



Meeting Date: February 20, 2024

AGENDA MEMORANDUM

To: Honorable Mayor and Members of Town Council

Through: David L. Corliss, Town Manager

From: Tara Vargish, PE, Director, Development Services
BrieAnna Simon, Senior Planner, Development Services Department

Title: **Ordinance Approving the Initial Zoning for 3.76 Acres of Land Owned by the Town and Located in Section 25, Township 7 South, Range 67 West of the 6th Principal Meridian, Douglas County, Colorado (Tower Open Space Initial Zoning) (Second Reading - Approved on First Reading on February 6, 2024, by a vote 7-0) [located between the existing Metzler Ranch development and the Canyons Far South future development]**

Executive Summary

If Town Council approves the proposed Tower Open Space Annexation, Council is then asked to consider a Zoning Ordinance for the parcel of land (Attachment B). The Town of Castle



Figure 1: Vicinity Map

Rock (Town), as property owner and applicant, has submitted an application proposing to annex and zone a Town-owned parcel of 3.76 acres, known as the Tower Open Space (Attachment A). The property is located between the existing Metzler Ranch development and the Canyons Far South future development (Figure 1). This property is mostly surrounded by the Town of Castle Rock's incorporated boundary and is eligible for annexation. If annexed, the property will be straight-zoned as Public Land – 2 (PL-2). PL-2 is a public use district with permitted uses and development standards established in the Town's Municipal Code, Section 17.30.020 (Attachment C). This zone district allows for passive open space.

The Planning Commission considered the proposed PL-2 zoning at a public hearing held on Thursday, January 25th, 2024. No members of the public commented on the proposal. Planning Commission voted 7-0 to recommend to Town Council approval of the PL-2 zoning for the Tower Open Space to be annexed to the Town.

Background

The Town has been working to clean up jurisdictional boundaries within the Town on a parcel by parcel basis. There are numerous Town-owned parcels that are currently outside of the Town boundaries. The majority of these parcels are small in size. The Town is in the process of annexing the qualified parcels. Gateway Mesa Open Space was the first such Town-owned property to be annexed and zoned under this initiative. Gateway Mesa Open Space consists of approximately 199-acres, was annexed in 2020, and was zoned Public Land – 2 (PL-2).

The purpose of annexing Town-owned property is to allow for consistent application of the Town's zoning regulations and other Municipal Code provisions, as well as law enforcement and code compliance. Future annexation proposals will include parcels located near the intersection Fifth Street and Founders Parkway, along Ridge Road, along the East Frontage Road, and within the Crystal Valley interchange area of construction.

Discussion

The Property

The parcel proposed for annexation is owned by the Town, however is currently under the jurisdiction of Douglas County. The 3.76 acre property is located between the existing Metzler Ranch development and the Canyons Far South future development. This proposed annexation is part of a larger effort to incorporate eligible Town-owned property into the Town boundaries. If the property is annexed, it will be zoned as Public Land – 2 (PL-2), as established in the Municipal Code. Permitted uses include passive open space uses.

Use and Surrounding Zoning

The subject parcel is being used as open space and has a driveway to the Town's water treatment facility, which also serves as existing access for one residential lot in unincorporated Douglas County. The Town's responsibility for maintenance of the parcels and dirt driveway will not change with annexation.

This parcel is currently split zoned with Douglas County as PD-Planned Development and A1-Agricultural One. The parcels adjacent to Tower Open Space to the east and west are currently zoned open space within both Metzler Ranch 2nd Major Amendment Planned Development and Canyons Far South Planned Development.

Annexation and Zoning Proposal

The Tower Open Space Annexation consists of a 3.76 acre parcels of land that is owned by the Town, but lies outside of the Town boundaries. Per the State Statutes, properties proposed for annexation must be contiguous with the municipal boundary for at least 1/6th of the property's perimeter. The Tower Open Space Annexation exceeds the minimum 1/6th requirement. Per the Municipal Code, the annexation of this property will be heard by Town Council.

The zoning proposed with the annexation is Public Land – 2 (PL-2), a straight zoned district that allows for passive open space.

Zoning Analysis

The Municipal Annexation Act provides that when the Town is the sole owner of the area that it desires to annex, which area is eligible for annexation in accordance with Article II, Section 30(1)(c) of the Colorado Constitution and Sections 31-12-104(1)(a) and 31-12-105, C.R.S., the Town Council may, by ordinance, annex the area to the Town without notice and hearing as provided in Sections 31-12-108 and 31-12-109, C.R.S.

As part of the annexation process Planning Commission holds a public hearing to consider the proposed zoning, and makes a recommendation to Town Council. In a public hearing before Town Council, the Council determines whether an annexation request complies with the Town's guiding documents and the Municipal Code, and if the property should be annexed into the Town.

Staff has completed an analysis of the proposed annexation and proposed PL-2 zoning. The remainder of this report focuses on how the annexation and zoning proposal complies with the State of Colorado statutory requirements, the goals and principles of the Town's 2023 Vision and Comprehensive Master Plan, and the criterion in the Town's Municipal Code.

Colorado Revised Statutes – Municipal Annexation Act of 1965 (Act)

Section 20.02.040 of the Municipal Code states that Town Council shall consider the policies, guidelines and criteria in the Town Comprehensive Master Plan, as amended, along with any other relevant information in determining whether it is in the best interests of the Town to grant or deny the petition for annexation. The following section identifies the applicable principles of the Comprehensive Master Plan and summarizes how the proposed Tower Open Space Annexation achieves those principles.

2030 Vision and Comprehensive Master Plan

The principles set forth in the Town's Comprehensive Master Plan are based on four cornerstones identified through a Town-wide visioning effort as the characteristics most important to the community. The following is an analysis of the specific annexation principles found in the Responsible Growth section of the Comprehensive Master Plan.

- *RG-2.1a: Is a logical extension or infill of the Town boundaries*

The proposed annexation and zoning complies with this principle.

- *RG-2.1b: Has demonstrated a significant benefit to the Town.*

As previously discussed, annexing these Town-owned parcels and zoning them within the Town will provide for consistent application of the Town's zoning regulations and other Municipal Code provisions, as well as law enforcement and code compliance.

- *2.1c: Will be provided with adequate urban services.*

Provision of urban services in terms of transportation and public safety will be clarified with this annexation.

- *2.1d: Is fiscally responsible.*

The Town is currently responsible for maintenance of this portion of Tower Open Space. Annexation and zoning will not create additional financial obligations for the Town.

- *2.1e: Conveys to the Town all water right appurtenant to the ground at the time of annexation.*

The Town already owns the property and water rights not severed from the property.

- *2.1f: Secures renewable water to 100 percent of the expected development on the annexed area.*

This principle is not applicable, as no development requiring water resources exists on the property and none is proposed with the annexation and zoning.

Zoning: Public Land District – (PL-2)

The current use of open space and a driveway on the property is not proposed to change. The PL-2 straight zoned district is established in the Town Municipal Code, Section 17.30.20 is a zoning that is applied to public lands with passive open space uses. This is the most appropriate zoning classification for this parcel upon annexation.

Public Notification and Outreach

Public Hearing Notice

The public noticing requirements for this proposal have been satisfied. Public hearing notice signs for the public hearings were posted on the property on Tuesday, January 9, 2024. Written notice letters were sent to property owners and Homeowner Associations (HOA) within 500 feet of the property, at least 15 days prior to the first public hearing. Town staff published notice of the public hearings on the Town's website and provided information about the proposal on the Town's Development Activity interactive map.

Neighborhood Meetings

The Town held one neighborhood meeting. The second and third neighborhood meetings were waived by the Town Manager. The neighborhood meeting was held in a hybrid format. The first neighborhood meeting was held on November 16, 2023 for this property along with four CORE Electric Cooperative facilities also eligible for annexation. Six members of the public attended the meeting but no public comments were related to this specific property.

External Referrals

External referrals were sent to local service providers and Douglas County agencies, as well as the Colorado Department of Transportation (CDOT). Of the responding agencies, no substantive comments were received from CDOT or Douglas County GIS.

There are no unresolved external referral comments.

Budget Impact

Annexation and zoning of the property within the Town will not add new budget impacts since the Town already owns and maintains this portion of Tower Open Space.

Findings

All staff review comments and external referral comments have been addressed. The proposed zoning of Tower Open Space Town-owned parcel

- Complies with the requirements of the Colorado Revised Statutes, Municipal Annexation Act of 1965, and
- Advances the principles of the Town Vision and the Comprehensive Master Plan for Responsible Growth and Annexation.

Recommendation

Planning Commission voted 7-0 to recommend to Town Council approval of the Tower Open Space zoning as Public Land – 2, as proposed.

Proposed Motions

Town Council will consider the proposal in two separate Ordinances; one for annexation and one for zoning. If the annexation is not approved, no action is necessary on the zoning. The proposed motions on the zoning are as follows:

Zoning Ordinance

Option 1: Approval

“I move to approve the Zoning Ordinance, as introduced by title.”

Option 2: Approval with Conditions

“I move to approve the Zoning Ordinance, with the following conditions:” [list conditions]

Option 3: Continue item to next hearing (need more information to make decision)

“I move to continue this Zoning item to the Town Council meeting on [date], at [time].”

Attachments

Attachment A: Vicinity Map

Attachment B: Zoning Ordinance

Exhibit A: Annexation Map

Exhibit B: Legal Description

Attachment C: Municipal Code Section 17.30.20: Public Land – 2