

ORDINANCE NO. 2023-011

AN ORDINANCE APPROVING THE INITIAL ZONING FOR 5.000 ACRES OF LAND LOCATED WEST OF RIDGE ROAD, SOUTH OF FIFTH STREET, AND NORTH OF PLUM CREEK PARKWAY PURSUANT TO A ZONING APPLICATION SUBMITTED BY BARBARA J. LINCOLN; AND AMENDING THE EXISTING PLANNED DEVELOPMENT PLAN AND ZONING REGULATIONS FOR THE 175.500-ACRE MEMMEN YOUNG PLANNED DEVELOPMENT PURSUANT TO A ZONING APPLICATION SUBMITTED BY MACOR LLC AND HIGHLINE C.M., INC., WHICH AMENDMENT SHALL, AMONG OTHER THINGS, INCORPORATE SAID 5.000-ACRE PARCEL OF LAND

WHEREAS, Barbara J. Lincoln (the “Annexed Property Owner”) is the owner of 5.000 acres of land located west of Ridge Road, south of Fifth Street, and north of Plum Creek Parkway, as more particularly described on the attached *Exhibit 1* (the “Annexed Property”); and

WHEREAS, the Annexed Property is the subject of a petition for annexation to the Town of Castle Rock (the “Town”), which annexation was approved by the Town Council at tonight’s meeting; and

WHEREAS, the Annexed Property Owner has submitted an application to the Town for the initial zoning of the Annexed Property (the “Zoning Application”), requesting that it be classified as Planned Development and incorporated into the Planned Development Plan and Zoning Regulations for the Memmen Young Portion – The Villages at Castle Rock Infill (Memmen Young PD) (the “Memmen Young PD”); and

WHEREAS, the initial zoning of, and inclusion of the Annexed Property in the existing Memmen Young PD will require an amendment of the Memmen Young PD; and

WHEREAS, Macor LLC and Highline C.M., Inc. (collectively, the “Existing Property Owner”), are the owners of 175.500 acres of land that comprises the Memmen Young PD (the Existing Property”); and

WHEREAS, the Existing Property Owner has submitted an application to the Town for the amendment of the Memmen Young PD, which amendment will, among other things, reduce the number of single-family detached and attached dwellings units from 904 units to 562 units, and to increase the amount of open space from 55.9 acres to 86.9 acres; and

WHEREAS, according to Section 20.02.030 of the Castle Rock Municipal Code (“CRMC”), the Town Council may evaluate any pending zoning requests for the Annexed Property concurrently with the annexation request, and the annexation hearing may be combined and held concurrently with the required public hearing on the zoning classification of the Annexed Property (the “Combined Hearings”); and

WHEREAS, in addition, prior to the date set for the Combined Hearings, the Annexed Property Owner's Zoning Application shall be reviewed in a public hearing by the Planning Commission; and

WHEREAS, according to Section 17.36.020 of the CRMC, major amendments to a planned development plan shall be process and acted upon in the same manner as an initial planned development plan, which requires Town Council approval by ordinance, following a recommendation by the Planning Commission and a public hearing thereon, in accordance with the criteria set forth in Section 17.34.030 of the CRMC; and

WHEREAS, the Planning Commission and Town Council have conducted the required public hearings in accordance with the applicable provisions of the CRMC.

NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO:

Section 1. Findings. Based upon the testimony and evidence presented at the Combined Hearings, pursuant to the requirements of Sections 17.02.060.C. and 17.34.030 of the CRMC, the Town Council makes the following findings:

- A. The zoning of the Annexed Property/Existing Property is not subject to any existing land use intergovernmental agreements;
- B. The proposed zoning conforms to the most recently adopted versions of the Town's Vision and Comprehensive Master Plan. The Annexed Property/Existing Property is not located within the boundaries of any sub-area or corridor plan;
- C. The proposed zoning and use of the Annexed Property/Existing Property are compatible with existing and planned development on adjacent properties and in the surrounding area;
- D. The redevelopment and future operation of the Annexed Property/Existing Property will be undertaken in accordance with Town regulations and technical criteria and, as such, any impacts upon the natural environment, including air, water, noise, stormwater management, wildlife and vegetation, will be minimal;
- E. The Annexed Property/Existing Property will have access to Town services and infrastructure adequate to support its orderly development; and
- F. Development of the Annexed Property/Existing Property is anticipated to have a generally positive economic impact on the Town.

Section 2. Zoning Approval. The Annexed Property is hereby zoned to Planned Development zoning and incorporated into the Memmen Young PD. The Town's Zoning District Map will be amended to reflect the zoning classification of Planned Development for the Annexed Property.

Section 3. Planned Development Plan Amendment. The Planned Development Plan and Zoning Regulations, Amendment No. 1 Memmen Young Portion – The Villages at Castle Rock Infill (Memmen Young PD Amendment) in the form attached as ***Exhibit 2*** is hereby approved.

Section 4. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect the remaining provisions of this Ordinance.

Section 5. Safety Clause. The Town Council finds and declares that this Ordinance is promulgated and adopted for the public health, safety and welfare and this ordinance bears a rational relationship to the legislative object sought to be obtained.

APPROVED ON FIRST READING this 6th day of June, 2023, by the Town Council of the Town of Castle Rock, Colorado by a vote of _ for and _ against, after publication; and

PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING this ___ day of _____, 2023, by the Town Council of the Town of Castle Rock, Colorado by a vote of ___ for and ___ against.

ATTEST:

TOWN OF CASTLE ROCK

Lisa Anderson, Town Clerk

Jason Gray, Mayor

Approved as to form:

Approved as to content:

Michael J. Hyman, Town Attorney

Tara Vargish, Development Services Director