

## Zone Map Change Staff Report

**DATE:** APRIL 22, 2024

**TO:** DOUGLAS COUNTY PLANNING COMMISSION

**FROM:** CAROLYN WASHEE-FREELAND, AICP, SENIOR PLANNER *CWF*  
CURT WEITKUNAT, AICP, PLANNING MANAGER *CW*  
STEVEN E. KOSTER, AICP, ASSISTANT DIRECTOR OF PLANNING SERVICES *SK*

**SUBJECT:** CASTLE MESA SOUTH, LOTS 2 AND 3 – ZONE MAP CHANGE

**PROJECT FILE:** DR2023-003

**OWNER:**  
THOMAS AND CHRISTINE ENGLEBY  
1110 PEAK VIEW DRIVE  
CASTLE ROCK, CO 80109

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<b>PLANNING COMMISSION HEARING:</b>	<b>MAY 6, 2024 @ 6:00 P.M.</b>
<b>BOARD OF COUNTY COMMISSIONERS HEARING:</b>	<b>MAY 21, 2024 @ 2:30 P.M.</b>

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### I. EXECUTIVE SUMMARY

The applicant requests a zone map change to rezone Lots 2 and 3 from Estate Residential (ER) to the Large Rural Residential (LRR) zoning district in accordance with *Douglas County Zoning Resolution (DCZR) Section 112 – Zoning Map Changes*, under the procedure for “Rezoning of land, when requested by the landowner, to bring it into compliance with the Master Plan.”

The subject properties consist of two 20-acre parcels, located at 1110 Peak View Drive within the Castle Mesa South subdivision, on Lots 2 and 3. A single-family residence is located on Lot 3, and Lot 2 is vacant. This zoning map change will allow for future development in accordance with the LRR zoning district. The property falls within Douglas County’s West Plum Creek Subarea, as described in Section 3, Nonurban Land Use, of the Comprehensive Master Plan (CMP).

### II. REQUEST

#### A. Request

The property owner is requesting a zone map change to bring the property into compliance with the CMP. The zone map change will change the current zoning from the Estate Residential to Large Rural Residential (LRR).

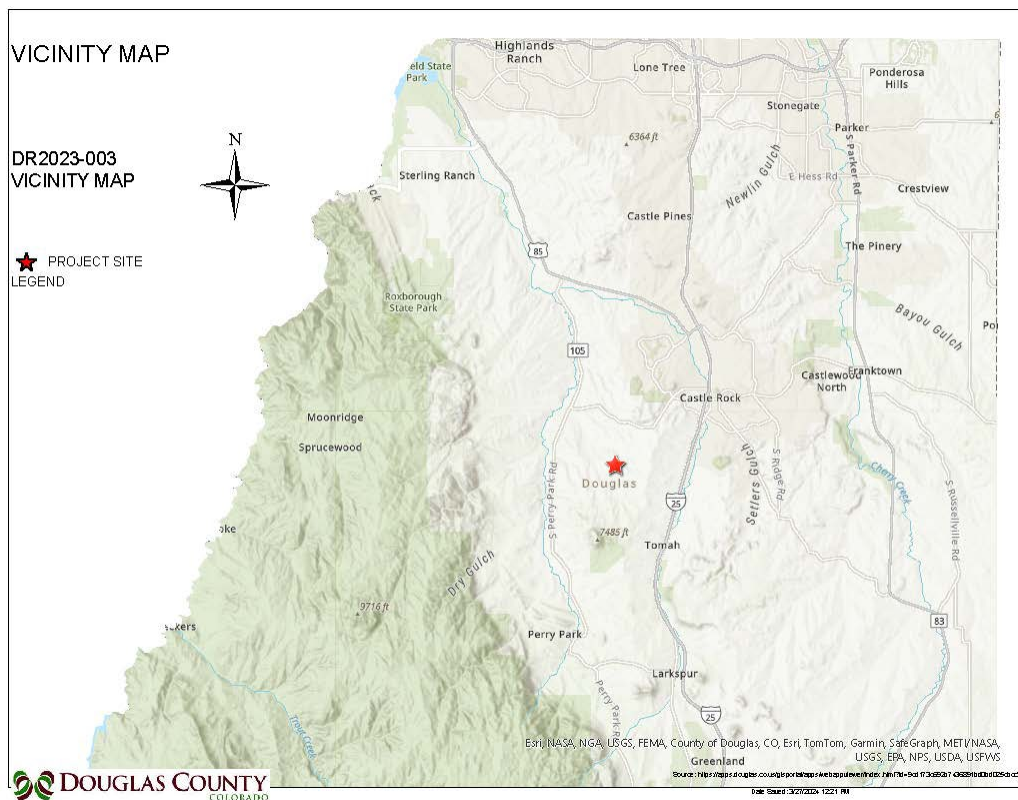
**B. Process**

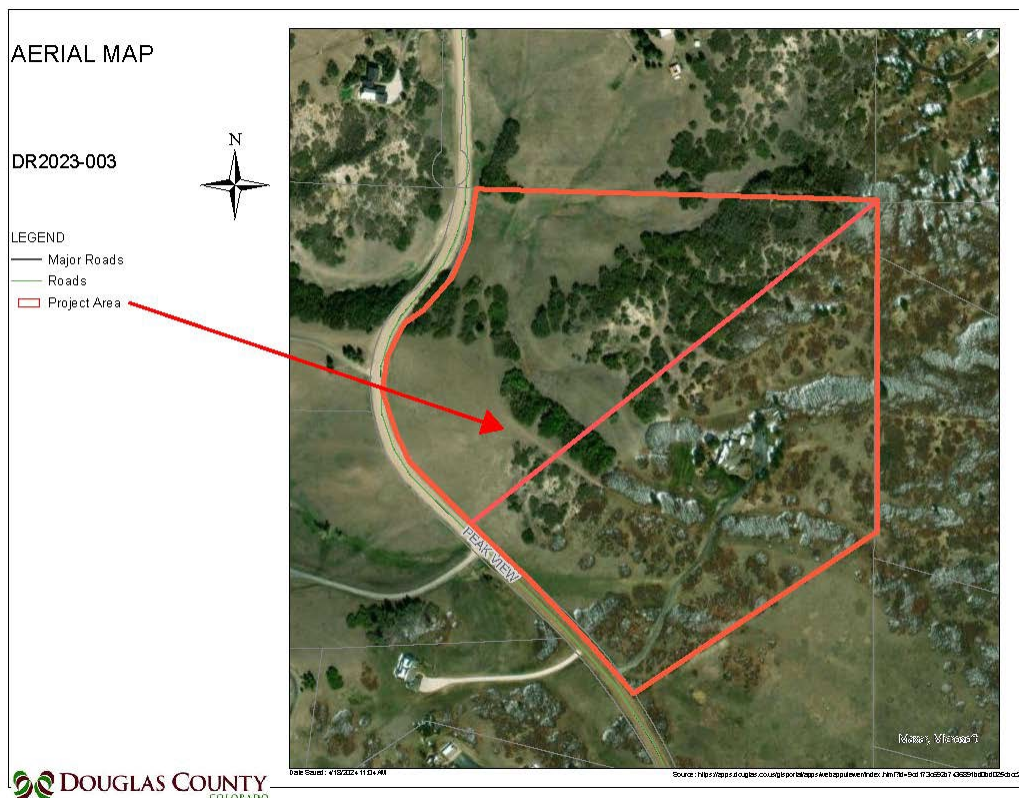
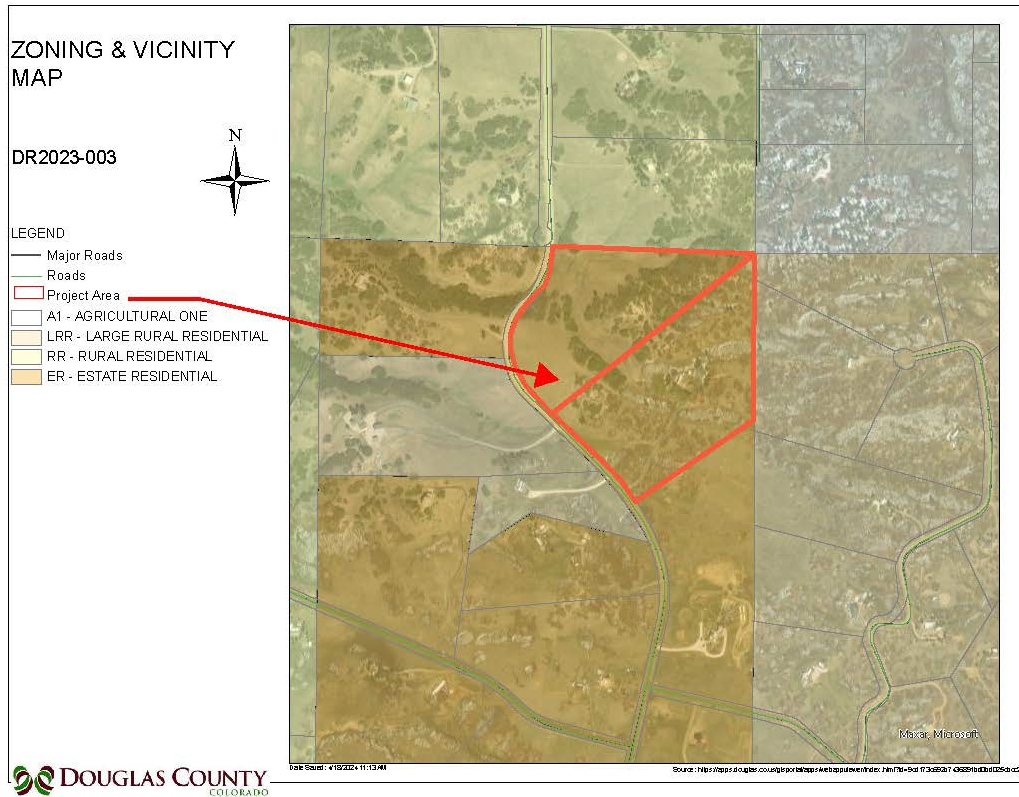
A zone map change is processed pursuant to Section 112 of the *Douglas County Zoning Resolution (DCZR)*.

Per Section 112.04 of the *DCZR*, “The Planning Commission shall evaluate the proposed amendment, staff report, referral agency comments, public testimony, and make a recommendation to the Board of County Commissioners to approve, approve with modifications, table for further study, or deny the proposed map amendment.”

**C. Location**

Lots 2 and 3 are located southwest of the Town of Castle Rock, abutting Peak View Drive, approximately 1 mile south of the intersection of West Wolfensberger Road and Peak View Drive. The property is surrounded by residential lots platted within the Castle Mesa South subdivision. Lots adjacent to the property within the subdivision are generally 20 acres in size and most lots are zoned ER. The following maps show the general vicinity and zoning of the site.





### III. BACKGROUND

The property was originally platted and subdivided as part of the Castle Mesa South subdivision in 1971 and was subsequently zoned Agricultural One (A-1). In 1982, the property was rezoned from A-1 to the ER zoning district during the time when Douglas County was refining zoning districts on unincorporated lands within the County.

A single-family residence is located on Lot 3, and Lot 2 is vacant. The applicant would like to construct a 24-ft x 12-ft agriculture-related structure on Lot 2, which is permitted in the LRR zone district. The home is currently served by a well and septic system. The property is located outside of any mapped 100-year floodplain. Legal and physical access to the property is taken from Peak View Drive, an adjacent public roadway.

### IV. ZONE MAP CHANGE ELIGIBILITY

Section 112 DCZR allows for changes to the zoning map. The parcel is eligible as a:

- Rezoning of land, when requested by the landowner, to bring it into compliance with the Master Plan.

*Staff Comment: The underlying ER zoning remains consistent with many CMP goals, objectives, and policies for the West Plum Creek Subarea, particularly Policy 3-3F.1, which supports “low-intensity rural development ... in the West Plum Creek Subarea.” However, the ER zoning district allows densities as high as one (1) dwelling per 2.5 acres, which is greater than the 1 dwelling per 35-acre density that is generally the maximum envisioned for the West Plum Creek Subarea. Estate Residential zoning also requires central water systems for new development, which is not available in the Castle Mesa South subdivision and unlikely to be extended to the area considering current land use patterns.*

*The zoning change will allow the property owner to build a small storage shed on Lot 2. The zone map change from ER to LRR will further align the property with the CMP goals, as the LRR zoning district allows for future development with a maximum density of one (1) dwelling per 10 acres. The map change will bring the zoning designation of the site into greater conformance with the CMP provisions for nonurban levels of development, which supports opportunities for owners of rural lands to continue ranching and farming activities.*

### V. REFERRAL AGENCIES

This zone map change was distributed to applicable referral agencies. Douglas County Addressing, the Douglas County Assessor’s Office, and the Douglas County Building Services Division did not respond to the request. Douglas County Engineering had no objection to the zone map change and stated that the applicant would need to obtain a Drainage, Erosion and Sediment Control (DESC) Plan/Permit and a temporary access

permit depending on how the agricultural-related structure is to be accessed. The applicant acknowledged this comment. A referral was also sent to the Town of Castle Rock (Town), and the Town indicated no concerns in response to the referral request.

**VI. PUBLIC NOTICE AND INPUT**

As part of the procedures for a zoning map change request, courtesy notices were sent out to all abutting property owners of the site. No community responses were received.

**VII. STAFF ASSESSMENT**

Staff has evaluated the zone map change request. In staff’s assessment, the zone map change is consistent with the CMP, is consistent with the nonurban character of this area of Douglas County and meets the zone map change eligibility criteria. After consideration, the Planning Commission may recommend approval of the zone map change to the Board of County Commissioners.

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## LAND USE APPLICATION

*Please fill in this application form completely. An incomplete application will not be processed.*

Note: Neither the Planning Commission nor the Board of County Commissioners should be contacted regarding an open application.

<p><b>OFFICE USE ONLY</b></p> <p style="color: red; font-weight: bold;">Castle Mesa South, Lots 2 and 3 Zoning Map Change</p> <p>PROJECT NAME: _____</p> <p>PROJECT TYPE: Rezoning two lots in Castle Mesa South subdivision</p> <p>MARKETING NAME: NA</p> <p>SITE ADDRESS: 1110 Peak View Drive</p> <p>OWNER(S):</p> <p>Name(s): Thomas and Christine Engleby</p> <p>Address: 1110 Peak View Drive</p> <p>Phone: 303-522-6290</p> <p>Email: tom@netengleby.com</p> <p>AUTHORIZED REPRESENTATIVE <i>(requires notarized letter of authorization if other than owner)</i></p> <p>Name: NA</p> <p>Address: _____</p> <p>Phone: _____</p> <p>Email: _____</p>	<p>PROJECT FILE #: <b>DR2023-003</b></p> <hr/> <p>PLANNING FEES: <b>No Fees</b></p> <hr/> <p>ENGINEERING FEES:</p> <hr/> <p>TOTAL FEES:</p> <hr/> <p>RELATED PROJECTS: <b>PS2023-174</b></p> <hr/> <hr/> <hr/> <hr/>
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**LEGAL DESCRIPTION:**

Subdivision Name: Castle Mesa South

Filing #: \_\_\_\_\_ Lot #: 2 and 3 Block #: \_\_\_\_\_ Section #: 20 Township: 8S Range: 67W

STATE PARCEL NUMBER(S): 2505-200-01-001 and 2505-200-01-002

**ZONING:**

Present Zoning: ER Proposed Zoning: LRR Gross Acreage: 40 acres

Gross Site Density (DU per AC): \_\_\_\_\_ # of Lots or Units Proposed: 2

**SERVICE PROVIDERS:**

Fire District: West Douglas County Metro District: NA Gas: Black Hills Energy

Water: Well Sewer: Septic System Electric: Core Electric

Roads:  Public  Private (please explain): \_\_\_\_\_

To the best of my knowledge, the information contained on this application is true and correct. *I have received the County's information sheet regarding the Preble's Meadow Jumping Mouse.*

  
Applicant Signature

Aug 10, 2023  
Date

100 Third Street, Castle Rock, Colorado 80104 • 303.660.7460

Revised 03.04.2021

Thomas L. and Christine Engleby  
1110 Peak View Drive  
January 30, 2023

## **Narrative Request to Accompany Land Use Application**

This request is for a Zone Map Change to rezone two 20-acre lots in the Castle Mesa South subdivision from Estate Residential (ER) to Large Rural Residential (LRR). These are Lots 2 and 3 in the subdivision. Their state parcel numbers are 2505-200-01-001 and 2505-200-01-001.

Our primary residence is on Lot 3, with the residential address: 1110 Peak View Drive. Lot 2 is currently undeveloped. We have had a “Contiguous Parcel” designation on Lot 2 for several years. In 2022, the State legislature changed the definition of Contiguous Parcels, stating that “vacant parcels of land, under identical recorded ownership, that are contiguous and contain a related improvement that is essential to the use of the residential improvement may be classified as residential property.” Because of this change, we were advised by Rita Anderson of the Douglas County Assessor’s Office that we should build a structure on this lot and change the recorded ownership so that it is identical. These changes would continue to give us the significant tax benefit that we have had in the past. We have forwarded the email from Rita Anderson which gives more information about these changes.

In response, our plan is to build a 24’x12’ storage shed on Lot 2; however, we cannot get a permit to build this structure with the lot’s current ER zoning. Sherry Lindeman of the DC Planning Department advised us to request rezoning of both Lot 2 and Lot 3. These lots are located within the West Plum Creek subarea of the 2040 Douglas County Comprehensive Master Plan (CMP). The presubmittal review states that this request would bring both of these lots into compliance with the CMP, which supports low intensity development in this nonurban subarea.

This request to rezone our property to all Large Rural Residential (LRR) will comply with the CMP goals and policies for this subarea. Relevant goals/

policies include: *Goal 3.2. Ensure land use and design is compatible with the natural and rural character of the nonurban area; Goal 3.3. Maintain the unique rural character of the West Plum Creek Subarea; Objective 3-3F, Policies 3-3F.1 Low-intensity rural development is supported in the West Plum Creek Subarea, and 3-3F2. New development in the West Plum Creek Subarea at densities higher than one dwelling unit per 35 acres is not supported by this plan.*

The current zoning of our lots as Estate Residential (ER) does not allow us to fully utilize our property and maximize the tax benefits to us. We wish to preserve the rural character of the area, and to place a shed on Lot 2, which is not permitted with the current ER zoning. In addition, we are currently not able to benefit from the tax advantages that would be allowed if Lot 2 and Lot 3 are designated as Contiguous Parcels.

Our property best fits the LRR designation, as it totals 40 acres (20 acres per lot) and contains only one dwelling unit, which is consistent with the desired densities outlined in the CMP goals and policies cited above. There are currently at least four other parcels in the Castle Mesa South subdivision that have the LRR designation. In addition, the entire subdivision of Twin Oaks, our nearest neighbor, is designated LRR. The Twin Oaks subdivision is contiguous to our lots and located between our property and the I-25 corridor.

Finally, to fully comply with the requirements for LRR zoning and Contiguous Parcel designation, we engaged Brown and Taylor, P.C. They terminated our View Preservation Easement and created a new Unobstructed View Easement for Lot 2 which allows for construction of the storage shed. They also created a Special Warranty Deed for Lot 2 that made the property ownership the same name on both lots. All of this was recorded on 11/17/2023. We are sending you a copy of these changes via separate email.

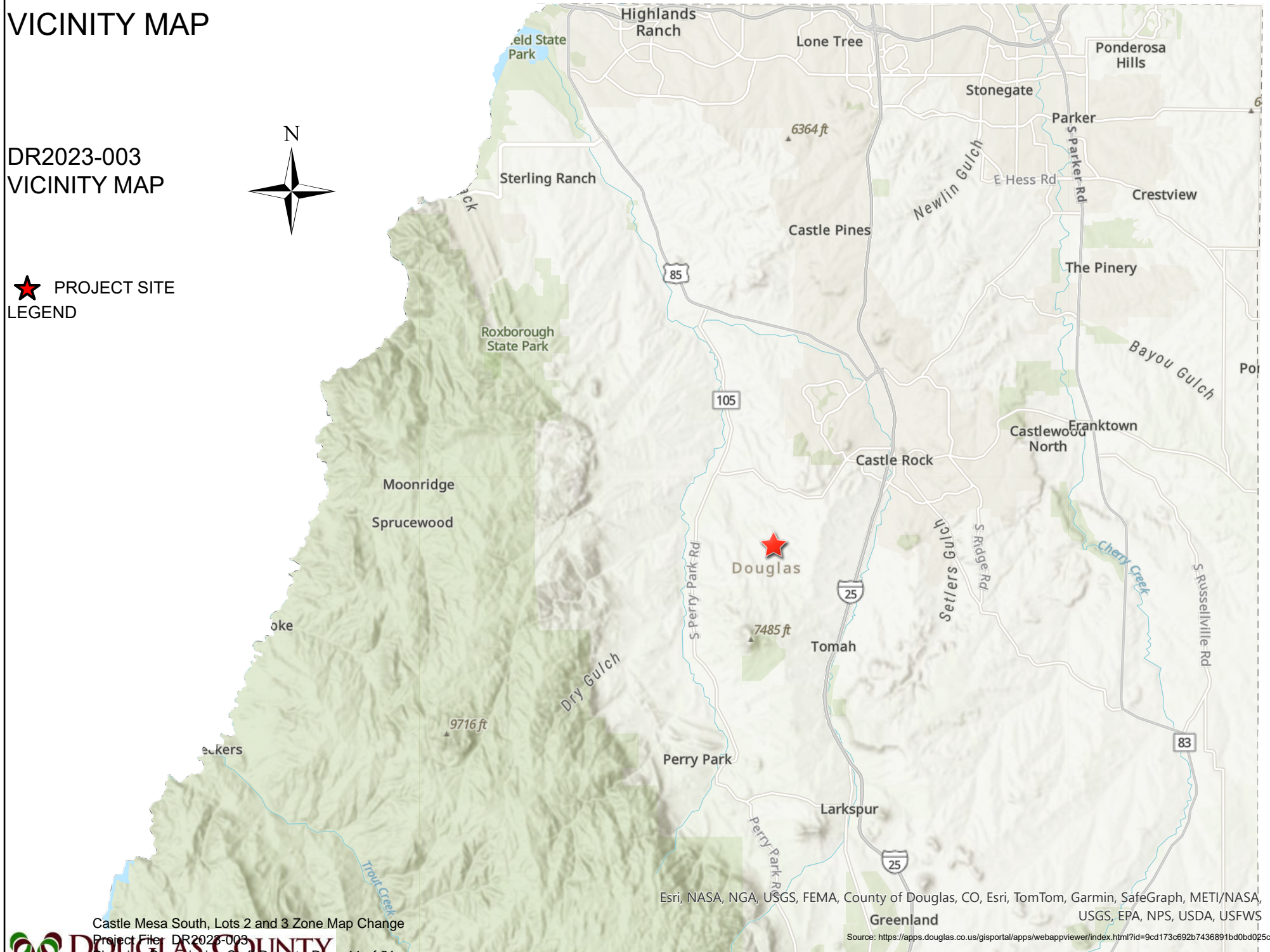


# VICINITY MAP

DR2023-003  
VICINITY MAP



★ PROJECT SITE  
LEGEND



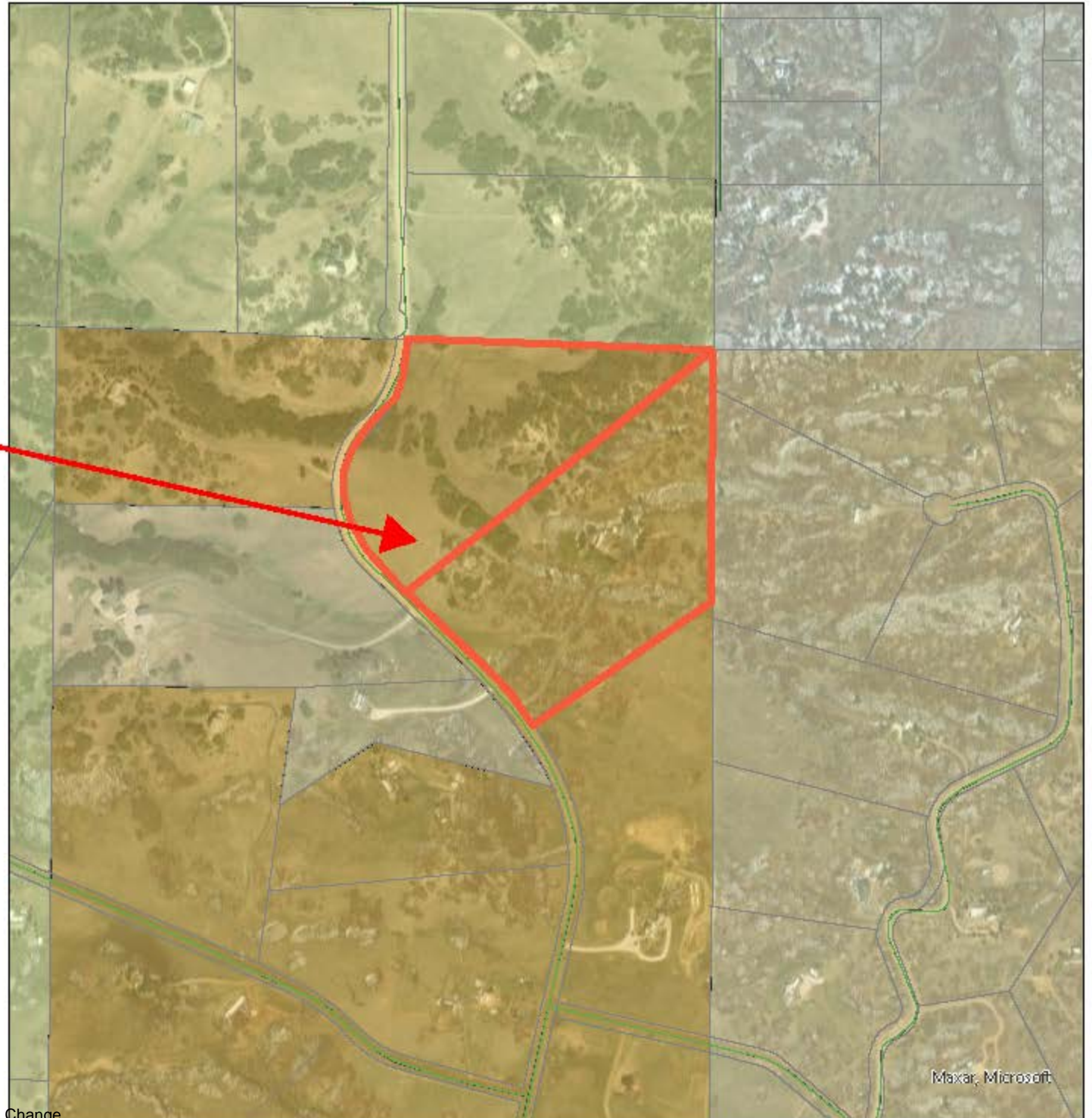
# ZONING & VICINITY MAP

DR2023-003



## LEGEND

- Major Roads
- Roads
- ▭ Project Area
- ▭ A1 - AGRICULTURAL ONE
- ▭ LRR - LARGE RURAL RESIDENTIAL
- ▭ RR - RURAL RESIDENTIAL
- ▭ ER - ESTATE RESIDENTIAL



Maxar, Microsoft

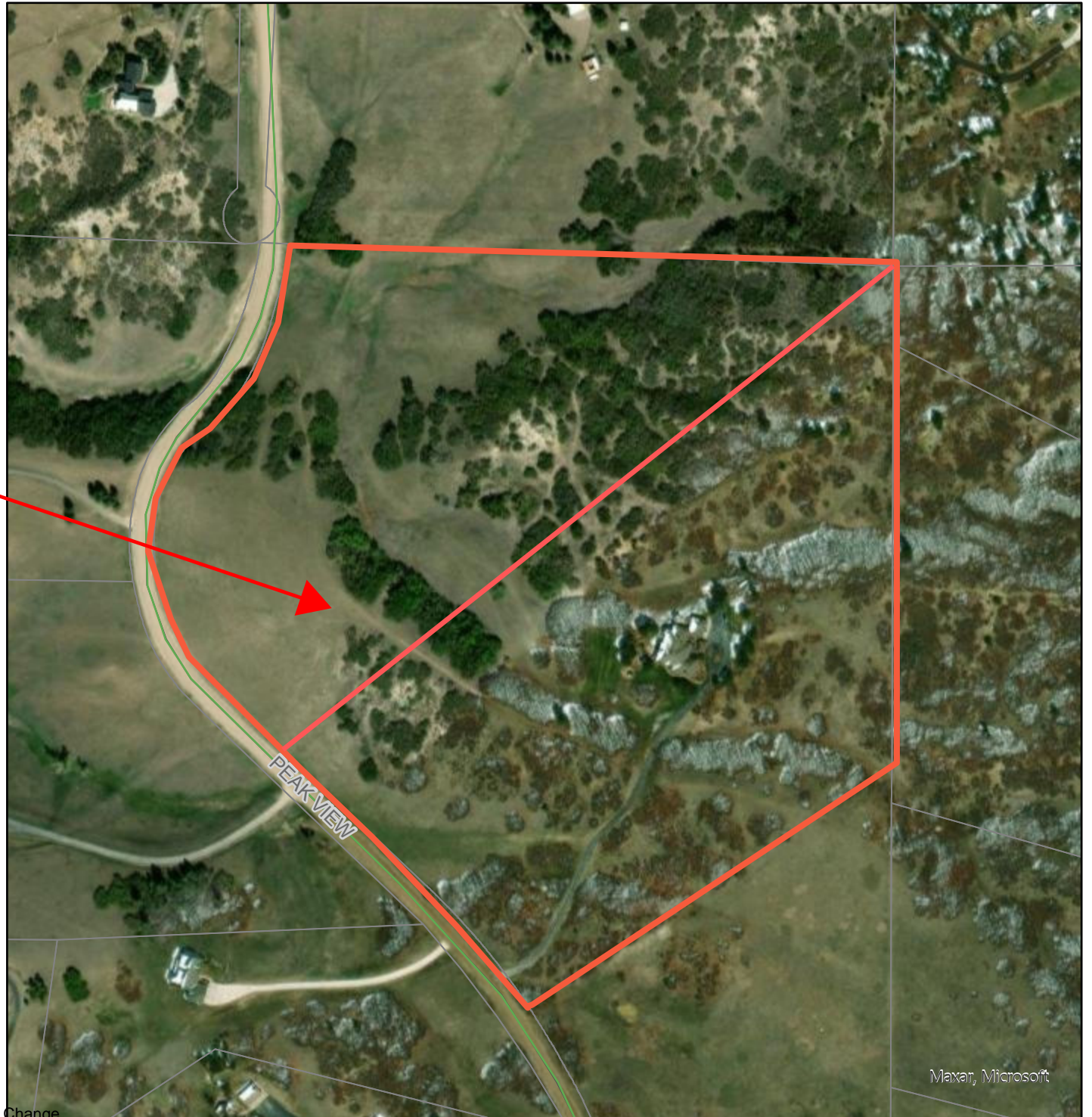
# AERIAL MAP

DR2023-003



## LEGEND

- Major Roads
- Roads
- ▭ Project Area



Maxar, Microsoft

**Referral Agency Response Report****Project Name:** Castle Mesa South, Lots 2 and 3**Project File #:** DR2023-003**Date Sent:** 02/07/2024**Date Due:** 02/28/2024

<b>Agency</b>	<b>Date Received</b>	<b>Agency Response</b>	<b>Response Resolution</b>
Addressing Analyst	02/09/2024	No Comment	No action necessary
Assessor	02/26/2024	No Comment	No action necessary
AT&T Long Distance - ROW	02/07/2024	Received: This is in response to your eReferral, letting you know there are NO conflicts with the rezoning. There are no buried AT&T Long Line Fiber Optics in that area of the address/ map you provided near S Peak View Dr Castle Rock, Colorado. Ann Barnowski Clearwater Consulting Group Inc 120 9th Avenue South Suite 140 Nampa, ID 83651 Annb@cw64.com	No action necessary
Bear Canyon Ranch HOA		No Response Received	No action necessary
Black Hills Energy		No Response Received	No action necessary
Building Services		No Response Received	No action necessary
CenturyLink		No Response Received	No action necessary
Comcast		No Response Received	No action necessary
CORE Electric Cooperative	02/28/2024	No Comment	No action necessary
Douglas County Parks and Trails		No Response Received	No action necessary
Engineering Services	02/07/2024	Received: Engineering has no objection to the zone map change. The future shed on the vacant lot will require a Drainage, Erosion and Sediment Control (DESC) Plan/Permit and a temporary or permanent access permit depending on how the shed is to be accessed.	Applicant acknowledged referral comment in writing to staff planner.
Jackson 105 FD		No Response Received	No action necessary
Keene Ranch HOA		No Response Received	No action necessary
Office of Emergency Management	02/07/2024	Received: OEM has no concerns with this project.	No action necessary
Open Space and Natural Resources	02/15/2024	No Comment	No action necessary

**Referral Agency Response Report**

**Project Name:** Castle Mesa South, Lots 2 and 3

**Project File #:** DR2023-003

**Date Sent:** 02/07/2024

**Date Due:** 02/28/2024

<b>Agency</b>	<b>Date Received</b>	<b>Agency Response</b>	<b>Response Resolution</b>
Sheriff's Office		No Response Received	No action necessary
Sheriff's Office E911		No Response Received	No action necessary
Town of Castle Rock	02/14/2024	Received: No objection	No action necessary
Twin Oaks HOA		No Response Received	No action necessary
Wildfire Mitigation		No Response Received	No action necessary
Xcel Energy-Right of Way & Permits	02/12/2024	Received: Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the plans for Castle Mesa South, Lots 2 and 3 and has no apparent conflict. As a safety precaution, PSCo would like to remind the developer to call the Utility Notification Center by dialing 811 for utility locates prior to construction. Violeta Ciocanu (Chokanu) Right of Way and Permits Public Service Company of Colorado dba Xcel Energy Office: 303-285-6612 – Email: violeta.ciocanu@xcelenergy.com	No action necessary

Carolyn Freeland

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**From:** annb cwc64.com <annb@cwc64.com>  
**Sent:** Wednesday, February 7, 2024 3:24 PM  
**To:** Carolyn Freeland  
**Cc:** Pam Choy (pc2914@att.com); duanew cwc64.com; jt cwc64.com  
**Subject:** S Peak View Dr Castle Rock, Colorado Douglas County eReferral #DR2023-003  
**Attachments:** S Peak View Dr Castle Rock, Colorado.jpg

Hi Carolyn,

This is in response to your eReferral, letting you know there are NO conflicts with the rezoning. There are no buried AT&T Long Line Fiber Optics in that area of the address/map you provided near S Peak View Dr Castle Rock, Colorado.

Ann Barnowski  
Clearwater Consulting Group Inc  
120 9th Avenue South  
Suite 140  
Nampa, ID 83651  
Annb@cwc64.com

The attached google earth maps are intended to show approximate locations of the buried AT&T long line fiber optic cable. The maps are provided for informational purposes only. In no way should the maps be used for anything other than general guidelines as to where the fiber is or is not and any other use of these maps is strictly prohibited.

-----Original Message-----

**From:** cfreeland@douglas.co.us <cfreeland@douglas.co.us>  
**Sent:** Wednesday, February 7, 2024 2:38 PM  
**To:** annb cwc64.com <annb@cwc64.com>  
**Subject:** Douglas County eReferral (DR2023-003) Is Ready For Review

There is an eReferral for your review. Please use the following link to log on to your account:  
<https://apps.douglas.co.us/planning/projects/Login.aspx>

DR2023-003, Castle Mesa South, Lots 2 and 3 - Zone Map Change

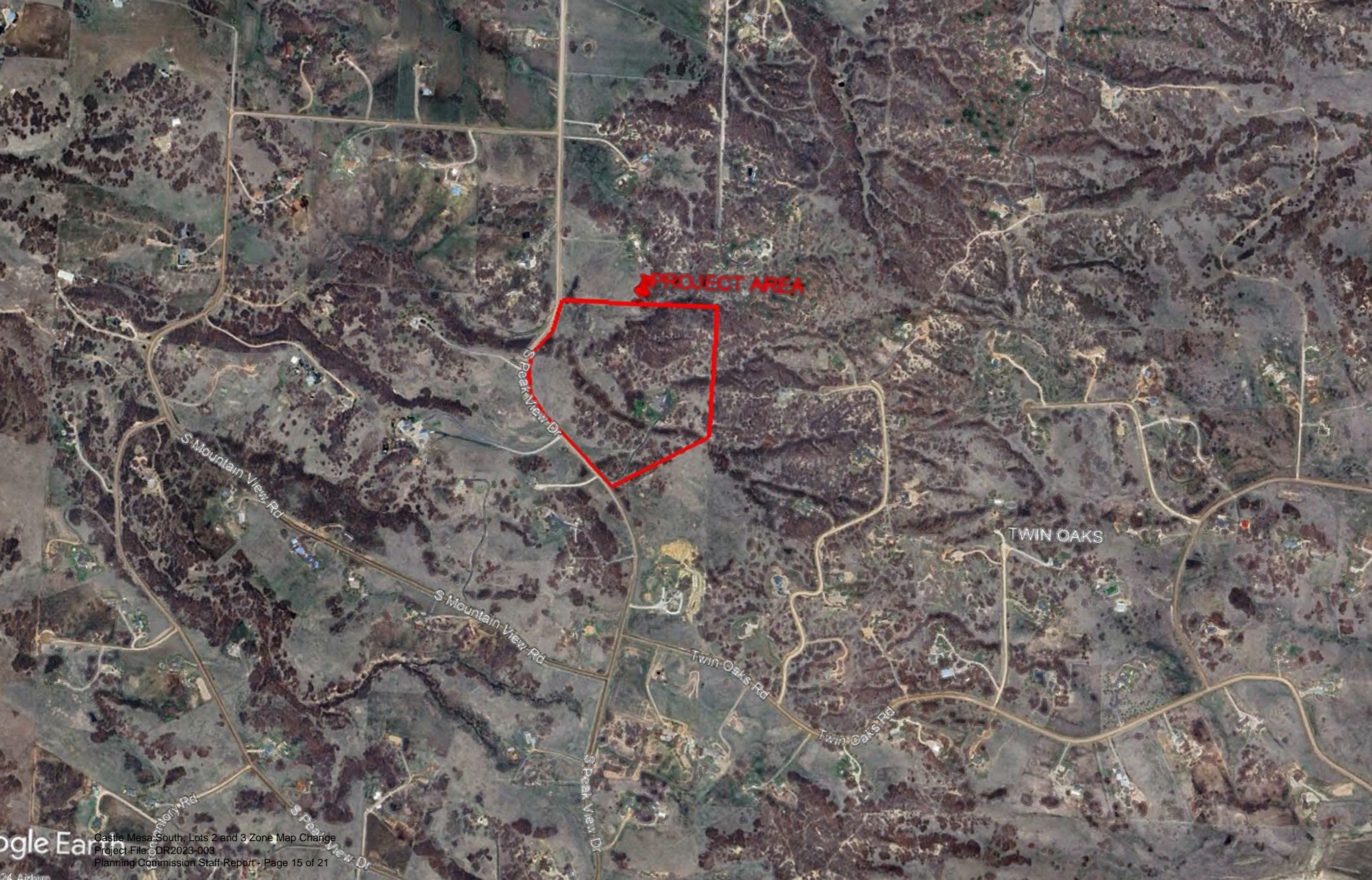
The property owner is requesting a Zone Map Change for two 20-acre lots from Estate Residential (ER) to Large Rural Residential (LRR) to bring the lots into compliance with the Douglas County Comprehensive Master Plan. The owner wishes to construct a shed on Lot 2 which is vacant. The property is Castle Mesa South, Lots 2 and 3, 1110 Peak View Drive, Castle Rock, Colorado.

This referral will close on February 28, 2024.

If you have any questions, please contact me.

Sincerely,

Carolyn Washee-Freeland, AICP  
Senior Planner



**PROJECT AREA**

TWIN OAKS

S Peak View Dr

S Mountain View Rd

S Mountain View Rd

Twin Oaks Rd

Twin Oaks Rd

S Peak View Dr

S Peak View Dr

Peak View Rd

**REFERRAL RESPONSE REQUEST**

Date sent February 07, 2024 Comments due by **February 28, 2024**

**Project Name:** Castle Mesa South, Lots 2 and 3 - Zone Map Change

**Project File #:** DR2023-003

**Project Summary:** The property owner is requesting a Zone Map Change for two 20-acre lots from Estate Residential (ER) to Large Rural Residential (LRR), to bring the lots into compliance with the Douglas County Comprehensive Master Plan. The owner wishes to construct a shed on Lot 2 which is vacant. The property is Castle Mesa South, Lots 2 and 3, 1110 Peak View Drive, Castle Rock, Colorado.

Information on the identified development proposal located in Douglas County is enclosed. Please review and comment in the space provided.

<input checked="" type="checkbox"/> No Comment	
<input type="checkbox"/> Please be advised of the following concerns:  _____	
<input type="checkbox"/> See letter attached for detail.	
<b>Agency:</b> CenturyLink Right of Way Team	<b>Phone #:</b>
<b>Your Name:</b> Varina Hoopes <i>(please print)</i>	<b>Your Signature:</b> <i>Varina Hoopes</i>
	<b>Date:</b>

Agencies should be advised that failure to submit written comments prior to the due date, or to obtain the applicant's written approval of an extension, will result in written comments being accepted for informational purposes only.

Sincerely,

*Carolyn Washee-Freeland*  
Carolyn Washee-Freeland, AICP  
Senior Planner, Planning Services  
303-814-4361  
[cfreeland@douglas.co.us](mailto:cfreeland@douglas.co.us)





CenturyLink

3/1/2024

Carolyn Washee-Freeland, AICP - Planning Services - Douglas County, Colorado

**PROJECT/SUBJECT: P860835/APPROVAL TO PROCEED:** Subject Location:  
1110 Peak View Dr, Lots 2,3 - Douglas County, Colorado - PID: 2505-200-01-001  
(Lot 2), 2505-200-01-002 (Lot 3) - (CASTLE MESA SOUTH)

To Whom It May Concern:

CenturyLink of Colorado, Inc., d/b/a CENTURYLINK ("CenturyLink") has reviewed your request to proceed with improvements as shown on the attached Exhibit "A" ("Improvements"), said Exhibit "A" attached hereto and incorporated by this reference, within the Easement Tract and has no objections providing, however, the following terms and conditions are agreed to, and met, by Landowner:

- 1. Locates must be performed by a state recognized organization (i.e. Call Before You Dig, Blue Stake, etc.).**
- 2. A minimum of three feet of cover above CenturyLink facilities is maintained at all times and the final grade provides for no less than three feet of cover.**
- 3. If any CenturyLink facilities are damaged or require relocation as a result of said Improvements, or the act of installing, maintaining or removing said Improvements, Landowner agrees to bear the cost of repair and/or relocation of said CenturyLink facilities.**
- 4. No buildings or structures are to be placed within the Easement Tract other than those, if any, that are approved by this APPROVAL TO PROCEED**
- 5. ENGINEER NOTES: I have NO RESERVATIONS regarding this request.**

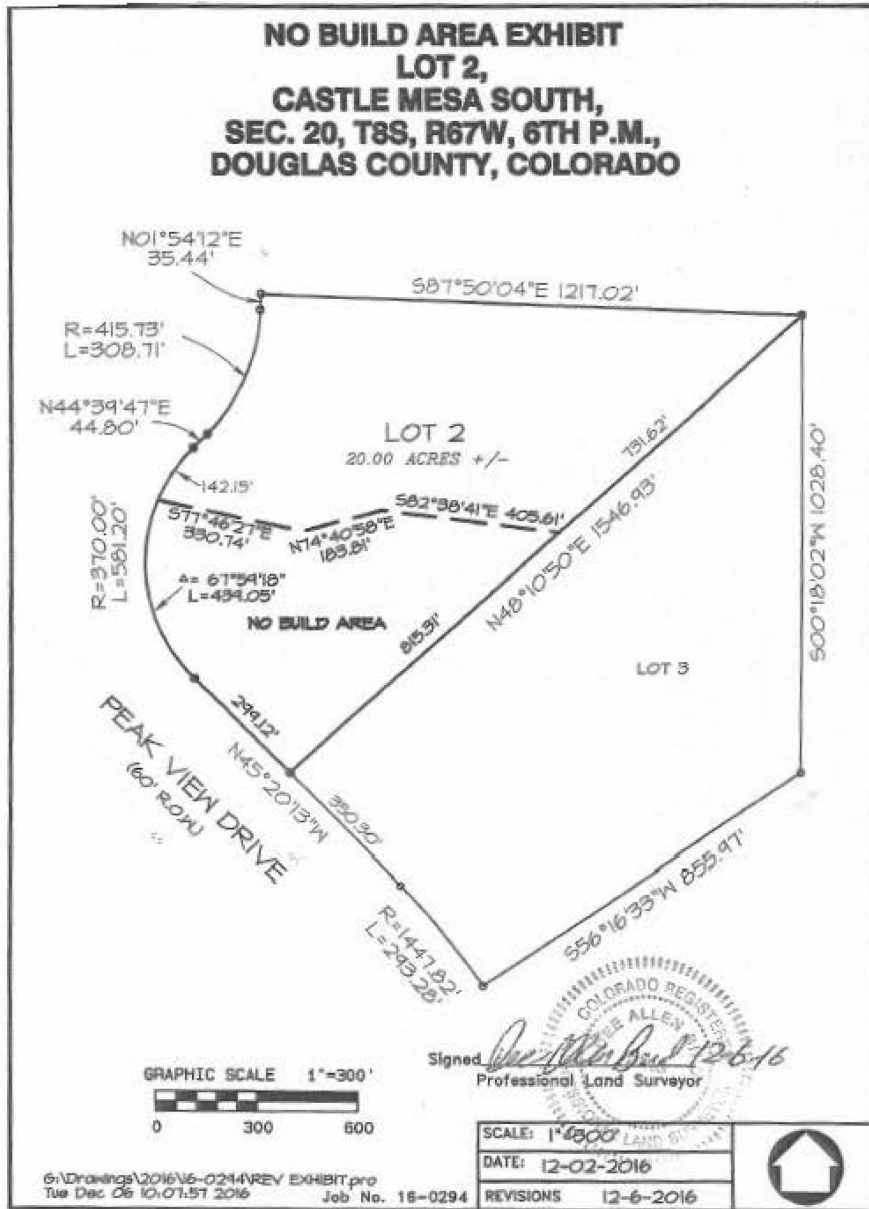
It is the intent and understanding of CenturyLink that this action shall not reduce our rights to any existing easements or rights we have on this site or in the area.

Sincerely yours,

/s/

CenturyLink Right of Way Team

EXHIBIT "A"





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**External Referral Comments**

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**TO:** Carolyn Washee-Freeland, Douglas County Planning

**FROM:** Darcie Hartman, Development Services Technician, Development Services Department

**DATE:** February 14, 2024

**SUBJECT:** COU24-0005, Project No. DR2023-003

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Thank you for the opportunity to review and respond to Castle Mesa South, Lots 2 and 3. The application was reviewed by various Town Departments with no concerns from the Town reviewers. Please keep us informed of any changes to the proposal. Thank you.

DEVELOPMENT SERVICES  
100 North Wilcox Street, Castle Rock, CO 80104. P: 720.733.2205 F: 720.733.2217 E: phall@crgov.com

EXCELLENCE • DEDICATION • SERVICE



**Right of Way & Permits**

1123 West 3<sup>rd</sup> Avenue  
Denver, Colorado 80223  
Telephone: 303.285.6612  
[violeta.ciocanu@xcelenergy.com](mailto:violeta.ciocanu@xcelenergy.com)

February 12, 2024

Douglas County Planning Services  
100 Third Street  
Castle Rock, CO 80104

Attn: Carolyn Washee-Freeland

**Re: Castle Mesa South, Lots 2 and 3, Case # DR2023-003**

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the plans for **Castle Mesa South, Lots 2 and 3** and has **no apparent conflict**.

As a safety precaution, PSCo would like to remind the developer to call the Utility Notification Center by dialing 811 for utility locates prior to construction.

Violeta Ciocanu (Chokanu)  
Right of Way and Permits  
Public Service Company of Colorado dba Xcel Energy  
Office: 303-285-6612 – Email: [violeta.ciocanu@xcelenergy.com](mailto:violeta.ciocanu@xcelenergy.com)

Carolyn Freeland

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**From:** Tom Engleby <tom@netengleby.com>  
**Sent:** Thursday, March 21, 2024 11:20 AM  
**To:** Carolyn Freeland  
**Subject:** Re: DR2023-003 Castle Mesa South Lots 2 & 3 Zone Map Chg

Hello Carolyn:

I hereby acknowledge Engineering Services comments that the future shed requires me to submit a DESC Plan/Permit and temporary or permanent access permit.

Carolyn: As a practical matter who should I contact next to help guide me in this?

Thanks,

Tom

On Thu, Mar 21, 2024 at 10:51 AM Carolyn Freeland <[cfreeland@douglas.co.us](mailto:cfreeland@douglas.co.us)> wrote:

Hi Tom,

This is regarding DR2023-003 Castle Mesa South Lots 2 & 3 Zone Map Change request. The referral agency review period is now complete. Please review the attached referral summary report with referral letters and address the comment from Douglas County Engineering. You can send me an email acknowledging their comment.

I will send a separate email with proposed public hearing dates. Just need to confirm a few details first.

Sincerely,

**Carolyn Washee-Freeland, AICP** | Senior Planner