



Meeting Date: February 20, 2018

## **AGENDA MEMORANDUM**

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

**Through:** Bill Detweiler, Director, Development Services

**From:** Kathy Marx, Senior Planner, Development Services

**Title:** **AN ORDINANCE AMENDING THE TOWN'S ZONE DISTRICT MAP BY REZONING ROCK PARK TO PL-3 DISTRICT (Second Reading)**

---

### **Executive Summary**

On February 6, 2018, the Town of Castle Rock Town Council voted 6 to 0 approving Ordinance 2018-004 amending the Town's Zone District Map by rezoning Rock Park to the PL-3 district at First Reading.

*Previously*, on January 11, 2018, the Planning Commission heard the rezoning proposal for Rock Park. Of the public in attendance, 4 citizens addressed the Commission with questions regarding the rezoning. One citizen spoke regarding the original fee title purchase of the park property and asserted that it established the zoning of a park and the R-1 zoning no longer exists. Staff clarified what "fee title" means for the record and clarified that Rock Park was zoned R-1 at this time. The Commission considered citizen comments, questioned staff and voted 4 - 0 to recommend approval to Town council for the proposed rezoning of Rock Park.

On March 15, 2016, the Town of Castle Rock Town Council amended the Town Municipal Code to change the existing POS-1 and POS-2 zone districts to PL-1 and PL-2 zone districts. Since that time the Town Council saw the need for the creation of a PL-3 zone district to specifically address the uniqueness of Rock Park.

On November 7, 2017, the Town of Castle Rock Town Council approved Ordinance No. 2017-030 amending the Municipal Code to create the PL-3 zone. The PL-3 zoning classification was created based upon community feedback and giving consideration to the request from the Town's citizens to consider a zone district for Rock Park that would define the scope of allowed uses and standards specific to Rock Park. This new zone district established appropriate limitations and standards on future development and uses of the park. Therefore, Staff is proceeding with the rezoning of Rock Park to PL-3 (please see **Attachment B**).



### **Rock Park Location**

Planning Commission and staff recommend approval of the proposed zoning because it allows for the variety of existing uses within the park and protects Castle Rock and the unique heritage it represents.

### **Findings**

Staff finds that the proposed rezoning meets the objectives and criteria of the Town of Castle Rock Vision 2020/Comprehensive Master Plan and the Municipal Code.

### **Discussion**

#### **Background**

Rock Park was established in 1988. The park land consists of multiple parcels as land has been added to the park through purchase or dedication of lands. In regards to Rock Park, the acquired lands were all zoned R-1.

#### **Existing Conditions**

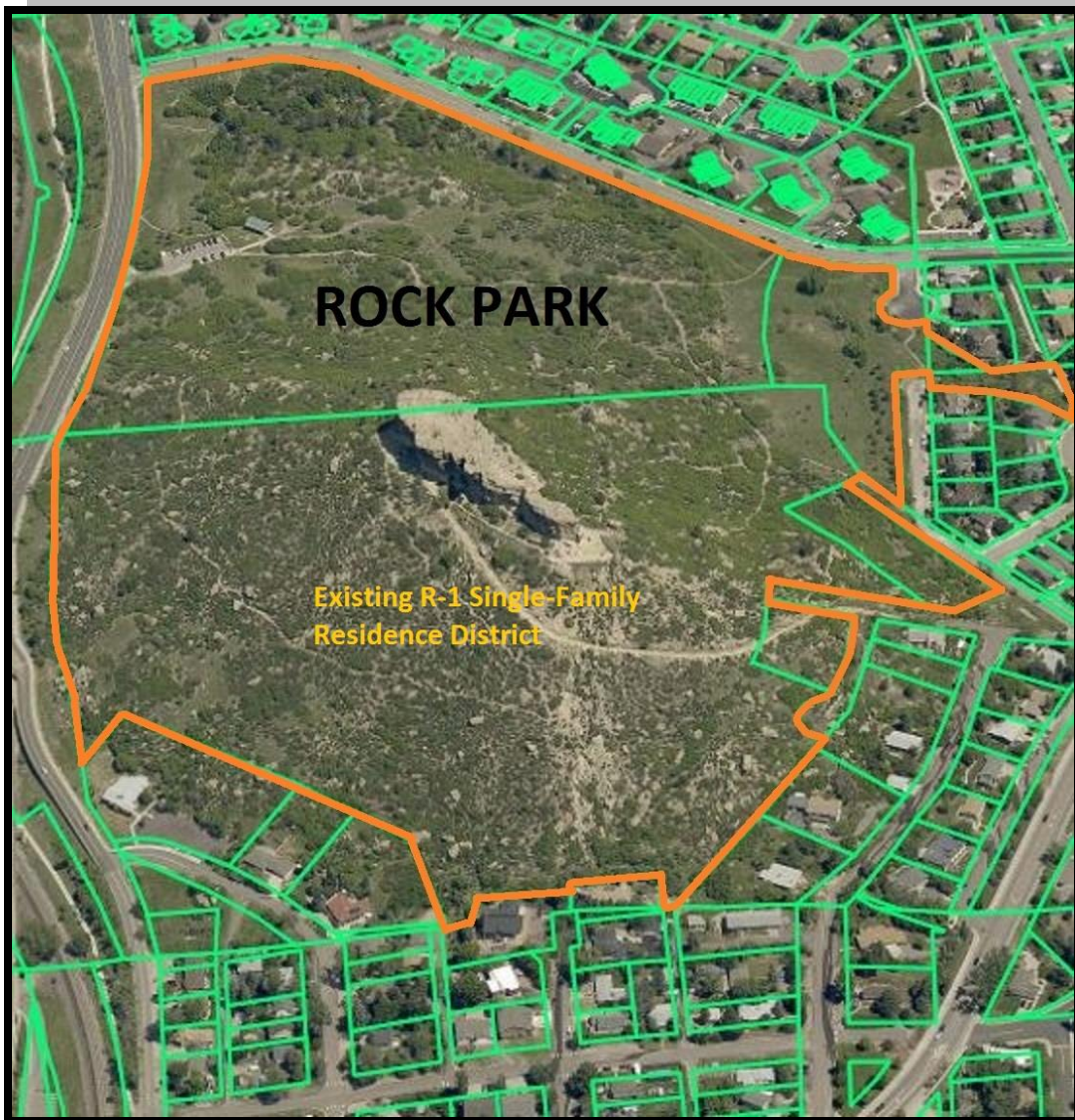
Rock Park consists of 62 acres ± within Township 8S, Range 67W, and Section 2 of the 8<sup>th</sup> Principal Meridian, Castle Rock, Douglas County, Colorado. It is located east of Front Street, south of Canyon Drive and predominately west of Sunset Drive. The park encompasses the Town's namesake butte, Castle Rock, and is a locally designated



Historic Landmark. The park includes hiking trails, picnic area with restrooms and visitor parking. The intent of the park is to remain in its current state.

### Zoning

Currently, all of the lots contained within Rock Park are zoned Single-Family Residence District (R-1).



**Rock Park R-1**

### Comparison of Existing and Proposed Zoning

Within Rock Park the present R-1 zoning designation allows outdoor recreation which is appropriate to the site. But the R-1 zoning also allows single-family residences and small in-home day cares that would conflict with the intent of the park. The proposed zoning of PL-3 would allow current uses such as the picnic pavilion and parking to be maintained but

the incompatible uses that are presently allowed with the R-1 zone would no longer be permitted under any circumstance.

Additionally PL-3 allows the traditional uses such as the star and flagpole located atop of Castle Rock to be maintained and replaced if damaged or destroyed. Other uses permitted include standard safety and maintenance such as rock stabilization and rock fall mitigation. Temporary community events sponsored by the Town are also permitted.

Given that Rock Park is also a designated local Historic Landmark any new use or change of use is required to go through a public hearing process with the Historic Review Board (please see **Attachment C**).

### Approval Criteria

The Town of Castle Rock Municipal Code Section 17.020.060, Zoning Process, Subsection C. delineates the approval criteria that the Planning Commission and Town Council shall consider in the evaluation of a request for rezoning (please see **Attachment D**).

### Public Outreach

A neighborhood meeting was conducted on January 18, 2017, at the Philip S. Miller Recreation Center. Twelve citizens of Castle Rock were in attendance. Residents that lived nearby Rock Park were concerned with the potential for physical improvements to the park that might change the character of the natural open spaces within the park and also impact their neighborhoods. They suggested a zoning designation of PL-2. Staff reviewed the PL-2 designation carefully but concluded that PL-2, which is intended for unimproved open space, would not be consistent with the picnic pavilion, restrooms, flag and star atop the Rock presently in the park, and that Rock Park's designation of a local Historic Landmark offered substantial protection from overdevelopment within the Park.

In response to further citizen input Town staff was directed to draft a new zone district specific to the existing uses within Rock Park. A neighborhood meeting was conducted on September 7, 2017. Four residents were in attendance. In response to citizen questions Parks and Recreation Department staff indicated additional parking is not being considered presently; the existing landmark designation for the park will remain in place; existing right-of-way will be maintained on the southeast portion of the property for emergency vehicle access; and the Town may eventually consider re-platting the property to one lot but not at this time.

The consensus from the attendees at the meeting was positive and supportive of the new PL-3 zone district.

Consequently three public hearings were conducted prior to the approval of the adoption of Ordinance 2017-030 by Town Council November 7, 2017, creating the PL-3 zone.

Additionally, the Planning Commission held a public hearing regarding the rezoning of Rock Park to the PL-3 zone district on Jan. 11, 2018. Four citizens spoke in regards to the

action. Concerns expressed related to the re-platting of all lots comprising Rock Park to one lot; the definition of habitable and non-habitable structures within the PL-3 zone and the lack of need for any additional lighting as the park hours are from dawn to dusk. One citizen spoke regarding the original fee title purchase of the park property and asserted that it established the zoning of a park and the R-1 zoning no longer exists. Staff clarified what “fee title” means for the record and clarified that Rock Park was zoned R-1 at this time. Additionally staff responded to other citizen questions indicating the process necessary to re-plat a property and the definition of habitable and non-habitable structures as it relates to the PL-3 zone district. After consideration the Planning Commission voted 4 - 0 to recommend approval to Town Council of the rezoning of Rock Park to the PL-3 zone district.

On February 6, 2018, the Town of Castle Rock Town Council voted 6 to 0 approving Ordinance 2018-004 amending the Town’s Zone District Map by rezoning Rock Park to the PL-3 district at First Reading.

### **Staff Recommendation**

Planning Commission and staff supports the proposed Rock Park rezoning to PL-3 based on the following:

- The potential uses are consistent with the Town’s Comprehensive Master Plan and the Vision 2020 document.
- Existing uses are reflected in the PL-3 zoning designation.

### **Budget Impact**

The proposed zoning will not have an impact on the Town budget. Budget impact will be determined by the Town’s ultimate use of the property.

### **Proposed Motion**

I move to recommend approval of the Ordinance as introduced by title on the Second Reading.

### **Attachments**

Attachment A: Ordinance No. 2018-

Exhibit 1: Legal Description Rock Park

Attachment B: Municipal Code Section 17.30.035 – PL-3

Attachment C: Municipal Code Section 15.64.140 – Alteration of a Landmark

Attachment D: Municipal Code Section 17.02.060 – Rezoning Approval Criteria