



Meeting Date: May 1, 2018

## **AGENDA MEMORANDUM**

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

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

**From:** Brad Boland, Planner 1, Development Services

**Title:** An Ordinance Amending the Town's Zone District Map by Rezoning a 156.693 Acre Parcel Located in Section 2, Township 8 South, Range 67 West, of the 6<sup>th</sup> P.M. to PL-1 District; and Providing for its Emergency Adoption on Second and Final Reading (First Reading)

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### **Executive Summary**

The staff and Planning Commission are seeking Town Council action to rezone the Town owned East Plum Creek Property.

On March 15, 2016, the Town of Castle Rock Town Council approved Ordinance No. 2016- 09 amending the Municipal Code to change the existing Public Open Space (POS - 1) and (POS-2) zone districts to the Public Land (PL-1) and (PL-2) zone districts. In order for the town to activate the property for public use, the PL-1 zoning district will need to be established on the property.

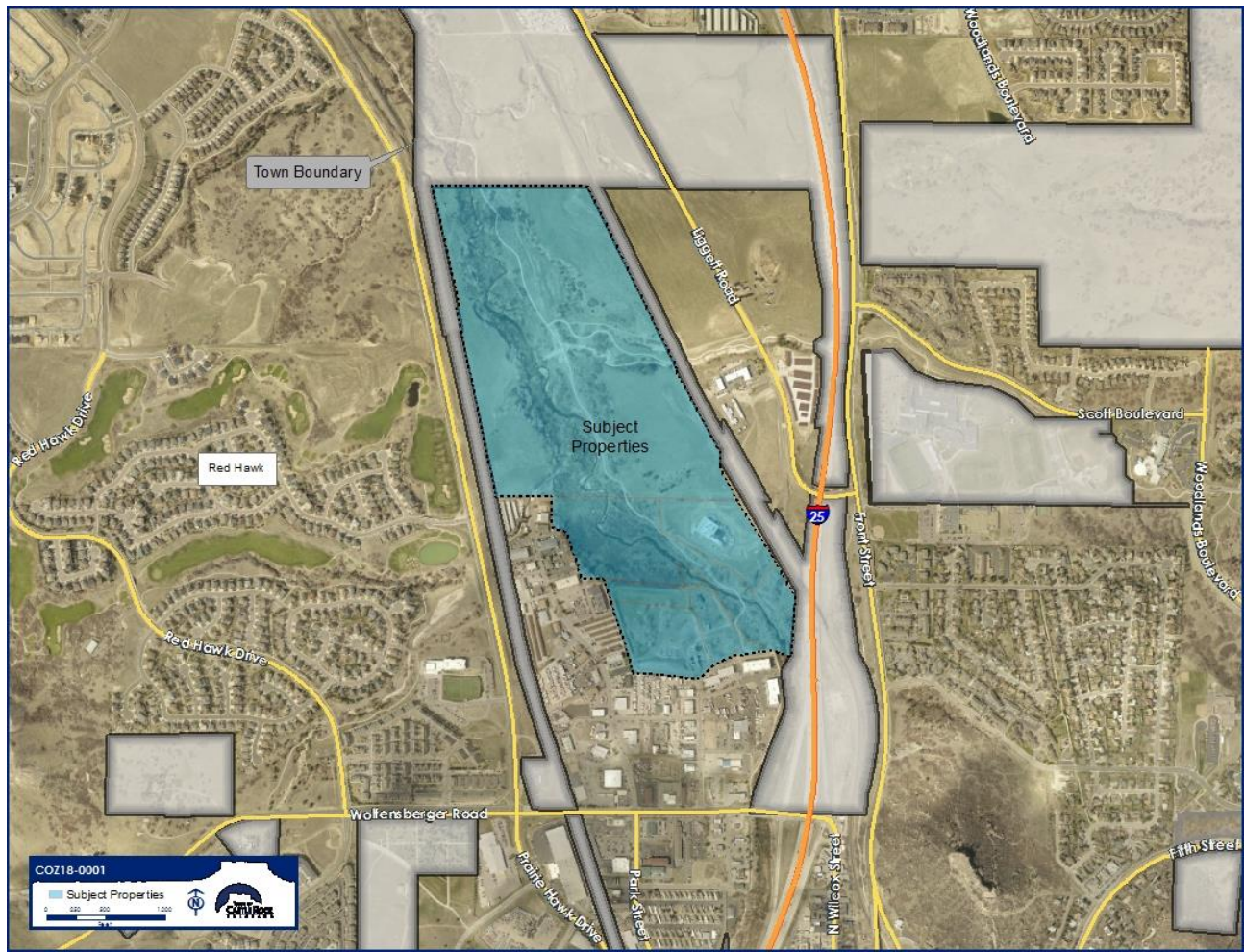
On April 12, 2018, the Planning Commission recommended approval of the Ordinance by a vote of 6-0.

### **Background**

The property is within the boundaries of the Town of Castle Rock and is referred to as the East Plum Creek Annexation. The property consists of several parcels and is 156.693 acres in size. The former Plum Creek Wastewater Authority treatment site is part of this assemblage. The final assemblage of property under Town ownership was completed in 2009 and was subsequently annexed into the Town at the end of that year. In early 2010 the Town zoned the property POS-1 to satisfy State statute that property is zoned within 90 days of annexation. It was intended that the zoning would be readdressed, if needed, depending on the ultimate use the Town decided upon for the property.

On March 15, 2016, Town Council approved Ordinance No. 2016-09 amending the Municipal Code to change the existing Public Open Space (POS -1) and (POS-2) zone districts to the Public Land (PL-1) and (PL-2) zone districts. The intent of the ordinance was to better align the permitted uses allowed within those zone districts with the actual

types of facilities that exist within Town properties. An unintended consequence of this ordinance was that the ordinance did not rezone properties zoned Public Open Space to the corresponding Public Land Zonings at that time.



## Location

### Current Zoning

The property was previously zoned POS 1. Ordinance No. 2016-09, which created the PL zoning district, did not rezone properties zoned POS to PL. As the POS zoning district was repealed through this ordinance, the property currently does not have a valid zoning district attached to it.

### The Proposed Zoning District Classification

The PL-1 District is intended primarily for municipally-owned property and public uses. The uses allowed within the PL-1 District range from traditional park type uses such as open space, playgrounds and trails to public buildings and schools.

## **Discussion**

### **Location**

The area proposed to be rezoned is 156.69 acres in size and is located north of Wolfensberger Road at the end of Caprice Drive, between the Union Pacific Railroad on the east and the Atchison Topeka Santa Fe Railroad on the west. The East Plum Creek Trail runs through the length of the property.

The site is bounded on the north by vacant property zoned General Industrial in Douglas County. I-25, Castle Rock Marine PD, and industrial-zoned land are located east of the proposed rezoning area. Prairie Hawk Drive, the Red Hawk neighborhood, part of the Meadows, and the Park Street industrial area are west of the property across the railroad tracks. The Wolfensberger North Overlay District is located to the south.

### **Existing Conditions**

The East Plum Creek runs generally northwest to southeast through the property. The 8-ft wide multi-use paved East Plum Creek Trail runs adjacent to the East Plum Creek throughout the property. The southern portion of the property (addressed as 1400 Caprice Court) has been identified as the future location of the Parks and Recreation Operations and Maintenance Building. The site will require the remediation of the former Plum Creek Wastewater Authority treatment site.

### **Review and Approval Criteria**

The application for Zoning was reviewed against and found to meet the following zoning approval criteria outlined in Section 17.02060C of the Town's Municipal Code:

1. Compatibility with applicable Intergovernmental Development Plan.
2. Conformity with the most recently adopted version of the Town's Vision, Comprehensive Master Plan and long-range or master plans.
3. Compatibility with existing and planned development on adjacent properties and in the surrounding area or neighborhood, or measures will be taken to substantially buffer or otherwise substantially mitigate any incompatibility.
4. Adverse impacts upon the natural environment, including air, water, noise, stormwater management, wildlife and vegetation, or such impacts will be substantially mitigated.
5. Whether the property will have access to current or planned services and infrastructure adequate to support the orderly development of the property.
6. Positive economic impact potential from development of the property.
7. Additional criteria, if any, germane to the rezoning request as prescribed under this Title.

## **Public Outreach**

A neighborhood meeting was conducted on March 21, 2018 at the Philip S. Miller Recreation Center. A few nearby property owners had their questions answered concerning the proposed Parks Operations and Maintenance building, construction hours, and expected traffic.

Referrals were sent to the Town's utility service providers with no objections being reported.

Posted, written and published notices were performed in accordance with the Town of Castle Rock Municipal Code.

### **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.

### **Staff Findings**

Staff finds that the proposed rezoning meets the approval criteria as described earlier in this report.

### **Recommendation**

The Planning Commission, at a Public Hearing on April 12, 2018, recommended approval of the ordinance by a vote of 6-0.

### **Proposed Motion**

I move to approve the Ordinance as introduced by title, first reading.

### **Attachments**

Attachment A:	Ordinance
Exhibit 1:	Legal Description
Attachment B:	Municipal Code Section 17.30.020 – PL-1 District

ORDINANCE NO. 2018-

**AN ORDINANCE AMENDING THE TOWN'S ZONE DISTRICT MAP BY  
REZONING A 156.693 ACRE PARCEL LOCATED IN SECTION 2, TOWNSHIP  
8 SOUTH, RANGE 67 WEST, OF THE 6<sup>TH</sup> P.M. TO PL-1 DISTRICT; AND  
PROVIDING FOR ITS EMERGENCY ADOPTION ON SECOND AND FINAL  
READING**

**WHEREAS**, the Town is the owner of a 156.693 acre parcel located in Section 2, Township 8 South, Range 67 West of the 6<sup>th</sup> P.M., more particularly described in attached *Exhibit 1* (the "Property"),

**WHEREAS**, the Property is currently zoned POS-1 District,

**WHEREAS**, with adoption of Ordinance No. 2016-009, the POS-1 District was repealed and replaced with the PL-1 District, and

**WHEREAS**, in order to ensure the Property is properly zoned for its intended use, Town administration has initiated the rezoning of the Property to PL-1 District, and

**WHEREAS**, public hearings on the rezoning have been held before the Planning Commission and Town Council in accordance with the applicable provisions of the Castle Rock Municipal Code, and

**WHEREAS**, in order to accommodate the construction schedule for the Park Maintenance Facility to be located on the Property, it is necessary to adopt this Ordinance on an emergency basis on second and final reading.

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

**Section 1. Zoning Approval.** The Property described in *Exhibit 1* is rezoned to PL-1 District and the Town's Zoning District Map is amended accordingly.

**Section 2. 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 judgement shall not affect the remaining provisions of this ordinance.

**Section 3. Emergency Clause.** For the reasons stated in the recitals to this Ordinance, it is declared that an emergency exists and it is necessary for the immediate preservation of the public peace, health or safety for this Ordinance to take effect upon its adoption.

**Section 4.     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 relation to the legislative object sought to be obtained.

**APPROVED ON FIRST READING** this \_\_\_\_ day of \_\_\_\_\_, 2018 by a vote of \_\_\_\_ for and \_\_\_\_ against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

**PASSED, APPROVED AND ADOPTED AS AN EMERGENCY ORDINANCE ON SECOND AND FINAL READING** this \_\_\_\_ of \_\_\_\_\_, 2018, by a vote of the Town Council of the Town of Castle Rock, Colorado of \_\_\_\_ for and \_\_\_\_ against constituting the extraordinary majority required by Section 2.02.100 of the Castle Rock Municipal Code.

**ATTEST:**

**TOWN OF CASTLE ROCK**

\_\_\_\_\_  
Lisa Anderson, Town Clerk

\_\_\_\_\_  
Jennifer Green, Mayor

**Approved as to form:**

**Approved as to content:**

\_\_\_\_\_  
Robert J. Slentz, Town Attorney

\_\_\_\_\_  
Bill Detweiler, Director of Dev. Svcs.

LEGAL DESCRIPTION:

THOSE CERTAIN PARCELS OF LAND DESCRIBED IN DOCUMENTS RECORDED AT RECEPTION NUMBER 2009039758, BOOK 1409 AT PAGE 1640, BOOK 137 AT PAGE 376, BOOK 136 AT PAGE 523, BOOK 204 AT PAGE 141, BOOK 919 AT PAGE 846, BOOK 1229 AT PAGE 68, AND BOOK 1409 AT PAGE 1640 IN THE OFFICE OF THE CLERK AND RECORDER OF DOUGLAS COUNTY, STATE OF COLORADO, LYING WITHIN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 34, AND THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 7 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, THE WEST HALF OF SECTION 2, AND THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 8 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN IN SAID COUNTY AND STATE, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 35;

THENCE ALONG THE NORTHERLY LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 35, SOUTH 89°16’45” EAST 214.39 FEET TO THE WESTERLY RIGHT–OF–WAY OF THE UNION PACIFIC RAILROAD;

THENCE ALONG SAID WESTERLY RIGHT–OF–WAY THE FOLLOWING 2 COURSES:

- 1) SOUTH 25°55’43” EAST 1,471.09 FEET;
- 2) SOUTH 25°18’28” EAST 281.04 FEET TO THE WESTERLY RIGHT–OF–WAY OF THE UNION PACIFIC RAILROAD DESCRIBED AS PARCEL 5–X IN THE DOCUMENT RECORDED AT RECEPTION NO. 2004025131 IN SAID OFFICE OF THE CLERK AND RECORDER;

THENCE ALONG SAID WESTERLY RIGHT–OF–WAY THE FOLLOWING 2 COURSES:

- 1) SOUTH 25°48’47” EAST 765.06 FEET TO THE BEGINNING OF A NON–TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 7,689.49 FEET, THE RADIUS POINT OF SAID CURVE BEARS NORTH 64°11’13” EAST;
- 2) SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 01°00’10” AN ARC LENGTH OF 134.57 FEET TO THE EASTERLY LINE OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 2, ALSO THE NORTHERLY PROLONGATION OF THE WESTERLY BOUNDARY OF PARCEL 5A–X, AS DESCRIBED IN SAID DOCUMENT;

THENCE ALONG SAID EASTERLY LINE, SAID NORTHERLY PROLONGATION, AND SAID WESTERLY BOUNDARY, SOUTH 00°04’06” EAST 109.72 FEET TO THE BEGINNING OF A NON–TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 7,739.49 FEET, THE RADIUS POINT OF SAID CURVE BEARS NORTH 62°27’32” EAST;

THENCE CONTINUING ALONG SAID WESTERLY BOUNDARY, SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 01°44’37” AN ARC LENGTH OF 235.51 FEET TO THE SOUTHERLY LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 2 AND THE NORTHEAST CORNER OF SAID PARCEL OF LAND DESCRIBED IN THE DOCUMENT RECORDED IN BOOK 137 AT PAGE 376;

THENCE ALONG THE EASTERLY BOUNDARY OF SAID PARCEL OF LAND, SOUTH 29°47’43” EAST 592.28 FEET TO A CORNER IN THE NORTHERLY BOUNDARY OF SAID PARCEL OF LAND RECORDED IN BOOK 1409 AT PAGE 1640;

THENCE ALONG THE NORTHEASTERLY, SOUTHEASTERLY, AND SOUTHERLY BOUNDARIES OF SAID PARCEL OF LAND THE FOLLOWING 3 COURSES:

- 1) SOUTH 29°49’14” EAST 333.65 FEET TO THE BEGINNING OF A NON–TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF 3,980.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS SOUTH 84°56’22” EAST;
- 2) SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 07°51’40” AN ARC LENGTH OF 546.07 FEET;
- 3) NON–TANGENT TO SAID CURVE, NORTH 68°07’37” WEST 386.30 FEET TO THE SOUTHERLY BOUNDARY OF SAID PARCEL OF LAND DESCRIBED IN THE DOCUMENT RECORDED IN BOOK 1229 AT PAGE 68;

THENCE ALONG THE SOUTHERLY BOUNDARY OF SAID PARCEL OF LAND AND THE SOUTHERLY AND WESTERLY BOUNDARIES OF SAID PARCEL OF LAND DESCRIBED IN THE DOCUMENT RECORDED IN BOOK 919 AT PAGE 845 THE FOLLOWING 5 COURSES:

- 1) SOUTH 44°06’13” WEST 198.00 FEET;
- 2) SOUTH 62°38’13” WEST 193.00 FEET;
- 3) SOUTH 44°22’35” WEST 140.34 FEET;
- 4) NORTH 84°20’26” WEST 574.98 FEET;
- 5) NORTH 17°30’47” WEST 841.58 FEET TO THE SOUTHERLY BOUNDARY OF SAID PARCEL OF LAND DESCRIBED IN THE DOCUMENT RECORDED IN BOOK 1409 AT PAGE 1640;

THENCE ALONG THE SOUTHERLY AND WESTERLY BOUNDARIES OF SAID PARCEL OF LAND THE FOLLOWING 4 COURSES:

- 1) NORTH 86°31’09” WEST 187.66 FEET;
- 2) NORTH 20°47’47” WEST 420.02 FEET;
- 3) NORTH 69°24’06” WEST 114.93 FEET;
- 4) NORTH 00°03’24” WEST 261.18 FEET TO THE SOUTHERLY LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 3 AND THE SOUTHERLY BOUNDARY OF SAID PARCEL OF LAND DESCRIBED IN THE DOCUMENT RECORDED AT RECEPTION NO. 2009039758;

THENCE ALONG SAID SOUTHERLY LINE AND SAID SOUTHERLY BOUNDARY, SOUTH 89°07’26” WEST 483.01 FEET TO THE EASTERLY RIGHT–OF–WAY OF THE ATCHISON TOPEKA AND SANTA FE RAILROAD;

THENCE ALONG SAID EASTERLY RIGHT–OF–WAY THE FOLLOWING 3 COURSES:

- 1) NORTH 11°45’34” WEST 1,462.13 FEET;
- 2) NORTH 78°14’26” EAST 25.00 FEET;
- 3) NORTH 11°45’34” WEST 1,264.96 FEET TO THE NORTHERLY LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 34;

THENCE ALONG SAID NORTHERLY LINE, NORTH 89°30’01” EAST 1117.67 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 156.693ACRES (6,825,532 SQ. FT.), MORE OR LESS

17.30.020 - PL-1 District.

A. Permitted Uses. Uses permitted by right in the PL-1 District are:

1. Active and developed parks, recreation center and facilities and related uses including, but not limited to, rest rooms, parking and drives, information kiosks and maintenance and storage buildings;
2. Facilities for cultural/art uses, community events and other civic uses;
3. All municipal and/or quasi-municipal facilities or utilities; and
4. Educational facilities.

B. Development Standards. Development standards for the PL-1 District are as follows:

1. Maximum Height: Fifty (50) feet;
2. Minimum Front Yard Setback: A minimum of fifteen (15) feet from the property line; twenty-five (25) feet if abutting an arterial street. However, for property within the Downtown Overlay District (see Chapter 17.42), setbacks shall be governed exclusively by the standards set forth in 17.42.060.

C. Use by Special Review. Applications for use by special review shall be evaluated under 17.38.050 of the Code, provided 17.38.040 shall have no application. Uses permitted by special review in the PL-1 District are as follows:

1. Buildings, structures or other permanent improvements privately owned and operated, which must be open for public use;
2. Special district buildings and structures (C.R.S. Title 32); and
3. Any building or structure more than fifty (50) feet in height, but not to exceed seventy-five (75) feet in height.

( [Ord. No. 2016-009, § 1, 4-5-2016](#) )