



AGENDA MEMORANDUM

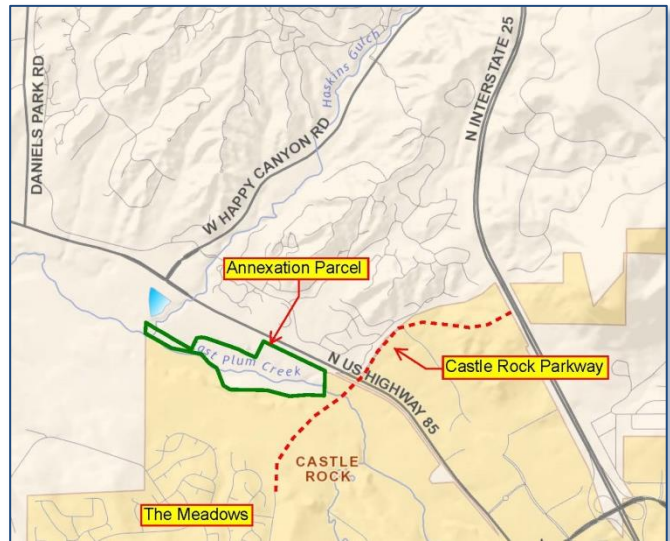
To: Honorable Mayor and Members of Town Council
From: Sandy Vossler, Senior Planner, Development Services Department
Title: Ordinance: Approving the Annexation to the Town of Castle Rock, Colorado A 59.931 Acre Parcel in Sections 21 and 28, Township 7 South, Range 67 West of the 6th Principal Meridian, County of Douglas, State of Colorado (Lower East Plum Creek Park and Open Space Annexation)

Ordinance: Approving an Amendment to the Town of Castle Rock Zoning District Map by Rezoning a 59.9 Acre Parcel Denominated as the Lower East Plum Creek Park and Open Space Annexation to Parks, Recreation, and Open Space (POS-1 – Active Uses)

Executive Summary

Town Council approved both Ordinance No. 2015-56 and Ordinance No. 2015-57 on first reading on December 15, 2015 by votes of 5-0 with no changes.

The Town of Castle Rock is proposing the annexation of approximately 59.9 acres of property located between the Union Pacific (UP) Railroad (RR) and the Burlington Northern/Santa (BNSF) Fe RR, and north of Castle Rock Parkway (**Attachments A & B**). The Town-owned property is proposed to be zoned Parks, Recreation and Open Space -1 (POS-1) (**Attachment C**). Permitted uses adjacent to the property include open space, commercial, office, and retail to the south and east; the Plum Creek Water Reclamation Authority (PCWRA) facility and US Highway 85 to the north and incorporated Douglas County – Agricultural 1 to the west.



Vicinity Map

The Town of Castle Rock Utilities Department is planning to construct a diversion structure on the property, along East Plum Creek; a use that is allowed under the POS-1 zoning as a Use by Special Review (UBSR). The diversion structure is a structure that will allow the Town to pull renewable water out of East Plum Creek. This diversion is a

key part of Castle Rock's long-term renewable water plan. The UBSR will be presented to Town Council for consideration at a future date.

Staff review of this application confirms that the relevant Colorado Revised Statutes, Town policies and code standards have been met. Planning Commission held a public hearing on December 10, 2015 and voted 7-0 to recommend approval of the proposed annexation and the proposed zoning (**Attachment D**).

Key Provisions

Approval of the Ordinances will:

- Annex 59.9 acres of Town-owned property into the Town of Castle Rock, and
- Will zone the property as Parks, Recreation and Open Space for active uses.

Findings

Staff finds the proposed annexation and zoning meets the objectives and criteria of the Colorado Revised Statutes Sections 31-12-104(1)(a) and 31-12-105, Town of Castle Rock Vision 2020 and Comprehensive Master Plan, and Chapter 20.02 of the Municipal Code.

Discussion and Key Issues

Background

The property was originally acquired by Douglas County and zoned specifically for public park use. Due to the constraints of the railroad crossing to the east, the proximity to the PCWRA facility to the north and lack of access from US Highway 85, the County did not develop plans for improvement of the property. In April 2014, the Douglas County Board of County Commissioners conveyed the property to the Town.

The Town is better positioned to utilize the property in conjunction with the adjacent Meadows open space dedication to the south. The property may also provide for future connectivity to the Front Range Trail corridor.

Proposed Annexation and Zoning

The Town is proposing to annex the 59.9 acre property and zone the property as Parks, Recreation and Open Space – 1. The POS-1 zoning district allows active park uses, public restrooms, parking, information kiosks, in-ground public utilities, water, sewer, and stormwater facilities, and emergency and maintenance access. In addition, the following uses may be permitted on the property, if approved by Town Council, as a Use by Special Review; privately owned and operated parks and recreation facilities, public and special district buildings and structures, above ground buildings and structures for public gas, electric, telephone, cable transmissions and any building or structure more than 35 feet in height, but not to exceed 50 feet in height.

The Town Utilities Department has future plans to construct a diversion structure on the property. The diversion structure will allow the Town to capture its existing water rights on East Plum Creek and convey the water back to the Plum Creek Water Purification

Facility. This future diversion project is key to helping the Town achieve its goal of 75% renewable water supply.

As noted above, public buildings and structures for utilities are allowed as a UBSR under the POS-1 zoning designation. If the proposed annexation and zoning are approved, an application for a Use by Special Review will be submitted for consideration by the Planning Commission and action by the Town Council.

Site Photographs



Aerial view of the property with US Highway 85 in the foreground.

Notification and Public Outreach

Notices of the Planning Commission and Town Council public hearings have been posted on the property and written notification has been mailed to property owners and Homeowner Associations (HOA) within 300 feet of the site. Town staff published notice on the Town's website and featured the proposal on the *In Your Backyard* map.

Requests for external comments were sent to utility service providers, Douglas County agencies, Colorado Department of Transportation (CDOT), Plum Creek Water Reclamation Authority, Union Pacific Railroad and nearby Homeowner Associations. All external comments have been addressed.

Statutory Requirements for Annexation

This proposed annexation meets the Statutory requirements for annexation of municipally-owned territory as established by §§31-12-104(1) (a) and 31-12-105, C.R.S. and stated as findings below:

- 1) At least one-sixth of the perimeter of the area to be annexed is contiguous with the annexing municipality.

- 2) The Town of Castle Rock owns 100% of the land proposed to be annexed.
- 3) The landowner is requesting, and consents to, the annexation.
- 4) No prior annexation proceedings have occurred on part or all of the property proposed for annexation.
- 5) The property proposed for annexation has not been the subject of an election for annexation to the Town of Castle Rock, Colorado within the preceding twelve (12) months.
- 6) The property proposed for annexation is not presently a part of any incorporated town, city or county.
- 7) The property proposed for annexation will not result in the detachment of area from any school district, or the attachment of the same to another school district.
- 8) The proposed annexation will not have the effect of extending the municipal boundary of the Town of Castle Rock, Colorado, more than three miles in any direction from any point of such municipal boundary within one year.
- 9) The annexation does not include any existing streets.

Findings and Recommendation

Planning Commission and staff find that the proposed annexation and zoning

- Meet the Statutory requirements of §§31-12-104(1) (a) and 31-12-105, C.R.S.
- Comply with the Town of Castle Rock Vision 2020/Comprehensive Master Plan
- Comply with the Municipal Code Chapter 20.02.

Planning Commission and staff recommend that Town Council approve the proposed Lower East Plum Creek Annexation and Zoning, on second reading.

Proposed Motions

Annexation

I move to approve the Ordinance approving the annexation to the Town of Castle Rock, Colorado a 59.931 acre parcel in Sections 21 and 28, Township 7 South, Range 67 West of the 6th Principal Meridian, County of Douglas, State of Colorado (Lower East Plum Creek Park and Open Space Annexation).

Zoning

I move to approve the Ordinance approving an amendment to the Town of Castle Rock Zoning District Map by rezoning a 59.931 acre parcel denominated as the Lower East Plum Creek Park and Open Space Annexation to Parks, Recreation, and Open Space (POS-1 – Active Uses).

Attachments

- Attachment A: Vicinity Map
- Attachment B: Annexation Ordinance
- Attachment C: Zoning Ordinance
- Attachment D: Staff Update

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