



Meeting Date: June 20, 2023

AGENDA MEMORANDUM

To: Honorable Mayor and Members of Town Council

Through: David L. Corliss, Town Manager

From: Tara Vargish, PE, Director, Development Services
Brad Boland, AICP, Long Range Project Manager, Development Services

Title: **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 (Second Reading) [Memmen Young Planned Development]**

Executive Summary

On June 6, 2023 Town Council voted 5-2 to approve the annexation on 1st reading with the following conditions; that the applicant have additional responses on the issues of access, blasting and traffic at time of Site Development Plan and that the major ridgeline area include no residences.

An application has been made for a Major Amendment of 175.5 acres of the Planned Development Plan and Zoning Regulations, Memmen Young Portion – The Villages at Castle Rock Infill (Memmen Young PD) and a Petition for Annexation and accompanying plat map (Attachment B and C) has been submitted for the 5-acre Memmen Parcel.

The property owner is requesting that the 5-acre parcel be incorporated into the amended Memmen Young PD. The applicant is seeking approval for an amended PD that would encompass 180.5 acres, allow for 562 single family detached and attached dwelling units, and include 86.9 acres of open space. The new PD, if approved, would

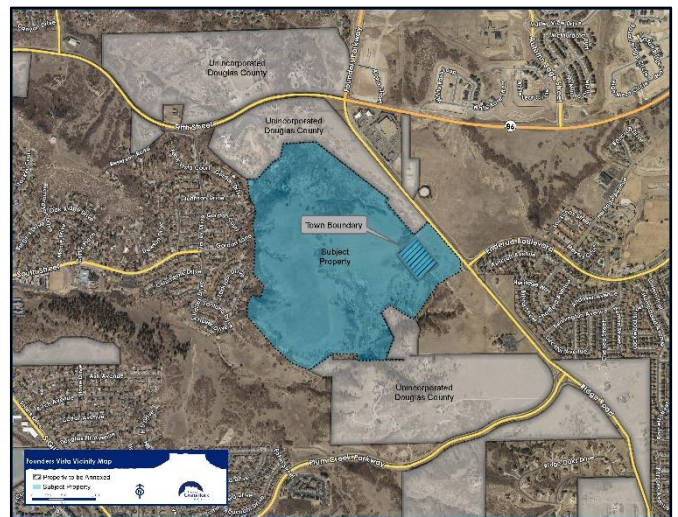


Figure 1: Vicinity Map

be officially titled Planned Development Plan and Zoning Regulations, Amendment No. 1 Memmen Young Portion – The Villages at Castle Rock Infill (Memmen Young PD Amendment). The applicant has also referred to the project by its proposed marketing name of Founders Vista.

Key Benefits of Proposed Annexation and Zoning

- An increase of 31 acres of Parks and Open Space for the community to enjoy
- A reduction of 342 dwelling units, a 38% decrease
- Provides a variety of housing options for current and future residents
- An updated development agreement (DA)
- Conveyance of the underlying ground water rights upon recordation of the DA
- Establishes restrictive landscape regulations
- Contributions to important Public Works projects
- Provides cash-in-lieu for a new well site
- A logical infill annexation to fill in hole in the Town's boundary

Summary of Proposal

The property proposed for annexation is 5 acres and is currently zoned Agricultural One (A-1) in unincorporated Douglas County. Town Council held a public hearing on August 18, 2020, and found the annexation petition to be in substantial compliance with the provisions of Article II, Section 30(1)(B) of the Colorado Constitution and Section 31-12-107(1), C.R.S. Further, Town Council held a public hearing on October 6, 2020 and found the property proposed for annexation was eligible to be annexed in accordance with the Colorado Revised Statutes. The Town will now consider whether the property should be annexed to the Town, and whether the proposed Planned Development zoning is appropriate and should be approved.

The Memmen Young PD Amendment, encompassing 180.5 acres, proposes to allow 562 dwelling units for a gross density of 3.1 dwelling units per acre (du/ac), and 86.9 acres, 48% of the site, of open space and park land. The 5-acre parcel proposed for annexation is proposed to be zoned as part of this Memmen Young PD Amendment.

The development plan will be subject to the Town's new landscape requirements in addition to a Water Efficiency Plan (WEP). Front yard landscaping will be limited to Coloradoscape; a xeric design drawing from low water use native plants. No turf will be allowed in residential front yards. Irrigated turf will only be permitted in the backyards, and will be limited to a maximum of 500 square feet, regardless of the size of the lot. The applicant is required to dedicate all of the groundwater rights to the Town.

Planning Commission Recommendation

The Planning Commission voted 3 – 2 to recommend approval to Town Council of the Memmen Young PD Amendment at a public hearing held on May 25, 2023.

Background

Zoning History

The property comprising the Memmen Young PD was created through a series of annexation beginning in 1981 and ending in 1985 (with some of the annexed property being incorporated in the Founders Village PD). In 1985, the property was zoned as the Memmen Young PD.

The complete Memmen Young PD is 206.3 acres in size. It has two residential use areas, Single Family (6 du/ac) and Multi-Family (12 du/ac). Overall, the Memmen Young PD allows for 559 single family units and 476 multifamily units for a total of 1035 dwelling units. The PD allocates a total of 64.4 acres to dedicated use area, which allows for public uses such as open space and parks.

The proposal is to amend 175.5 acres of the existing PD, and to incorporate the 5-acre annexation parcel into the amended PD, for a total area of 180.5 acres. This 175.5 acre portion of the existing PD has entitlements for 428 single family units and 476 multifamily units for a total of 904 units.

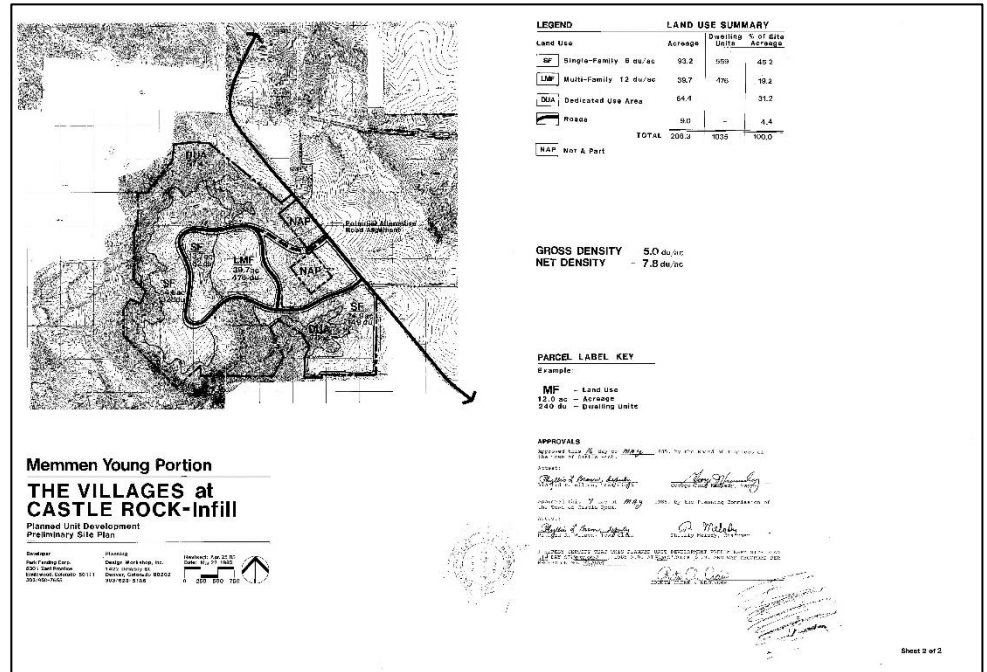


Figure 2: Existing Memmen Young PD Plan

Skyline and Ridgeline Regulations

In 1999, the Town adopted Chapter 17.48 Skyline/Ridgeline Protection Regulations of the Castle Rock Municipal Code. The regulations place restrictions on the siting of structures in visually significant areas and provide mitigation of the visual impact of such development. The Memmen Young PD was impacted by these new regulations as depicted in Figure 3. Two types of visually significant areas were delineated; skylines and ridgelines. They were further broken into levels of impact.

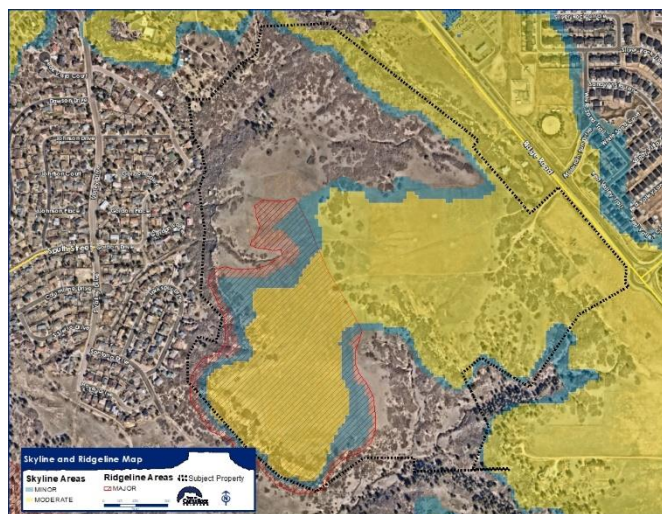


Figure 3: Skyline/Ridgeline Map

The majority of the southern property is located within the moderate skyline area that restricts structures to a maximum height of 25 feet. The south west portion of the property has been classified as a major ridgeline area which prohibits private structures. Land within major ridgelines may be included in lots that extend outside such areas provided that the primary and accessory structures on such lots are located completely outside the major ridgeline areas. Roads may also pass through major ridgeline areas. The addition of these restrictions impact the allowed development pattern of the current Memmen Young PD.

A variance to these regulations may be submitted to the Planning Commission for its consideration. For variances to property impacted by a major ridgeline, the applicant must prove that no part of a proposed structure in a major ridgeline area will be visible above the top of the ridge around which the ridgeline area is mapped, when viewed from any official viewing platform. Variance applications are most appropriately reviewed with the Site Development Plan as the lots are laid out at this time. The applicant has submitted for such a variance with their Site Development Plan application which is under staff review, and will have future public hearings at Planning Commission.

Surrounding Zoning and Uses

The Memmen Young PD is generally located in the east-central part of the Town with a variety of land uses surrounding it including various unincorporated Douglas County enclaves. To the north are several unincorporated Douglas County properties. They include St. Frances of Assisi Church and a few large lot residential parcels. Adjacent to the east are two unincorporated large lot residential parcels and Ridge Rd. East of Ridge Road, the most adjacent residential neighborhood is the Upper Sunstone neighborhood, which is part of the Terrain development which was developed at 4.5 du/ac. At the south east corner is a remaining portion of the Memmen Young PD which allows for an additional 131 units on approximately 27 acres. To the south of the

property is more unincorporated large lot residential. To the southwest is the Young American PD which has zoning that allows for a total of 666 dwelling units at full build out. To the west of the property is the 2nd and 3rd Memmen Additions to Castle Rock subdivisions. These single-family developments have densities at approximately 4 du/ac.

Existing Conditions

The vacant Memmen Young PD is best described as a mesa with steep slopes and cliffs being the southern and western boundary of the property. The property has a significant elevation change shortly before the east boundary of the property (Ridge Rd). Within the property are rolling grass hills. Colorado Geological Survey was sent a referral for which they responded with no concerns with the anticipated residential development.

Gambel Oak is intermittedly disbursed through the property, most prominently in low-lying drainage areas. Ponderosa Pines and scattered evergreens are found on the edges of the property.

The wildlife found on the site is typical of that found in shortgrass habitats in Colorado and Castle Rock. Large mammals include elk, mule deer, pronghorn, coyotes and red fox. Small mammals include voles, prairies dogs, and ground squirrels. No threatened or endangered species or suitable habitat for such animals was found on the site.

The 5-acre Memmen Parcel currently has a single family home with a domestic well that will be abandoned if the proposed annexation is approved. The property is accessed by a dirt driveway from Ridge Road.

Discussion of Proposal

Memmen Parcel Annexation

The Memmen Parcel annexation petition and plat map were accepted and filed with the Town Clerk on August 18, 2020. As required by the Colorado Revised Statutes (C.R.S.), the petition was reviewed by Town Council in two separate hearings. The Substantial Compliance hearing was held on October 6, 2020 and the Council found that the petition substantially complied with the requirements of the Colorado Constitution and the C.R.S for annexation. The Eligibility hearing was held on October 6, 2020 and Town Council found the property to be eligible to be considered for annexation into the Town.

The area proposed for annexation is 5 acres in size and is currently zoned Agricultural One (A-1) in Douglas County.

Memmen Young PD and Zoning Regulations

The applicant is requesting an amendment to the Memmen Young PD (Attachment D). The Memmen Young PD Amendment incorporates the 5-acre Memmen Parcel and establishes five residential planning areas. The proposed zoning would remove multi-family uses and allow 562 single-family detached and attached dwelling units, at a gross density of 3.1 du/ac. More specifically, planning areas PA-2 through PA-4 allow for a total of 334 single family dwelling units and planning areas, PA-1 and PA-5, allow for a total of 114 paired homes (228 dwelling units). Lot sizes are dependent on the housing type, minimum lot sizes would range from a minimum of 2,000 s.f. for one lot of a duplex to 4,500 s.f. for a detached single family home. No maximum lot sizes have been set. The maximum residential building height would be 35 feet. Houses located within the moderate skyline are limited to 25 feet in height per the Town's Skyline/Ridgeline regulations. Additionally, the row of homes in PA-2 located closest to the ridgeline, while not located in the moderate skyline, are limited to 25 feet in height to provide an additional transition from the ridgeline. Setbacks are distinguished by the lot size and housing type and are depicted in the table below. Setback in PA-1 and PA-5 are set up to accommodate an alley loaded product, meaning the garage would be located in the rear of the property.

| LAND USE SUMMARY | | | | | | | | | | |
|------------------|----------------|--------------------|-----------------------------------|---|-------|------|----------------|---------------------|----------------------------------|-------------------------|
| PLANNING AREA | MIN. LOT WIDTH | MIN. LOT AREA (SF) | SETBACKS | | REAR | SIDE | SIDE TO STREET | BUILDING SEPARATION | RESIDENTIAL MAX. BUILDING HEIGHT | MAXIMUM NUMBER OF UNITS |
| | | | MIN. FRONT YARD SETBACK TO GARAGE | MIN. FRONT YARD SETBACK TO PRINCIPAL STRUCTURE(S) | | | | | | |
| PA-1 | 32.0' | 2500 | N/A | 10.0' | 3.0' | 5.0' | 10.0' | 10.0' | 35.0' | 130 |
| PA-2 | 45.0' | 4500 | 18.0' | 18.0' | 10.0' | 5.0' | 10.0' | 10.0' | 35.0' | 139 |
| PA-3 | 45.0' | 4500 | 18.0' | 18.0' | 10.0' | 5.0' | 10.0' | 10.0' | 35.0' | 85 |
| PA-4 | 45.0' | 4500 | 18.0' | 18.0' | 10.0' | 5.0' | 10.0' | 10.0' | 35.0' | 110 |
| PA-5 | 30.0' | 2000 | 18.0' | 10.0' | 3.0' | 5.0' | 10.0' | 10.0' | 35.0' | 98 |

Figure 4: Memmen Young PD Amendment Development Standards

Technical Reports and Analyses

Service and Infrastructure Capacity

The Concept Utility Letter and Phase I Drainage Report for the site, which were reviewed by staff, indicate that the Town's water, wastewater and storm drain systems can accommodate the proposed use. The property can also be served by the Town's Police and Fire Districts.

Water Efficiency Plan

The WEP is a model of water efficiency for the Town of Castle Rock utilizing both exterior and interior efficiency programs while still providing an attractive landscaped environment. As of November 17, 2022, the Castle Rock Municipal Code was updated to remove the requirement of a Water Efficiency Plan (WEP) for annexation, however the Memmen Young development team had already developed a WEP and opted to keep the water efficiency plan as a part of their proposal. The Town approved WEP is an attachment to the DA.

As of November 17, 2022, new strict landscape regulations were adopted per the Castle Rock Landscape and Irrigation Criteria Manual. The new regulations prohibit irrigated turf residential front yards. Coloradoscape landscaping may be installed in residential front yards. A maximum of 500 square feet of irrigated turf will be allowed in residential backyards. No turf grass will be used within the streetscape. Only drought tolerant plants consistent with the Town of Castle Rock Landscape and Irrigation standards will be utilized throughout the development. The more stringent between the WEP and the Town's regulations is to be followed.

Groundwater Rights and Dedication

The water rights associated with the Memmen Young PD property have not been dedicated to the Town at this time. All groundwater rights associated with the Memmen Young PD property must be dedicated to the Town upon recordation of the development agreement. It is anticipated that the owners will convey to the Town approximately 280 acre-feet of groundwater rights. A review of the Water Rights Title Opinion was completed and accepted by staff.

Memmen Young Water Bank

The Memmen Young Development Agreement contains details on the Memmen Young Water Bank, including the amount of Single Family Equivalent (SFE) Credits, allowances for future deposits of water credits, requirements for water conservation through implementation of the Water Efficiency Plan, limitation on any development until water rights are approved by the Town, and consequences of exhausting the Water Bank. The Memmen Young Water Bank will be credited with applicable SFE upon conveyance of the ground water, which satisfies the demand of the proposed development.

Transportation and Traffic Impacts

The proposed residential density is projected to generate about 4,800 vehicle-trips on the average weekday, with about half entering and half exiting during a 24-hour period. During the morning peak-hour, about 95 vehicles would enter and about 250 vehicles would exit the site. During the afternoon peak-hour, about 274 vehicles would enter and about 173 vehicles would exit. The project proposes two access points to the existing road network:

Ridge Road and Enderud Blvd. (Access A): This is the primary access to the site. The traffic analysis anticipates this intersection to operate within the Town's standard for level of service through 2040. This existing intersection is currently controlled by a roundabout. This project will add its primary collector class connection to the west side of the roundabout.

Ridge Road and access point between Enderud Blvd and Hwy 86 (Access B): This collector class 3/4 intersection will be the secondary access. This access

will have a NB Ridge Road left turn, a SB Ridge Road right turn and an EB right turn onto Ridge Road.

Town staff concurs with the conclusion of the traffic analysis in that the proposed project can be accommodated by the existing and planned roadway improvements along with the following recommended improvements.

1. Applicant will be required to contribute their pro rata share for the intersection improvements at the SH-86/Ridge road/5th St./Founders Pkwy intersection.
2. Applicant will be responsible for the cost to improve their Ridge Road frontage to a 4-lane arterial per the Town's CIP project design.
3. Applicant will be responsible for the ¾ intersection improvements at their northern Access B intersection. This includes the NB left turn lane into the site and the SB right turn lane into the site.
4. Applicant is responsible to dedicate all necessary right-of-way to accommodate all Ridge Road street and frontage improvements, and other public streets throughout the development.

Parks and Recreation

The proposed Memmen Young PD Amendment enhances parks, trails and open space opportunities in the Town of Castle Rock.

Currently the property is private and inaccessible to Town residents. The proposed plan designates approximately 48% of the property or nearly 87 acres to be set aside for Open Space and Park purposes available to all residents. This represents a 48% increase from the 58.9 of Dedicated Use Area (which allows public uses such as parks and open spaces) provided in the existing Memmen Young PD. A continuous 34 acres is designated as park in the south east of the property and will follow the Town's Public Land-1 (PL-1) zoning regulations which allows for active open space uses. The remaining of the open space is designated as Public Land-2 (PL-2) zoning regulations which allows for passive open space uses.

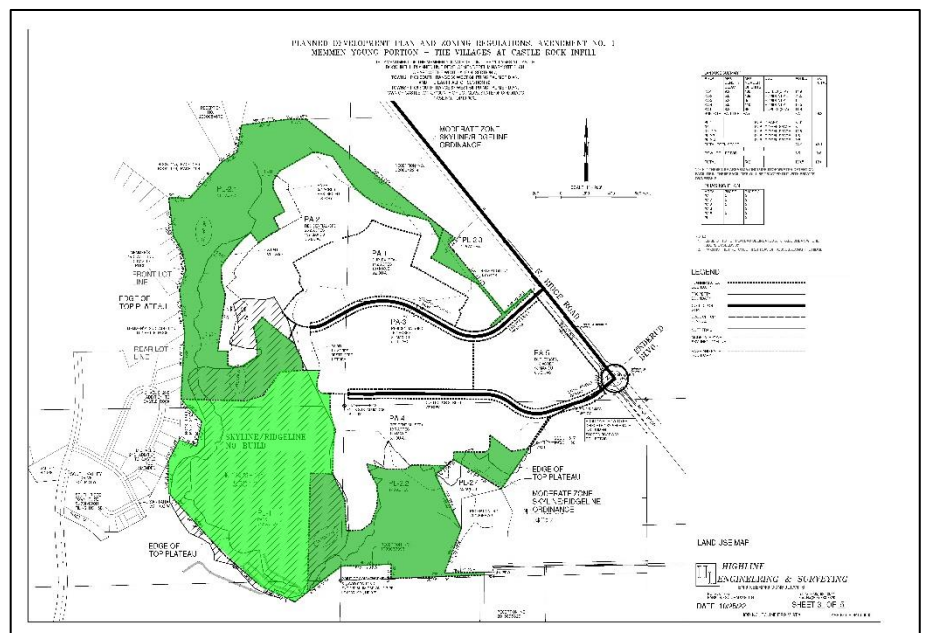


Figure 5: Planned Development Plan (Light Green = PL1, Dark Green = PL2)

The open space and park land is most continuous wrapping around the south, west, and north of the property. The open space and topography differences provide adequate buffer to existing development.

Development Agreement Summary

A development agreement is a contract between the Town of Castle Rock and the property owner (Owner) that addresses required infrastructure improvements, development phasing, open space conveyances, water rights conveyances, Town service obligations, developer obligations and other relevant items. The development agreement will be considered and acted upon by Town Council at the 2nd reading of the PD Amendment. An existing DA is in effect for the Memmen Young PD. The PD Amendment requires that the DA be amended as needed. This provided the opportunity to evaluate and modernize the DA to more accurately reflect the impacts of the development. The following is a brief summary of the key elements of the Memmen Young DA amendment.

- Owner shall convey all 280 acre feet of groundwater rights to the Town upon annexation.
- The Owner shall pay \$1,130 to offset Town's cost for adjudication of the underlying groundwater of the Memmen Parcel.
- The Owner shall abandon the Domestic Well located on the Memmen Parcel
- A Water Efficiency Plan shall apply to all development within the PD.
- Owner shall pay \$261,360 cash-in-lieu for a two acre well site.
- Owner shall design and construct water and wastewater system improvements necessary to serve the development.
- Applicant will be required to contribute their pro rata share for the intersection improvements at the SH-86/Ridge road/5th St./Founders Pkwy intersection.
- Applicant will be responsible for the cost to improve their Ridge Road frontage to a 4-lane arterial per the Town's CIP project design.
- Applicant will be responsible for the $\frac{3}{4}$ intersection improvements at their northern Access B intersection. This includes the NB left turn lane into the site and the SB right turn lane into the site.
- Applicant is responsible to dedicate all necessary right-of-way to accommodate all Ridge Road street and frontage improvements, and other public streets throughout the development.
- No more than 252 building permits shall be issued until the earlier of (i) Ridge Road being widened to four lanes and opened for travel or (ii) January 1, 2025.
- All public lands to be dedicated to the Town are identified on the Planned Development Plan as PL-1 and PL-2 are to be dedicated to the property, except for any property tracted out for the purposes of stormwater detention facilities.

Public Notification and Outreach

Public Hearing Notice

Public hearing notice signs were posted on the property and written notice letters were sent to property owners within 500 feet of the property, at least 15 days prior to the public hearing. In addition, a public notice of the Annexation and Zoning hearing was published in the Douglas County News-Press in accordance with Section 20.02.020 of the Municipal Code.

Town staff published notice of the Planning Commission and Town Council public hearings on the Town's website and provided information about the proposal on the Town's *Development Activity* interactive map.

External Referrals

External referrals were sent to various utility providers, public service providers and jurisdictional partners.

Douglas County Community Development provided comments suggesting that the applicant should annex and incorporate the Memmen Parcel into the development plan for which the applicant did so. Douglas County Community Development also requested buffering to transition to the unincorporated parcels. The applicant increased the buffering as is appropriate the developments central/urban location in Town and topography.

Comments from Colorado Parks and Wildlife urged that fragmentation and loss of habitat be kept to a minimum through clustering of development and provision of open space. Trails were encouraged to be placed near the edges of open space and not wider than 8 feet. Education of future residents in living with wildlife was suggested. The comments have been addressed through the clustering of development and dedication of nearly half of the site as natural open space in mostly contiguous manner.

Colorado Geological Survey stated that upon a site there was no surface conditions that would preclude the proposed residential use and density. It was noted that the site contains areas of extremely steep slopes and cliffs. As such geologic/geotechnical reports should be submitted at the time of site design. This evaluation and reports will be provided with the applicable Site Development Plan and Plats.

The remainder of the agencies contacted for external comments either did not respond, responded indicating "No Comment", or had comments of a technical nature.

Neighborhood Meetings and Public Outreach

The applicant has conducted four neighborhood meetings as of the writing of this staff report. The first meeting was held in person on May 21, 2019, prior to submittal, and attended by approximately 30 residents. The proposal at the time consisted of approximately 700 dwelling units and 81 acres of park and open space. Specific concerns regarding the impact on drainage down the cliffs and rockfall hazard on the properties to the west were raised. Residents expressed their opposition to any potential ridgeline variance and further did not support any development on the property between the northern most major ridgeline and the western edge of cliffs. General concerns about development such as increased traffic, impact on stores and schools

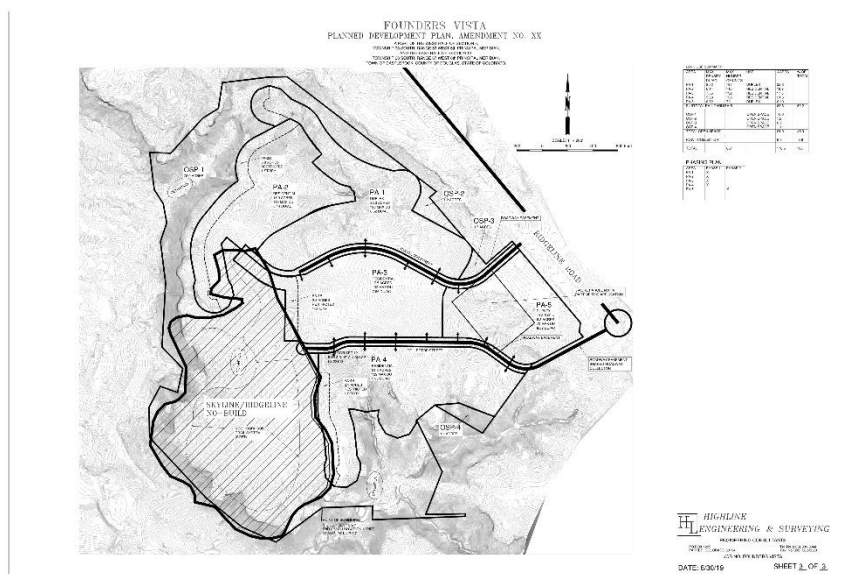


Figure 6: Initial Planned Development Plan Submittal

The second neighborhood meeting was held in person on February 20, 2020. Approximately 20 residents attended the meeting. This meeting included the incorporation of the annexation of the 5 acres and introduced the Site Development Plan (currently under review). Residents reiterated that they were not in support of houses along the western ridgeline regardless if it were outside of a no build area. Concerns about water and development were raised. Regarding questions for the need to blast, the applicant responded they did not believe they would need to at that time but could not guarantee that.

A third neighborhood meeting was held in a hybrid format on January 5, 2022 and approximately 45 people attended the meeting between online and in person. The applicant reviewed the zoning and annexation, site plan, and proposed ridgeline variances at the meeting. The topic of blasting was of major concern to the attendees. The applicant stated that with additional information that they had determined they would need to blast. The applicant did not feel qualified to answer the specific blasting questions, so offered that they would bring a subject expert to the next meeting. Attendees again expressed opposition to homes along the ridgeline, regardless of location outside of the no build area. Questions are regarding water and wildlife were

raised. Several questions/concerns specific to site development plan detail were raised and discussed.

A fourth neighborhood meeting was held on May 18, 2023. The applicant had a representative from a blasting company present at the beginning of the meeting to discuss the blasting process and answer questions related to construction. Questions and concerns were concentrated on the development closes to the ridgeline.

Meeting summaries have been attached for more specific details. Additionally, e-mails from residents have also been included with this staff report.

From the first submittal to the proposed plan presented, the applicant has reduced the number of dwelling units from 637 to 562 units (75-unit decrease, 12% reduction) and created larger buffers from the ridgeline and adjacent properties in several places.

Analysis

Staff has completed a full analysis of the proposed annexation and proposed Planned Development zoning, taking into account the representations made in the application for annexation and zoning, and the goals and principles of the Town's 2030 Vision and Comprehensive Master Plan, the criterion of the Town's Municipal Code and the requirements of the Town's technical criteria. The remainder of this report focuses on how the annexation and zoning proposals are consistent with the Town's guiding documents and meet the Town criterion for approval, beginning with the request for annexation.

Annexation Analysis

This staff report focuses primarily on the proposed zoning, however the annexation analysis is included as background and context.

The Town has complied with the process prescribed by the Municipal Annexation Act of 1965 (the Act). On August 18, 2020 Town Council found the Memmen Parcel Annexation Petition to be in substantial compliance with the prescribed form and content required by the Colorado Revised Statutes and set the date of the Eligibility Hearing for October 6, 2020. After proper public noticing, Town Council held the Eligibility Hearing as scheduled, reviewed the statutory allegations made in the Annexation Petition (Attachment B) and found that the property is eligible to be considered for annexation into the Town of Castle Rock.

The third phase of the process is the Annexation Hearing, the purpose of which is to determine whether the property should be annexed to the Town. 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 Memmen Parcel 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 four cornerstones are Distinct Town Identity, Responsible Growth, Community Services and Thriving Economy. The following is an analysis of the specific principles applicable to this proposed annexation.

Responsible Growth

The Comprehensive Master Plan specifically states that annexation requests must take into consideration the following items:

- *RG 2.1 - Castle Rock Annexation Areas*

A. Is a logical extension or infill of the Town boundaries.

Analysis: The Comprehensive Plan, Future Land Use Plan represents future Town buildout boundaries and anticipated land uses. The 5-acre Memmen Parcel property is identified as an infill property (see Figure 9). The property is anticipated to be an area of residential development (see Figure 9). Annexation of the property will effectively fill a hole within the Town's boundary.

B. Has demonstrated a significant benefit to the Town.

Analysis: Annexation and zoning of the 5-acre Memmen Parcel property is a logical infill annexation and fills a hole within the Town's boundary. The addition of the parcel to the overall development plan to the Memmen Young PD allows for a more logical secondary access to the development from Ridge Road.

C. Will be provided with adequate urban services.

Analysis: The property is able to be served with appropriate and adequate municipal services.

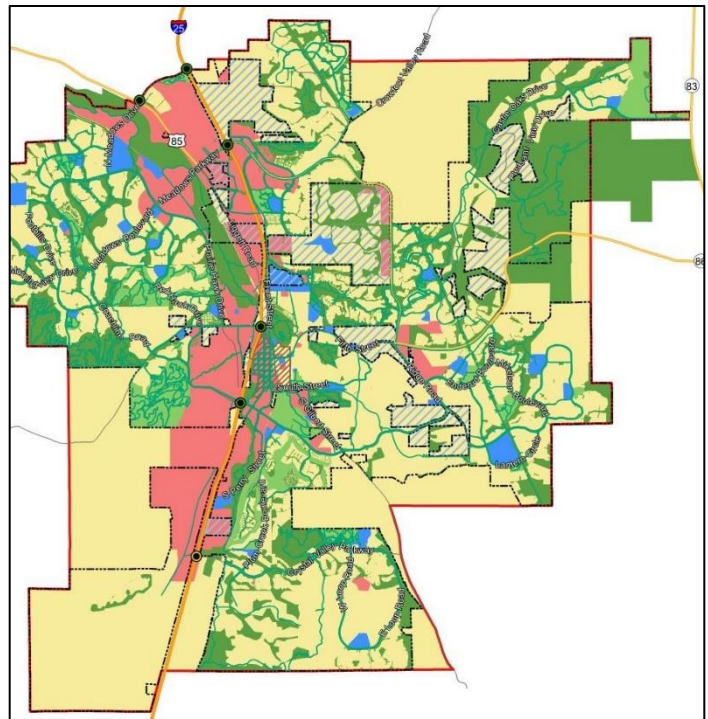


Figure 7: Future Land Use Map

D. Is fiscally responsible.

Analysis: The owner will be required to pay for all infrastructure improvements necessary for development of the property such as water, wastewater, storm water and/or drainage, and transportation improvements. Additionally, the owner will convey all groundwater rights to the Town.

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

Analysis: The owner will dedicate all appurtenant ground water rights of the 5-acre annexation parcel to the Town at time of recordation of the development agreement. The Owner is not required to adjudicate the water rights underlying the Memmen Parcel. The Town, in its sole discretion may undertake the adjudication. Adjudication will not affect the amount credited to the water credit. In consideration of the Town undertaking the adjudication process for the Water Rights underlying the Memmen Parcel, concurrently with, and as a condition to recordation of the development agreement, the owner shall pay the Town \$1,130 to offset the Town's costs for such adjudication.

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

Analysis: The 5-acre property is identified as an infill parcel as depicted in the Castle Rock Water Inclusion and Exclusion map and therefore exempt from providing renewable water per section 4.04.045B of the Castle Rock Municipal Code.

- **RG2.2 - Annexation of Infill Areas**

Consider the annexation and development of areas surrounded, or partially surrounded, by the Town boundary that can demonstrate a benefit to the Town, connect to Town water and sewer and create a contiguous municipal boundary.

Analysis: The 5-acre property is an infill parcel as it is completely surrounded by the Town, most specifically the Memmen Young PD. This property is able to connect to Town services and annexation will fill in a hole within the municipal boundary.

Planned Development Plan Approval Criteria and Analysis, CRMC 17.34.030:

Staff analysis of the proposed Memmen Young PD Amendment for the larger 180.5-acre area has taken into account the representations made in the land use application and supporting reports and analyses. Per Section 17.34.030 PD Plan Approval Criteria, the proposed PD zoning shall be evaluated under the following criteria:

A. Community Vision/Land Use Entitlements

The proposed Memmen Young PD Amendment meets this criterion. The development proposal conforms to the Town of Castle Rock Vision and Comprehensive Master plan by:

- *Planning for and accommodating the needs of existing and future residents,*
- *Offering cohesive neighborhoods, with a mix of land uses that support a variety of lifestyle options for Castle Rock residents,*
- *Including a phasing plan that advances orderly, cost-effective and fiscally responsible growth,*
- *Including buffers that recognizes, and is sensitive to, the scale and character of the surrounding neighborhoods,*
- *Protecting and preserving sensitive drainage corridors and wildlife habitat,*
- *Providing large areas of scenic open space and passive park space,*
- *Providing all groundwater rights to the Town.*

B. Relationship to surrounding area.

Open space buffers will exist on the periphery of the PD. The development plan is designed so that a majority of the lots within the PD are located centrally. A variety of lot sizes, densities and housing types will meet the different needs of the new residents.

C. Circulation and connectivity.

The proposed PD plan complies with this criterion by providing appropriate internal pedestrian and vehicle circulation, capacity and connectivity, and the DA obligates the developer to required offsite improvements.

D. Service, phasing and off-site impacts.

The proposed PD amendment complies with this criterion. The PD plan, phasing plan and DA establish the necessary onsite and offsite improvements to serve the Memmen Young PD Amendment with adequate municipal water, wastewater and sewer services. The developer is responsible for the cost and construction of the infrastructure improvements to serve the property.

The groundwater rights will be dedicated to the Town. The Memmen Young Water Efficiency Plan and Castle Rock Landscape and Irrigation Performance Standards and Criteria Manual will reduce the overall water demand of the development by prohibiting turf in residential front yards and limiting the rear yard turf to 500 square feet.

E. Open space, public lands and recreation amenities.

Planned Developments are required to dedicate a minimum of 20% of the property as open space. The Memmen Young PD Amendment includes 86.9 acres of parks and open space for a cumulative total of 48% open space and public land. The public open space and PLD will be dedicated to the Town with the platting of the property.

F. Preservation of natural features.

The PD plan complies with this criterion. The PD Plan preserves areas of natural drainage and slopes, vegetation, rock outcroppings and areas of wildlife habitat and corridors.

Development on the site will comply with state and federal regulations such as the Migratory Bird Act.

Budget Impact

The proposed annexation and zoning will generate review fees. In addition, there are DA obligations and impact fees required at the time of annexation and with future site plans, plats and subdivision improvement obligations that will offset Town costs.

Recommendation

The Planning Commission voted 3 – 2 to recommend approval to Town Council of the Memmen Young PD Amendment at a public hearing held on May 25, 2023.

Proposed Motions

Approval with Conditions

“I move to approve the PD Amendment Ordinance, as introduced by title, 2nd reading with the following conditions; that the applicant have additional responses on the issues of access, blasting and traffic at time of Site Development Plan and that the major ridgeline area include no residences.”

Approval

“I move to approve the PD Amendment Ordinance, as introduced by title, on first 2nd reading.”

Continue item to next hearing (need more information)

“I move to continue this item to the Town Council meeting on [date], 2023, at [time].”

Attachments

- Attachment A: Vicinity Map
- Attachment B: Memmen Parcel Annexation Petition and Plat
- Attachment C: Ordinance No. 2023 - 00
- Attachment D: Existing Memmen Young PD and Zoning Regulations
- Attachment E: Proposed Planned Development Plan and Zoning Regulations
- Attachment F: Castle Rock Water Resources Inclusion Area Map
- Attachment G: Traffic Impact Analysis
- Attachment H: Neighborhood Meeting #1 Summary
- Attachment I: Neighborhood Meeting #2 Summary
- Attachment J: Neighborhood Meeting #3 Summary
- Attachment K: Neighborhood Meeting #4 Summary
- Attachment L: Resident Comments