



Meeting Date: May 23, 2019

AGENDA MEMORANDUM

To: Planning Commission

From: Bill Detweiler, Director of Development Services
Tara Vargish, Assistant Director, Development Services
Kevin Wrede, Planning Manager
Tammy King, Zoning Manager

Title: AN ORDINANCE AMENDING TITLE 17 OF THE CASTLE ROCK MUNICIPAL CODE CONCERNING ZONING BY REPEALING AND REENACTING CHAPTERS 17.01 THROUGH 17.10, CHAPTERS 17.14 THROUGH 17.30, CHAPTERS 17.36, 17.38, 17.50 AND 17.52, AND ADDING A NEW CHAPTER 17.39 ENTITLED USE BY SPECIAL REVIEW

Executive Summary

The Development Services Planning and Zoning team and the Town of Castle Rock Legal Department have been working as a team for the past 6 months to update Title 17 of the Castle Rock Municipal Code. Our goal for the update is to be consistent with the 2030 Vision and Comprehensive Master Plan adopted by Town Council. Changes include an update to the definitions section, updating the neighborhood meeting section to require more neighborhood outreach and notice requirements, adding language allowing Town Council to remand development applications to the Planning Commission for reconsideration for specific reasons, updating the Site Development Plan Approval Criteria to delete repetitive and non-applicable language, updating allowable uses within all straight zone categories and conducting an overall cleanup of Title 17 to ensure it complies with current practices, provides clear direction, and addresses conflicts identified from everyday use by staff. The updates are intended to make Title 17 easily interpreted by residents, developers, and Town staff while ensuring the code maintains all legal requirements.

Discussion

Background

For reference, Title 17 was last updated in September of 2012. The update created a new B zone District from the previous B-1 and B-2 Districts, created an administrative process for tenant finish Use By Special Review projects to be approved by Planning Commission only, created a square footage requirement for commercial projects to be presented before Planning Commission and Town Council, created an allowance to post public notices on the Town website, created language requiring that appeals to town variance decisions go to Town Council for determination, and created an update on the Town's public hearings noticing requirements.

Summary of Title 17 – Zoning Changes:

A brief summary of the changes are listed below:

Title 17 General Update (Multiple Sections) – Staff is proposing general formatting and updating of sections for ease of readability, clarity and corrections of minor errors.

Title 17.01.020 General Provisions – Staff is proposing an update to more clearly describe the applicability of Town Regulations as they relate to existing straight zoned properties and Planned Developments.

Title 17.02.060 Zoning Process – Staff is proposing to delete references to Intergovernmental Agreements no longer valid, amend wording to be consistent with the 2030 Vision and Comprehensive Master Plan, Town Guidelines and Manuals, and remove criteria that is not applicable to the Zoning Process.

Title 17.04.040 Neighborhood Meetings – Staff is proposing an update to the Neighborhood Meeting Section to increase the number of required neighborhood meetings from one to three with the ability to request, from the Director, a waiver of one or more meetings based on good cause. The meetings are required prior to application submittal, in the middle of the review process, and once the application is deemed complete and ready for public hearing scheduling.

Title 17.04.060 Notice for Public Hearings – Staff is proposing a change to public notice requirements to increase the required distance of mailed notice from 300 feet to 500 feet from the subject property. The new distance being proposed is based upon a goal to increase notification of surrounding property owners. Research of metro area communities showed varying distance requirements from only noticing adjacent landowners to noticing landowners within 300 feet.

Title 17.04.090 Public Hearings – Staff is proposing to provide Town Council the option, in lieu of making a final determination, the ability to continue a public hearing to a date certain and direct the Planning Commission to address specific questions or issues on the application or review material modifications to the application made after the initial Planning Commission recommendation.

Title 17.04.105 Administrative Variance – Staff is proposing to update the Administrative Approval section to provide the Director of Development Services the ability to grant, on a single lot, a variance for height or setback as long as the change is no more than a 10% variance from the established criteria and will not substantially alter the character of the neighborhood. All setback and height variances that exceed the 10% threshold will be required to seek relief from the Board of Adjustment.

Title 17.14.010 Definitions – Staff is proposing to consolidate definitions that are generally applicable to all sections of the code, into a single definitions section. Previously general definitions could be found throughout different sections of the code making it difficult to locate certain definitions for those unfamiliar with the code. Staff also took the time to update definitions that no longer were applicable or clearly outdated by comparing and amending the

definitions as needed based upon the American Planning Association list of recommended definitions.

Title 17.20.010 R1A Single Family Zone District – Staff is proposing to delete references to the R1A zone district based upon the fact that there are no longer any properties with the Town of Castle Rock that have R1A zoning and that the current R1, R2 and R3 zoning classifications meet the needs of traditional straight zone residential districts within the Town of Castle Rock.

Title 17.28.030 Uses - Staff is proposing to update the straight zone use chart to correct previous errors, update Industrial uses allowed to align more closely with the intent of the I-1 and I-2 districts, and ensure Use By Special Review processes are required for uses that have potential negative impacts or potential community concern.

Title 17.28.30 Approval and Appeals – Staff is proposing language to clarify when an Administrative Approval process would be applicable based upon non-material changes being requested within the downtown area.

Title 17.38.030 Approval and Appeals – Staff is proposing to add language, as originally intended with the Interchange/Overlay Zone District (I/O Zone), for administrative review of commercial and mixed use projects within I/O Zone districts that are larger than 100,000 square feet. This change was based upon the original intent to streamline Town processes when applicants elected to select the Town approved I/O Zoning for the land projects.

Title 17.38.40 Site Development Plan Review and Approval Criteria – Staff is proposing to clarify criteria and ensure the correct criteria associated with each phase of the zoning and site plan process is contained in the appropriate section. References to Intergovernmental Agreements that are no longer in affect were also deleted.

Title 17.39.010 Use by Special Review – Staff is proposing a new Title 17 section of the code to establish a clearly defined section for the Use by Special Review process and provide a dedicated section, for future Use by Special Review process amendments, to address the uniqueness of projects requiring Use by Special Review applications.

Public Notice

The proposed amendments to Title 17 have been properly noticed per the Town of Castle Rock Municipal Code.

Budget Impact

There is not a projected budget impact associated with the proposed Title 17 Amendments.

Recommendation

Staff recommends that Planning Commission recommend approval to Town Council of the proposed amendments to Title 17.

Proposed Motions

I move to recommend that Planning Commission approve the proposed amendments to Title 17 as outlined in the staff report and noted in Ordinance 2019-XX.

Attachments

Attachment A: TITLE 17 PROPOSED ORDINANCE