



Town Council Meeting Minutes - Draft

Mayor Jennifer Green
Mayor Pro Tem Renee Valentine
Councilmember Jess Loban
Councilmember James Townsend
Councilmember Jason Bower
Councilmember George Teal
Councilmember Brett Ford

Tuesday, June 19, 2018

6:00 PM

**Council Chambers
100 N. Wilcox Street
Castle Rock, CO 80104**

This meeting is open to the public. All times indicated on the agenda are approximate.
Interested parties are encouraged to be present earlier than the posted time.

COUNCIL DINNER & INFORMAL DISCUSSION

INVOCATION - Pastor Mike Chapa, Emmanuel OPC Church

CALL TO ORDER / ROLL CALL

Present: 6 - Council Member Loban, Council Member Townsend, Council Member Bower, Mayor Pro Tem Valentine, Council Member Teal, Council Member Ford

Not Present: 1 - Mayor Green

PLEDGE OF ALLEGIANCE

Boy Scout Troop 765 led the Pledge of Allegiance.

COUNCIL COMMENTS

Councilmember Townsend commended the Water department for their work, water testing and acquisitions.

Councilmember Bower thanked everyone for their work on the Car Show and Concert last weekend. Last year Development Services did a neighborhood cleanup and will do another one July 21, 9am-3pm.

Councilmember Teal took a tour of the new fire station with Chief Croom which will help response time on the south end of town. There will be an open house on August 4.

[APPT
2018-005](#)

Appointments to Town Boards and Commissions

Mayor Pro Tem thanked the citizens that dedicate their time to serve on Town Boards and Commissions and announced all of the appointments recommended: Karin Kiley-Bowman re-appointed to the Public Art Commission, Desiree LeFleur re-appointed and Michelle Wimmer appointed to the Historic Preservation Board, Dennis Dickey and Stuart Butler re-appointed to the Downtown Development Authority, and Max Brooks re-appointed to the Planning Commission.

**Valentine moved, seconded by Bower, to Approve the Appointments as presented.
The motion passed by the following vote:**

Yes: 6 - Loban, Townsend, Bower, Valentine, Teal, Ford

Not Present: 1 - Green

[PROC](#)
[2018-008](#)

Proclamation: Smart Irrigation Month

Councilmember Townsend presented the Proclamation to Assistant Water Director, Tim Friday.

UNSCHEDULED PUBLIC APPEARANCES

No public comment.

TOWN MANAGER'S REPORT

[DIR 2018-029](#)

Discussion/Direction: Council Meeting Schedule

Town Manager David Corliss stated that there will be three Councilmembers absent from the July 3, 2018 Town Council meeting with no items that are critical and recommends cancelling the meeting.

Valentine moved, seconded by Bower, to cancel the July 3, 2018 Town Council meeting. The motion passed by the following vote:

Yes: 6 - Loban, Townsend, Bower, Valentine, Teal, Ford

Not Present: 1 - Green

[ID 2018-069](#)

Update: Monthly Department Reports

[ID 2018-070](#)

Update: Quasi-Judicial Projects

[ID 2018-071](#)

Update: Fill the Rock...with water savings!

Tim Friday displayed the calendar showing how citizens can participate throughout the month of July to save water each day and enter to win prizes.

[ID 2018-072](#)

Update: Plum Creek Water Purification Facility Advanced Treatment Project Contractor Pre-Construction Services Agreement [1929 Liggett Rd.]

Tim Friday stated a design contract was awarded in December with construction planned to begin in January 2019. The total project cost is estimated at \$27M. Corliss reminded Council that this initial contract is under the Town Manager authority.

[DIR 2018-032](#)

Discussion/Direction - 5th and Jerry Apartments Incentive Agreement Extension

Town Manager David Corliss stated the applicant is up against the deadline to pull the building permit, and is requesting a six-month extension be approved so the applicant can obtain financing.

Councilmember Teal confirmed that the original agreement had provisions to allow for up to a six-month extension. Corliss stated they would have to come back if they wanted an extension past that.

Valentine moved, seconded by Townsend, to send a letter to the applicant providing for a six-month extension. The motion passed by the following vote:

Yes: 6 - Loban, Townsend, Bower, Valentine, Teal, Ford

Not Present: 1 - Green

[ID 2018-074](#)

Presentation of the 2017 Comprehensive Annual Financial Report

Christy Guthrie was present to introduce the auditor from Eide Bailly who stated the audit findings met all requirements and standards with no issues. Mayor Green and Councilmember Teal attended the audit committee meeting.

Councilmember Teal thanked them for ensuring we are spending the money according to general accounting principals.

[ID 2018-075](#)

Update: 2018 Redistricting of Council Election Districts

Town Clerk Lisa Anderson presented the new 2018 Election District map and stated that Councilmembers have historically continued to represent the constituents that elected them until the new Councilmembers are sworn in. Citizens can continue to contact their Councilmember or any member of Council with any concerns or questions. Special recognition was given to Amy Hart-Dayton, Brittaney Murphy, and Jeff Caldwell from GIS and Julie Kirkpatrick from Development Services for their work on the new electronic redistricting solution which reduced the time required to redistrict substantially.

TOWN ATTORNEY'S REPORT

[DIR 2018-030](#)

Discussion/Direction: Vaping Ordinance

Town Attorney Bob Slentz would like Council to consider bringing an Ordinance to the July 17 Town Council meeting to address the concern of vaping device use at schools.

Councilmember Loban feels we need to upgrade our ordinance to reflect the changing technology.

Consensus by Council to bring back an Ordinance on July 17.

[DIR 2018-031](#)

Discussion/Direction: Proposed Charter Amendments

Town Attorney Bob Slentz presented further Charter amendments needed as a result of the Charter amendment passed in November 2017 that will clarify powers and responsibilities of the Mayor.

Amendment A - Mayor cannot also be employed as the Town Manager
Amendment B - Mayor may not interfere with personnel matters

Amendment C - Election Commission appointments will occur with other Boards and Commissions

Amendment D - Mayor has the same voting authority as Councilmembers and their vote will count toward the majority needed to pass an Ordinance

Amendment E - Mayor is required to vote on all matters unless they have a conflict noted

Amendment F - Mayor must abstain if they have a conflict

Amendment G - Mayor may also be recalled, and the petition requires 25% of votes cast at the last Mayor election

Council consensus to bring back an Ordinance for Charter amendments on July 17.

ACCEPTANCE OF AGENDA

Approve agenda and move item 22 regarding Group Homes to July 17.

CONSENT CALENDAR

[MIN 2018-006](#) **Minutes: April 17, 2018 Town Council Meeting**

[RES 2018-057](#) **Resolution Authorizing the Town of Castle Rock Historic Preservation Board to Act as a Reviewing Entity for the State Income Tax Credit Program for Qualifying Rehabilitation Projects C.R.S. §39-22-514.5, as Amended** (Historic Preservation Tax Credit Program Associated With Certified Local Governments, Compliance With HB 18-1190)

[RES 2018-058](#) **Resolution Approving an Amendment to the Service Plan for the Bella Mesa Metropolitan District** *[located in vicinity of Founders Village and Castlewood Ranch off of Mikelson Boulevard]*

Loban moved, seconded by Bower to approve the Consent Calendar as read. The motion passed by a vote of:

Yes: 6 - Loban, Townsend, Bower, Valentine, Teal, Ford

Not Present: 1 - Green

ADVERTISED PUBLIC HEARINGS & DISCUSSION ACTION ITEMS

[ORD 2018-022](#) **Ordinance Amending Section 2.01.210 of the Castle Rock Municipal Code Concerning Signature Requirements for the Nomination of Mayor and Members of Town Council (Second Reading)** (Approved on first reading June 5, 2018, by a vote of 5-1)

Town Attorney Bob Slentz stated this Ordinance was presented on first reading and was amended to change the required petition signatures for the Mayor as 10 per district.

Councilmember Loban thought it was 15 signatures. Mayor Pro Tem stated it was

reduced at the June 5 meeting where Loban was absent.

Councilmember Teal raised a concern if someone has a mobility issue if they could have a surrogate circulate the petition for them. Consensus of the Council was that there should not be exceptions made.

Teal moved, seconded by Bower, that Ordinance 2018-022 be Approved as presented. The motion passed by the following vote:

Yes: 4 - Bower, Valentine, Teal, Ford

No: 2 - Loban, Townsend

Not Present: 1 - Green

ORD 2018-023 Ordinance Repealing and Replacing Chapter 17.60 of the Castle Rock Municipal Code Concerning Personal Wireless Service Facilities (Second Reading) (Approved on First Reading with a vote of 6-0)

Development Services Director Bill Detweiler thanked the staff that worked on this item. Based on discussion at the June 5 Council meeting, edits to clarify the general policy statement were made.

Bower moved, seconded by Teal, that Ordinance 2018-023 be Approved as presented. The motion passed by the following vote:

Yes: 6 - Loban, Townsend, Bower, Valentine, Teal, Ford

Not Present: 1 - Green

QUASI JUDICIAL HEARINGS

ORD 2018-019 Ordinance Approving the Oakwood Apartments Planned Development Plan Amendment No. 1 and Zoning Regulations; and Providing for its Emergency Adoption on Second and Final Reading (Second Reading - Approved on First Reading on June 5, 2018 with a vote of 6-0) [559 Oakwood Drive]

Mayor Pro-Tem Valentine read the Quasi-judicial script with no conflict noted by Council.

Councilmember Bower expressed concerns about building height at first reading. He asked for input from residents, but did not hear anything back.

Detweiler stated the applicant is seeking emergency reading as there is a highly competitive community grant fund available where timing is critical.

No public comment.

Townsend moved, seconded by Teal, that Quasi-Judicial Ordinance 2018-019 be Approved as presented. The motion passed by the following vote:

Yes: 6 - Loban, Townsend, Bower, Valentine, Teal, Ford

Not Present: 1 - Green

[ORD 2018-020](#) **Ordinance Annexing to the Town Of Castle Rock, Colorado a 1.457 Acre Property Located in Part of the Southeast One-Quarter of Section 15, Township 8 South, Range 67 West of the Sixth Principal Meridian, County of Douglas, State of Colorado (Your Storage Center) (Second Reading) [located along the I-25 Frontage Road between Brookside Circle and S. Perry Street]**

Mayor Pro Tem read items 19-21 regarding Your Storage annexation into the record and read the quasi-judicial script. No Council conflict was noted.

Development Services Director Bill Detweiler stated there were no changes from first reading and has not received any input.

No public comment.

Teal moved, seconded by Ford, that Quasi-Judicial Ordinance 2018-020 be Approved as presented. The motion passed by the following vote:

Yes: 6 - Loban, Townsend, Bower, Valentine, Teal, Ford

Not Present: 1 - Green

[ORD 2018-021](#) **Ordinance Amending the Town's Zone District Map by Approving the Your Storage Center at Castle Rock Planned Development Plan and the Planned Development Plan Zoning Regulations (Second Reading) [located along the I-25 Frontage Road between Brookside Circle and S. Perry Street]**

Loban moved, seconded by Teal, that Quasi-Judicial Ordinance 2018-021 be Approved as presented. The motion passed by the following vote:

Yes: 6 - Loban, Townsend, Bower, Valentine, Teal, Ford

Not Present: 1 - Green

[RES 2018-059](#) **Resolution Approving the Your Storage Center at Castle Rock Annexation and Development Agreement [located along the I-25 Frontage Road between Brookside Circle and S. Perry Street]**

Teal moved, seconded by Townsend, that Quasi-Judicial Resolution 2018-059 be Approved as presented. The motion passed by the following vote:

Yes: 6 - Loban, Townsend, Bower, Valentine, Teal, Ford

Not Present: 1 - Green

[ORD 2018-024](#) **Ordinance Amending Title 17 of the Castle Rock Municipal Code by the Addition of a New Chapter 17.62 Entitled Group Homes and Other Conforming Amendments to Sections 17.01.020, 17.14.010,**

17.18.020 and 17.14.030 (First Reading)

Item continued to July 17 during Acceptance of the Agenda.

[RES 2018-060](#)

Resolution Approving a Site Development Plan for Lot 1B, Block 3, The Meadows Filing No. 20 Phase 1, Amendment No. 2 and Lot 1A-1, Block 3, The Meadows Filing No. 20 Phase 1, Amendment No. 10. [Multi-Use Building; North of Meadows Boulevard, between Ambrosia Street and Future Street] (Town of Castle Rock Project #SDP18-0005)

The applicant presented an overview of the site development plan. Doug Decker was also in attendance to answer any questions about the architecture.

No public comment.

Councilmember Loban stated the residents in his area are excited about this development and are looking forward to it. Bower confirmed that there are no fee or tax rebates.

Valentine moved, seconded by Loban, that Quasi-Judicial Resolution 2108-060 be Approved as presented. The motion passed by the following vote:

Yes: 6 - Loban, Townsend, Bower, Valentine, Teal, Ford

Not Present: 1 - Green

[RES 2018-061](#)

Resolution Approving the Calvary Chapel Castle Rock Site Development Plan [located at the northwest corner of 5th Street and Woodlands Boulevard]

Mayor Pro Tem read the quasi-judicial script. No conflict noted from any Councilmembers. Councilmember Bower did meet with citizens on the property to take photos but did not provide any opinion.

Development Services Director Bill Detweiler stated all emails and other items received have been entered into the record as part of the Council packet.

Detweiler gave background and an overview of the item. Initial zoning was commercial and the applicant changed the zoning to limit it to a church. Vehicle access points were also identified on Canyon Drive and 5th Street. Extensive community outreach and meetings with the residents has occurred. The zoning buffer and setbacks were exceeded and the building size and height is below that allowed. Detweiler stated this is normally an administrative approval but Council adopted residential/non-residential interface regulations which were created to mitigate impacts. It was determined that retaining walls are acceptable in a buffer area.

Changes were made following community feedback. The church stepped down the foundation and maintained grades to retain existing vegetation.

Joey McKee is a resident of Castle Rock and is the executive pastor of Calvary Castle Rock. Pastor Love is at an out of state meeting and unable to attend. They

have been leasing a building for 10 years and are looking for a permanent home. McKee gave an overview of various programs the church offers and how they serve the Town.

Ron Covington is a resident of Castle Rock and attends the church. He has been involved in this project since 2015. They met with the neighbors on several occasions and worked hard to lessen the impact on the neighbors. They changed zoning to PD with church use, the detention pond was lowered to capture more storm water, they re-engineered the retaining wall to preserve the scrub oak on the north and west side, re-engineered the lighting, and lowered the retention wall by increasing the grade. They eliminated all perimeter parking spaces and planted shrubs along the wall to screen any impact from headlights and filling gaps with evergreen trees. They have incurred over \$100,000 in additional costs to help minimize the impact to the neighbors.

The applicant gave a presentation of the site plan.

Councilmember Loban confirmed there were 5 formal and 2 informal neighborhood meetings held and some individual meetings in homes.

Councilmember Ford asked the distance between the property line. Detweiler stated the highest portion of the wall is 19 feet and the distance to the nearest resident's property line is 24' feet along the north west edge. Ford asked about a stoplight or a roundabout. Detweiler replied that was looked at but would not work. Ford asked if the additional trees would be on the plans. The applicant confirmed they are shown on the SDP so would be required.

Councilmember Bower confirmed the Canyon entrance is a full movement entrance and 5th street is right in right out only. Bower asked if a right in and out on Woodlands would work. Bower asked why the parking lot couldn't be lowered. Detweiler stated it had to meet grade for the Fire department. Bower asked if a school could be added to the church. The applicant stated they did not have plans to and if so would have to go through another process to allow a school. Bower confirmed that a detention pond is usually dry where a retention pond may keep water in it. Bower asked who is responsible if flooding still occurs. Detweiler stated the property owner would be responsible. Bower confirmed that the applicant has not asked for any variances.

Residents that addressed Council:

Richard Dubois - highlighted programs and services the church offers

Yolanda Ellison - prefers a church over a gas station, liquor store, etc.

Sarah Bernaki - the church has outgrown their current site

Robert Borkovec - realtors he spoke to feel the church benefits that area

Timothy Wink - attends the church

Michael Bazzo - member of the church

Christopher Walters - attends the church

James Pumroy - feels it is a good use of that space

Stephen Castillo - friend and neighbor of the pastor and feels it will benefit the town

Clint Matheson - the land will be built on and prefers a church over a gas station

Patrick Neville - said this is a property rights issue, the land will be developed, and

they have gone above and beyond to accommodate the neighbors. The church does alot in our community

Michael Likens - sees the benefit and supports the church and that it provides a sense of community

Christopher Hegarty - echoes everything said and would appreciate their approval

Richard Trow - grew up here and in favor

Carol Alex - Lives on the southwest corner of the site and feels retaining walls are not allowed and trees can't be planted in the easement.

Dennis Carnahan - feels Canyon drive is undersized for increased traffic and requests church be served off of 5th. Provided EXHIBIT A

Craig Kincaid - Concerned about traffic impact and impact on his view

Tom Aeschleman - feels a church is a better alternative to other commercial establishments

Jeri Brown - lives on Canyon drive, feels the SDP does not meet code requirements, need to look at a roundabout, is concerned the detention pond will hold water, states it will lower their home's values, and asks for an independent audit of the code. Handed out EXHIBITS B, C AND D

John Brown - entered EXHIBIT E containing signatures on petitions and gave a powerpoint presentation of his neighbors and perception of impact of the wall.

Town Attorney Bob Slentz acknowledged his concern for protecting the privacy of photos on the powerpoint and reminded Mr. Brown that this meeting is streamed live on the website and broadcast on television and the Town cannot offer any protection of privacy if he chooses to show it.

John Brown continued with his powerpoint presentation and handed out copies as EXHIBIT F

Shawn Byrne - abuts the west side of the development and doesn't agree with the traffic study

Kim Byrne - borders on the west side and feels the land is overdeveloped

Mark Davis - lives down the street from the development, is a contractor and sees that all of the codes have been followed, the church has done everything right and all they can, and he doesn't feel it will be a burden to the community

Richard Cota - lives in the Woodlands for 14 years and was happy about a church vs. a strip mall and residents can walk to church

Alyssa Grant - lives on Canyon Drive and states the wall will take up the view out their window and the traffic impacts will be greater than predicted

Kyle Sawyer - lived here for 3 years and highlighted services the church offers

9:30pm - Motion by Teal, second by Townsend to extend the meeting to 10 pm. Vote passed 6-0.

James Jamison - This is the process and they followed the rules and did what they are supposed to do

Grace Covington - 4th generation native and has seen alot of changes and the church has gone above and beyond

Randy Reed - resident for 30 years and is in favor of the church but the interface was created when commercial abutted residential and feels there is a better way to tier the parking lot

Richard Wede - feels they are being railroaded and not listened to. They don't oppose the church, but noone wants to look out the window and see a wall and does not agree with traffic estimated on Canyon drive.

Non-residents that addressed Council:

MaryBeth Candle-Brooks - they attend Calvary and work in Castle Rock and support the church

Gene Hawley - lives south of Castle Rock and attends Calvary and stated no matter what is built there will be a change to that land

Mayor Pro Tem Valentine stated Council does not take these decisions lightly. They have read the emails and appreciate all the input and their time.

Mayor Pro Tem closed the public hearing.

Councilmember Ford referenced the PD requirements vs. the proposed and asked about the 30' set back. Detweiler stated the wall is 24' from the property line not from the house. Ford asked to clarify the traffic report. Detweiler stated they reviewed the traffic study submitted by the applicant and concurred. Detweiler stated that the 2nd access could be an emergency access.

Councilmember Bower is concerned that Canyon is a residential road. He said it is the #2 most complained about road. Doesn't feel this road is appropriate as an entrance.

10pm - Moved by Townsend, second by Teal to extend meeting to 10:30 pm. Vote passed 6-0.

Council voiced concerns about traffic and Goebel stated applicants can initiate a traffic calming study be performed.

Teal moved, seconded by Townsend that Quasi-Judicial Resolution 2018-061 be Approved as presented. The motion passed by the following vote:

Yes: 6 - Loban, Townsend, Bower, Valentine, Teal, Ford

Not Present: 1 - Green

ADDITIONAL UNSCHEDULED PUBLIC APPEARANCES

ADJOURN

Mayor Pro-Tem Valentine adjourned the meeting at 10:15 pm.

Submitted by:

Lisa Anderson, Town Clerk