning, the proposed zoning, and the conservation easement. The resident asked about the proximity of the eastern property line to her land, any proposed improvements or development on the property and expansion of vehicle access on the property.

Staff described the location of the property relative to her land, explained that the Town has no interest in developing the property other than the uses permitted under the PL-2 zoning, that future improvements to and around the trailhead parking lot on the western side of the property may occur in the future and the only vehicular access onto the property would be for site maintenance. Since the resident was unable to view the PowerPoint and maps shown during the presentation, staff mailed her a copy of the PowerPoint and an enlarged vicinity map.

### External Referrals and Notices

External referrals were sent to various utility providers, public service providers and jurisdictional partners with no objections being reported.

Posted and published public notices were performed in accordance with the Town of Castle Rock Municipal Code relative to Annexation hearings.

### Annexation Analysis

This staff analysis takes into consideration the representations made in the application for annexation and attachments submitted to date, which were processed and reviewed in accordance with the requirements of the Colorado Revised Statutes Title 31, as applicable, and as prescribed in Title 20 of the Town of Castle Rock Municipal Code. In addition, the application was reviewed and found to be consistent with the 2030 Comprehensive Master Plan's (Master Plan) Responsible Growth Principle for annexation areas (Principles RG-2.1 and RG-2.3)

RG 2.1 Castle Rock Annexation Areas: Annexation of areas with the potential to accommodate growth in a fiscally and environmentally sound manner. Annexation request must take into consideration the following items:

- A. *Is a logical extension or infill of Town boundaries.*

The proposed annexation is a logical extension of the Town boundaries. It is located well within the Town's 3-mile boundary, as well as within the future Town boundary. The property is recognized in the Master Plan as existing and future open space, and is part of a larger area of public open space that serves as a buffer and contributes to the Town's stand-alone, self-sufficient status.

*B. Has demonstrated a significant benefit to the Town.*

Gateway Mesa is an area of natural open space with extensive and mature vegetation, ample wildlife and unique landforms. Since its purchase in 1999, the Town has invested in a 1.6-mile soft surface trail with connection the Mitchell Canyon Trail system, a trailhead and parking area. This property is an important piece of the Town's Parks and Recreation trail and open space commitment.

*C. Will be provided with adequate urban services.*

The property is currently managed and maintained by the Town's Parks and Recreation Department, and Castle Rock Fire provides fire and rescue services. Once annexed, Gateway Mesa will also be served by the Castle Rock Police Department, rather than the Douglas County Sheriff. Water, wastewater and storm sewer facilities are not necessary for the existing and proposed uses on the property. If, however, the Town plans in the future to provide facilities requiring connection to the Town utilities, such infrastructure is available to the west in Founders Village.

*D. Is fiscally responsible.*

The Town currently owns and maintains the property. No new infrastructure improvements are planned with the annexation and zoning. The Town will fund and future on- or off-site improvements.

*E. Conveys to the Town all water rights appurtenant to the ground at the time of annexation.*

Available ground water was conveyed to the Town at the time the property was purchased by the Town.

*F. Secures renewable water to 100 percent of the expected development on the annexed area.*

No development is planned on the property, and, further is prohibited by the Conservation Easement on the property.

RG 2.3 Annexation for Non-Urban Purposes: Annexations may be pursued by the Town for purposes other than urban development, such as securing land use control over the open space areas. Annexations for open space shall include legal instruments prohibiting future urban development.

The Town's intent when purchasing the property in 1999 was to preserve it as open space. By annexing the property, the Town will bring the property fully under the jurisdiction of the Town's Municipal Code, law enforcement and zoning enforcement. The existing Conservation Easement on the property, prohibiting urban development, is perpetual and will remain in place if the property is annexed to, and zoned, within the Town.

## Zoning Analysis

The following staff analysis considers the current public uses on the property and the Town of Castle Rock Parks and Recreation Master Plan regarding open space and trails. Per Section 17.02.060(C) straight zone district classifications shall be evaluated under the following criteria:

- Compatible with Land Use Intergovernmental Agreements

The Douglas County/Town of Castle Rock Land Use Intergovernmental Agreement is no longer in effect. There are no other land use intergovernmental agreements applicable to this property.

- Conformance with the Town's Guiding Documents and Criteria Manuals

The Gateway Mesa property is an integral piece of the Town's open space and trail system. It is located within the Town's 3-mile boundary and the future Town boundary. The property is recognized in the Master Plan as existing and future open space, and is part of a larger area of public open space that serves as a buffer and contributes to the Town's stand-alone, self-sufficient status.

- Compatible with Surrounding Uses

The proposed zoning is consistent with the current zoning on the property and is compatible the surrounding uses (**Attachment G**). As previously described in this report, Gateway Mesa directly abuts the 1,294 acre Hidden Mesa Open Space to the north and the 95 acre Bella Mesa Open Space to the south. The adjacent residential development to the east, west and south consist of large lot, rural properties in unincorporated Douglas County. State Highway 86 separates the property from the residential zoning to the west.

- Impacts to the Natural Environment

The Town's purpose in purchasing this property in 1999 was, and remains, preservation of the natural resources on the site, including wildlife, vegetation, and the unique topography. The PL-2 Zone District uses by right are limited to open space, trails, wildlife sanctuary, parking and associated service facilities. Additional uses allowed under A-1 zoning, such as large lot residential, churches, and agriculture, are not permitted in the PL-2 zone district. In addition, the Conservation Easement will remain in place even if annexed and rezoned within the Town.

- Available Services and Infrastructure

State Highway 86 provides vehicular access to the trailhead parking on the site. Hikers can access the Gateway Mesa Trail via the Mitchell Creek Trail System. Town water and sanitary/storm sewer service connections are available near the intersection of State Highway 86 and Enderud Boulevard/High Point Road.

- Economic Potential

The Gateway Mesa PL-2 zoning does not permit commercial, office or retail development typically associated with economic expansion. The existing Conservation Easement prohibits urban development on the site. The Town's open space, trail amenities and access to natural resources make Castle Rock, a desirable place to live, work, shop and dine, all of which are economic drivers.

### **Budget Impact**

The proposed annexation and zoning will not generate impact fees.

### **Findings**

Town staff finds that the proposed annexation was reviewed and processed as prescribed in Title 31 of the Colorado Revised Statutes, in Title 20 of the Town of Castle Rock Municipal Code, meets the objectives of the Town's Vision 2030 and meets the requisite principles for annexation outlined in the 2030 Comprehensive Master Plan.

Town staff finds that the proposed Public Land – 2 Zone District classification for the Gateway Mesa property meets the zoning procedures and approval criteria outlined in Section 17.02.060 of the Town of Castle Rock Municipal Code.

The following is a hyperlink to the review and approval criteria of Section 17.02.060 of the Municipal Code:

[https://library.municode.com/co/castle\\_rock/codes/municipal\\_code?nodeId=TIT17ZO\\_CH17.02ZODI\\_17.02.060ZOPR](https://library.municode.com/co/castle_rock/codes/municipal_code?nodeId=TIT17ZO_CH17.02ZODI_17.02.060ZOPR)

### **Recommendation**

Planning Commission recommends approval of the proposed Gateway Mesa annexation, as outlined in this report.

Planning Commission recommends approval of the proposed Gateway Mesa zone district classification as Public Land – 2, as outlined in this report.

### **Proposed Motion**

*The annexation and zoning of the property are two distinct applications that requires two distinct motions.*

#### **Annexation**

I move to approve the Gateway Mesa Annexation ordinance, as introduced by title, on first reading.

#### **Zoning**



I move to approve the Gateway Mesa Zoning ordinance, as introduced by title, on first reading.

**Attachment**

- Attachment A: Vicinity Map
- Attachment B: Zoning Ordinance
- Attachment B: Exhibit 1: Property Description
- Attachment C: Annexation Ordinance
- Attachment D: Annexation Plat
- Attachment E: Gateway Mesa Open Space and Trail System Brochure
- Attachment F: Hidden Mesa Open Space and Trail System Brochure
- Attachment G: Surrounding Land Use Map