



Town Council Meeting Minutes - Final

Mayor Jason Gray
Mayor Pro Tem Kevin Bracken
Councilmember Ryan Hollingshead
Councilmember Laura Cavey
Councilmember Desiree LaFleur
Councilmember Caryn Johnson
Councilmember Tim Dietz

Wednesday, June 23, 2021

5:00 PM

Town Hall Council Chambers
100 North Wilcox Street
Castle Rock, CO 80104
Phone in: 720-650-7664
Meeting code: 146 663 4792
www.CRgov.com/CouncilMeeting

Study Session with Design Review Board members

This meeting is open to the public and will be held in a virtual format in accordance with Town Council Meeting Special Procedures During Declared Disasters. All times indicated on the agenda are approximate. Public may choose to attend in person at Town Hall, or electronically or by phone if preferred. This meeting will be hosted online and can be accessed at www.CRgov.com/CouncilMeeting, or phone in by calling 720-650-7664, meeting code 146 663 4792 (if prompted for a password enter "Jun23Council"). All Town Council Meetings are also streamed online in real time at www.CRgov.com/WatchCouncil, and are broadcast for Comcast Cable subscribers on Channel 22 (please note there is a delay to the broadcast).

STUDY SESSION

[ID 2021-070](#)

Study Session: Meet with Design Review Board Members

Call to Order/ Roll Call

Mayor Gray called the meeting to order at 5:01pm and announced that the meeting is in a hybrid format to allow remote participation. The meeting is open to the public, but no public comment is taken at Study Sessions.

All Town Council members were present except for Mayor Pro Tem Bracken (Bracken arrived at 5:20 pm).

Design Review Board members present were:

Stu Butler, Chair
John Manka
Charles Fletcher
Randy Reed
Mike Borget
AnneMarie Englehard
Garo Chalian

Present: 7 - Councilmember Hollingshead, Councilmember Cavey, Councilmember LaFleur, Councilmember Johnson, Councilmember Dietz, Mayor Pro Tem Bracken, Mayor Gray

Introductions

Overview of Staff Memo

Tara Vargish, Director of Development Services, summarized the memo provided regarding the Design Review Board membership. The Design Review Board was established in Chapter 17.42 of the Town Code. The Board approves Site Development Plans in the downtown area. The criteria is outlined in Chapter 17 of the Town Code. There are seven members appointed by Town Council: 1 from the Planning Commission, 2 from the Downtown Development Authority, 2 from the Historic Preservation Board, and 2 downtown property owners. All terms are 1 year except property owners are 2 year terms. Vargish introduced Tony Felts, Assistant Director of Development Services and staff liaison to the Design Review Board.

Discussion of Roles and Responsibilities

Mayor Gray stated the communication could be improved between Town Council and boards and commissions. He thanked the Design Review Board for meeting. The purpose is to discuss roles and responsibilities and next possible steps. There has been tension and hopefully they all understand that we want to make sure downtown is better and something special.

Councilmember LaFleur feels the Design Review Board has enforced what the previous Council approved and supports them and appreciates their time and volunteerism. She feels the DRB is the downtown HOA.

Councilmember Johnson referenced the handout she provided and wanted to ensure the DRB was aware of the Town Code and what they are responsible for looking at.

DRB Chair Butler asked if she was referring to a specific project. Councilmember Johnson stated she is referring to transportation studies and that the DRB has a responsibility for looking at all of the Town Code when reviewing an application. Butler stated that no one on the board is qualified to determine if a traffic study is correct; and they rely on staff to determine if it meets the requirements. Butler stated they have not looked at a traffic study until this last project. Johnson asked staff to start including them with the Site Development Plan because it impacts everyone.

Mayor Pro Tem Bracken arrived at 5:20 pm.

Councilmember Johnson stated it is in their purview to ask questions about information staff provided including a traffic study or any other study.

Councilmember Cavey stated the DRB is voting on things that affect traffic.

Councilmember Dietz feels it is better to come to Council with that type of enormous responsibility. The way the DRB stands now, they have a very important job and he has respect for that.

Councilmember Johnson stated Town staff is given data by the developer then the traffic engineer does a study of traffic impacts on various streets and levels of service.

DRB member Manka asked if Johnson is questioning Town staff and that he feels

staff wouldn't approve it is it meet standards.

Councilmember Dietz stated if Council doesn't like it, they should have a say.

DRB member Englehard noted that the Planning Commission advises Council, but downtown projects do not go through the Planning Commission. The DRB is more about design and she asked who is responsible for looking at the infrastructure.

Councilmember Hollingshead asked Vargish to walk through the steps for a downtown project. Vargish stated that outside of downtown, land use for Site Development Plans follow Chapter 17.38 as well for infrastructure, design, etc. The Planning Commission makes a recommendation then Council makes the ultimate decision. If it is downtown, then it only goes to the DRB as a one-stop board. Downtown projects are smaller in scale so there is less infrastructure, but it goes through the same process. Staff does the same review in public works, water, planning, etc. The DRB is more heavily focused on design.

Mayor Pro Tem Bracken asked what does the DRB have to do with traffic. Vargish stated that any project that generates traffic, the code requires a traffic study if it is over 200 trips per day. Staff looks at the level of service, traffic light wait, traffic circulation, etc.

Councilmember Dietz stated if the traffic study doesn't fit, it would never come to Council for a vote. Even if staff thinks it is okay, Council should be able to question it.

DRB member Reed stated a project could come to DRB and staff may feel the traffic study fails, but DRB could still approve it; which is the same if the Planning Commission does not recommend approval, but the Council still approves it.

Mayor Gray stated that we all felt we could affect change more, but then find we have to follow the rules. If they are entitled and it meets the code, we cannot deny it. We just try to make the deals better. Council has one more vetting process because we get direct input from citizens.

Councilmember Cavey asked DRB what they feel their role is. DRB Member Manka stated it is in the Ordinance approved by Council and they don't do anymore beyond that. Most of what they do are minor variances. Cavey stated that they voted allowing another story for Encore. DRB Chair Butler stated that they had 12-14 public comments with only one person against it. Cavey asked if he felt that it is an elected official's job. Butler stated the code designates the DRB and they follow the code, and Council has the power to change the code. Cavey noted that the DRB can vote with the same power as an elected official but constituents don't have any power or recourse.

DRB member Englehard stated that the downtown development plan speaks to traffic flow and parking and these projects are more about infrastructure and noted that the engineer did have questions.

Mayor Pro Tem Bracken feels we should change the process or leave the DRB

alone. We voted to leave it as is, and Council voted the boards and commission members for the DRB. We should let them do their job or change the ordinance or structure.

DRB member Reed understands Council's frustration. Planning Commission makes recommendations to Council and they make the final decision. The DRB ordinance from 2010 can be modified. He recommends Council review the ordinance and see if they should revise it. The majority of people are not familiar with the environment in 2010 in regards to development in Town.

Councilmember LaFleur stated Council voted in January to leave it as is. Reed understands but it needs to be dealt with or accepted. Reed had questions on how the ordinance was done himself as he was not on Council at that time. The DRB deals with the current code. Reed invites Council to join the board to have their input and feelings on items because they affect the entire town and everyone is part of the downtown.

Councilmember Hollinghead stated the process was meant to get rid of red tape. The big concern is tall buildings and traffic; and the perception that developers have their way with Castle Rock. We want to make sure we get something back and asked the DRB if they feel they have the information and capability to negotiate with the developers. Chair Butler stated they do not negotiate as the Town staff does that. Butler noted that every development takes two years or longer with the DDA, Town, Neighborhood meetings, etc.; and by time it gets to the DRB there are only minor variances that need to be approved.

Councilmember Cavey noted that they all agree what a great job staff does and that we rely on them to make a decision, so why aren't we listening when they recommend projects over 10,000 square feet come to Council.

Councilmember Johnson appreciates being able to provide input; but is concerned that would be a conflict since Council is the appealing body.

Discussion of Next Possible Steps

Mayor Gray thanked everyone for attending; and when projects are not quasi-judicial they can spend more time on future projects.

ADJOURN

Mayor Gray adjourned the meeting at 6:02 pm.

Submitted by:

Lisa Anderson, Town Clerk