

RESOLUTION NO. 24-39

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO MAKING FINDINGS OF FACT AND A DECISION REGARDING MCDONALD'S DRIVE-THRU SITE IMPROVEMENT PLAN, CASE NO. SIP 2023-003

WHEREAS, the City of Castle Pines is authorized pursuant to Title 31, Article 23, C.R.S., the City of Castle Pines zoning and subdivision regulations as adopted via Ordinance No. 08-04, as amended ("Zoning Ordinance"); and

WHEREAS, pursuant to the Zoning Ordinance, the Planning Commission may vote to approve, approve with conditions, or deny any Site Improvement Plan ("SIP") based on the approval criteria set forth in Section 2703.1 of the Zoning Ordinance at a public meeting; and

WHEREAS, on March 28, 2024, the Planning Commission, at a public meeting, considered the McDonald's Drive-Thru Site Improvement Plan, Case No. SIP 2023-003 and voted to deny the same, finding that the criteria set forth in 2703.1(a) and (e) were not satisfied; and

WHEREAS, pursuant to Section 2704.06.03 of the Zoning Ordinance, an applicant may file a written notice of appeal of the planning Commission's final decision on an SIP to City Council within thirty (30) days of the decision; and

WHEREAS, the applicant of the McDonald's Drive-Thru Site Improvement Plan, Case No. SIP 2023-003 filed a written notice of appeal of the Planning Commission's decision to deny the SIP; and

WHEREAS, subsequently, a hearing was scheduled for City Council's consideration of the McDonald's Drive-Thru Site Improvement Plan, Case No. SIP 2023-003; and

WHEREAS, notice of the public hearing satisfies Section 2705 of the Zoning Ordinance as follows:

- Written notice was mailed to the landowners within three hundred feet of the subject property as evidenced by a certificate of mailing submitted by the Applicant;
- The subject property was posted with a sign meeting the requirements of Section 2705.02 as evidenced by an affidavit of sign posting submitted by the Applicant; and
- Notice was published in the Douglas County News-Press on May 9, 2024 as evidenced by a publisher's affidavit provided to the City.

WHEREAS, the City Council held a duly noticed public hearing on May 28, 2024 to consider the McDonald's Drive-Thru Site Improvement Plan, Case No. SIP 2023-003.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO AS FOLLOWS:

Section 1. The recitals contained above are incorporated herein by reference and are adopted as findings and determinations of the City Council. The record of this case includes all the evidence, documents and testimony presented/submitted during the public hearing on May 28, 2024.

Section 2. The City Council hereby:

Denies the McDonald’s Drive-Thru Site Improvement Plan, Case No. SIP 2023-003 finding that one or more of the following is true:

On balance, the SIP does not support the applicable goals and objectives of the City of Castle Pines Comprehensive Plan (Section 2703.01(a)). Specifically, the City Council finds that the following provisions of the Comprehensive Plan are not satisfied:

Overall, the Council finds that the character of the community is reflected in the Comprehensive Plan’s goals of walkability, high quality development and creating a sense of community. As evidenced by the public testimony, the nature of the drive-through use, and the lack of outdoor eating spaces, the application does not meet these overall goals including, more specifically:

- Economic Development Goal 2.3 - Enhance pedestrian circulation that connects commercial centers to residential neighborhoods
- Land Use Goal 2.1 - Use design techniques and land use elements to create a sense of community identity.
- Land Use Goal 2.2 Ensure non-residential building design, scale, and orientation are compatible with the surrounding natural and built environment.

The SIP is not consistent with the City of Castle Pines Subdivision Ordinance and the development and use standards of the City of Castle Pines Zoning Ordinance and Planned Development, as applicable (Section 2703.1(b)). Specifically, the City Council finds that the following provisions of the Subdivision Ordinance or the development and use standards of the City of Castle Pines Zoning Ordinance and Planned Development are not satisfied:

- The SIP does not comply with and is not responsive to the overall intent and vision embodied in the City-adopted Mixed-Use Design Guidelines, as determined by the City (Section 2703.1(c)). Specifically, the City Council finds that the following provisions of the City-adopted Mixed-Use Design Guidelines are not satisfied:

- The SIP does not comply with the City’s technical standards and requirements including the City of Castle Pines Roadway Design & Construction Standards Manual; City of Castle Pines Storm Drainage Design & Technical Criteria Manual; and City of Castle Pines Grading, Erosion and Sediment Control (GESC) Manual (Section 2703.1(d)). Specifically, the City Council finds that the following provisions of such manuals are not satisfied:

- The SIP does not further public health, safety, and welfare of the community because:

- 1) The traffic study is flawed in that it relies on 2011 data and doesn’t consider traffic from door dash and other food delivery services.
- 2) While the traffic study relies on traffic engineering models, there should be additional consideration or rationale of the model in relation to actual driving patterns. As one Councilmember noted, the traffic study does not take into account that drivers will not travel all the way to the roundabout but will make a U-turn on Lagae Road in conflict with the shopping center across the street.
- 3) Although the traffic study considers the road network, it doesn’t consider the school uses surrounding the site which are relevant to traffic concerns and public safety.
- 4) The traffic study also does not account for delivery trucks, fire trucks and their ability to access the site.
- 5) The traffic study does not account for employee parking.

INTRODUCED, READ AND ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO THE 28 DAY OF MAY, 2024.



ATTEST:

Tobi Duffey, MMC, City Clerk

Tracy Engerman (Jun 3, 2024 14:18 MDT)

Tracy Engerman, Mayor

Approved as to form:

Linda C. Michow, City Attorney