

# MEMO

**To:** Honorable Mayor and Members of the City Council

**From:** Jennifer Jones, AICP, Planning Manager

**Subject:** School Land Conveyance

**Date:** November 27, 2023

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School District 27J has adopted a resolution establishing the need for Lot 1 of *Second Creek Farm Filing No. 1 Amendment No. 2* for a school site, as required by the Land Development Code (LDC). LDC §21-9200(5) requires the school district to “adopt a resolution which establishes the need for the school site to the satisfaction of the city.” Satisfaction is determined by consideration of (a) a formally adopted plan by the district designating the location; (b) conformance with the city’s comprehensive plan; (c) N/A; and (d) a development agreement. All applicable elements of the satisfaction determination have been met. The school district’s resolution is attached as Reference Document A.

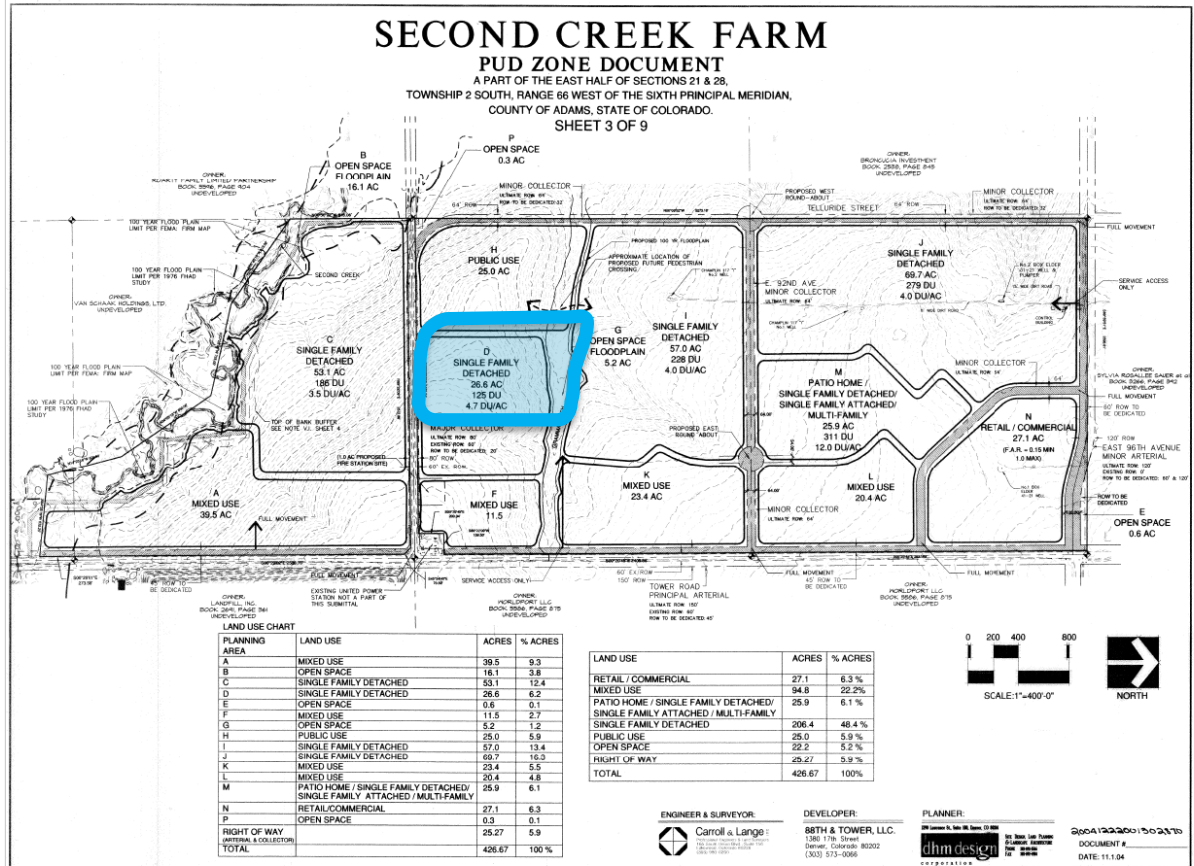
Per the requirements of §4.14 of the City Charter, any transfer of real property requires the approval of a resolution by the City Council. Resolution 2023-126 is for the purpose of approving the transfer of Lot 1 of *Second Creek Farm Filing No. 1 Amendment No. 2* to School District 27J. A summary of the history of the subject school site is provided for further explanation and context.

### **Second Creek Farm Planned Unit Development (PUD)**

Second Creek Farm was annexed into the city and zoned Planned Unit Development in 2004. The *Second Creek Farm PUD Zone Document* divides the whole area into various planning areas with different allowable uses. Planning Area H, at the northeast corner of E. 88<sup>th</sup> Avenue and Telluride Street, (shown in blue on the following sheet excerpt) was designated for Public Use, with ten-acres specifically for a school site (per the City Council Executive Summary and Planning Commission minutes of October 5, 2004). Correspondence between School District 27J and Commerce City Planning staff in July 2004 indicated the proposed ten-acre site was adequate for the district’s needs. The full PUD Zone Document is attached as Reference Document B.



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**Second Creek Farm Filing No. 1 Plat**

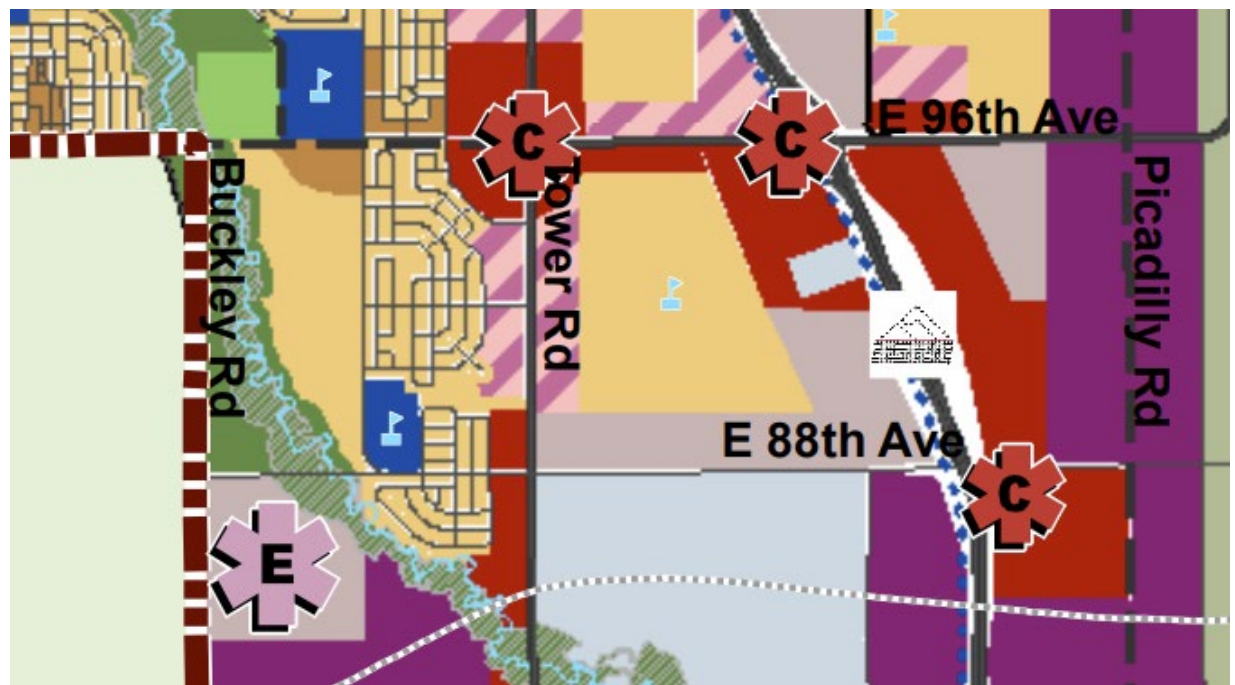
*Second Creek Farm Filing No. 1* plat was recorded in 2005. This plat created Tract A in the general area of what the Second Creek Farm PUD Zone Document referred to as Planning Area H, which was designed for Public Uses. The Tract Table on sheet 2 designates Tract A for the purposes of drainage, public use, and utility with the City listed under the columns of Owner and Maintained By. Tract A is approximately 27 total acres. The full *Second Creek Farm Filing No. 1* plat is attached as Reference Document C.



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**Comprehensive Plan**

The City's adopted Comprehensive Plan, which became effective on May 1, 2010, includes the location of future school sites as designated on the Future Land Use Plan. The subject future school site at the northeast corner of E. 88<sup>th</sup> Avenue and Telluride Street is shown on the excerpt below.

**Second Creek Farm Filing No. 1 Amendment No. 1 Plat**

*Second Creek Farm Filing No. 1 Amendment No. 1* plat was recorded in 2019. This replatted Tract A (from Filing No. 1) into Block 7, Lot 1 consisting of approximately 20.3-acres. The northeastern most portion of Tract A was reconfigured with *Second Creek Farm Filing No. 1 Amendment No. 1* and a portion was replatted into both Tract B and Tract FF, accounting for

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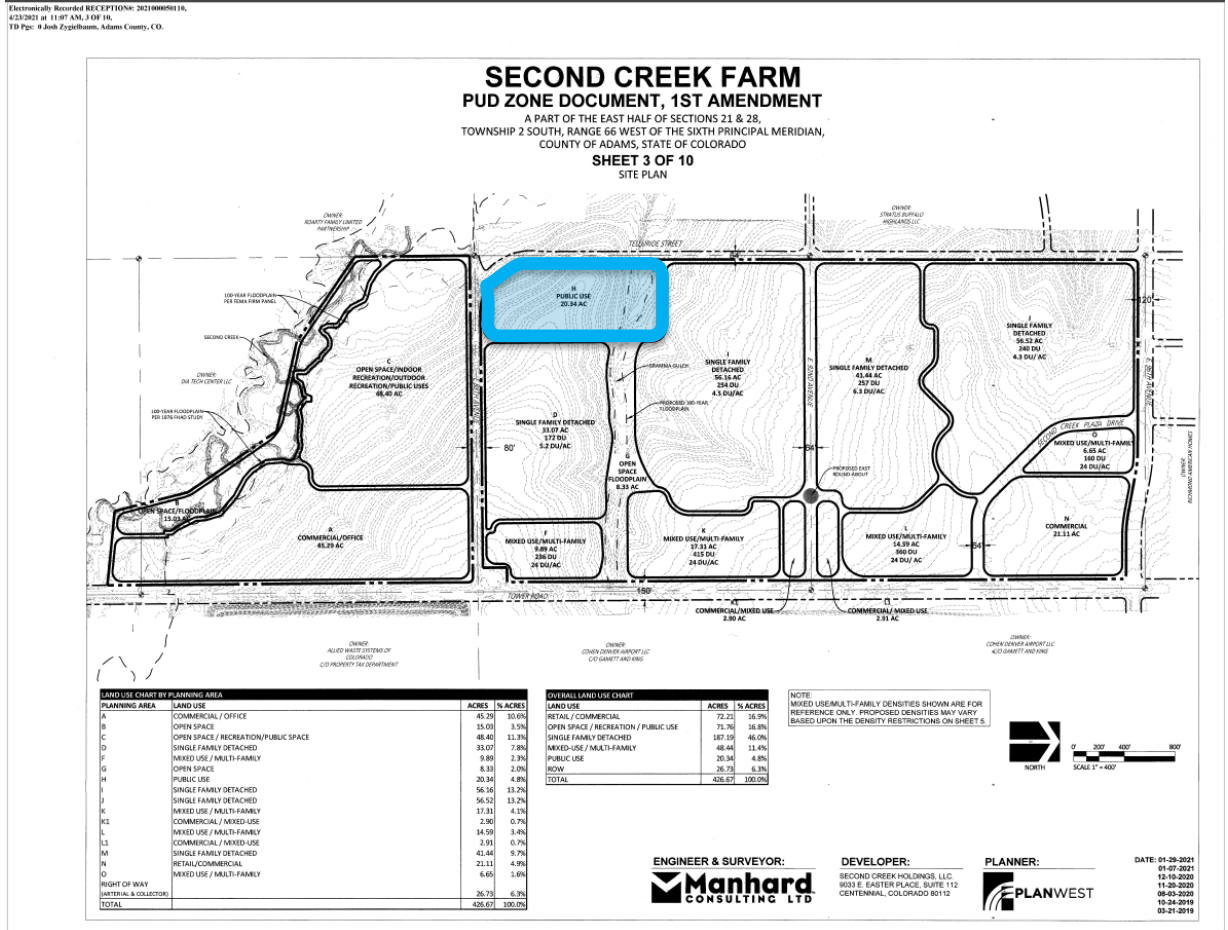
the difference in total area of almost seven acres. The full *Second Creek Farm Filing No. 1 Amendment No. 1* plat is attached as Reference Document D.

### **Second Creek Farm PUD Zone Document, 1<sup>st</sup> Amendment**

In 2021 the PUD Zone Document was amended to modify allowed uses, planning area boundaries, and other development standards. Planning Area H remains in the same location as the original PUD Zone Document (the northeast corner of E. 88<sup>th</sup> Avenue and Telluride Street) with the total size reduced slightly to 20.3-acres. A sheet excerpt follows with Planning Area H shown in blue. The size is consistent with the *Second Creek Farm Filing No. 1 Amendment No. 1* plat which was recorded a couple years prior in 2019. Planning Area H remains designated for Public Uses in the *Second Creek Farm PUD Zone Document, 1<sup>st</sup> Amendment*. According to the Staff Report from early 2021, "...National Heritage Academies has submitted an additional subdivision amendment for Filing 1, to separate the park / school site to allow for the conveyance of 10 acres of school property to School District 27J. 27J plans to transfer this site to the applicant to allow for the development of a K-8 Charter School." The full *Second Creek Farm PUD Zone Document, 1<sup>st</sup> Amendment* document is attached as Reference Document E.



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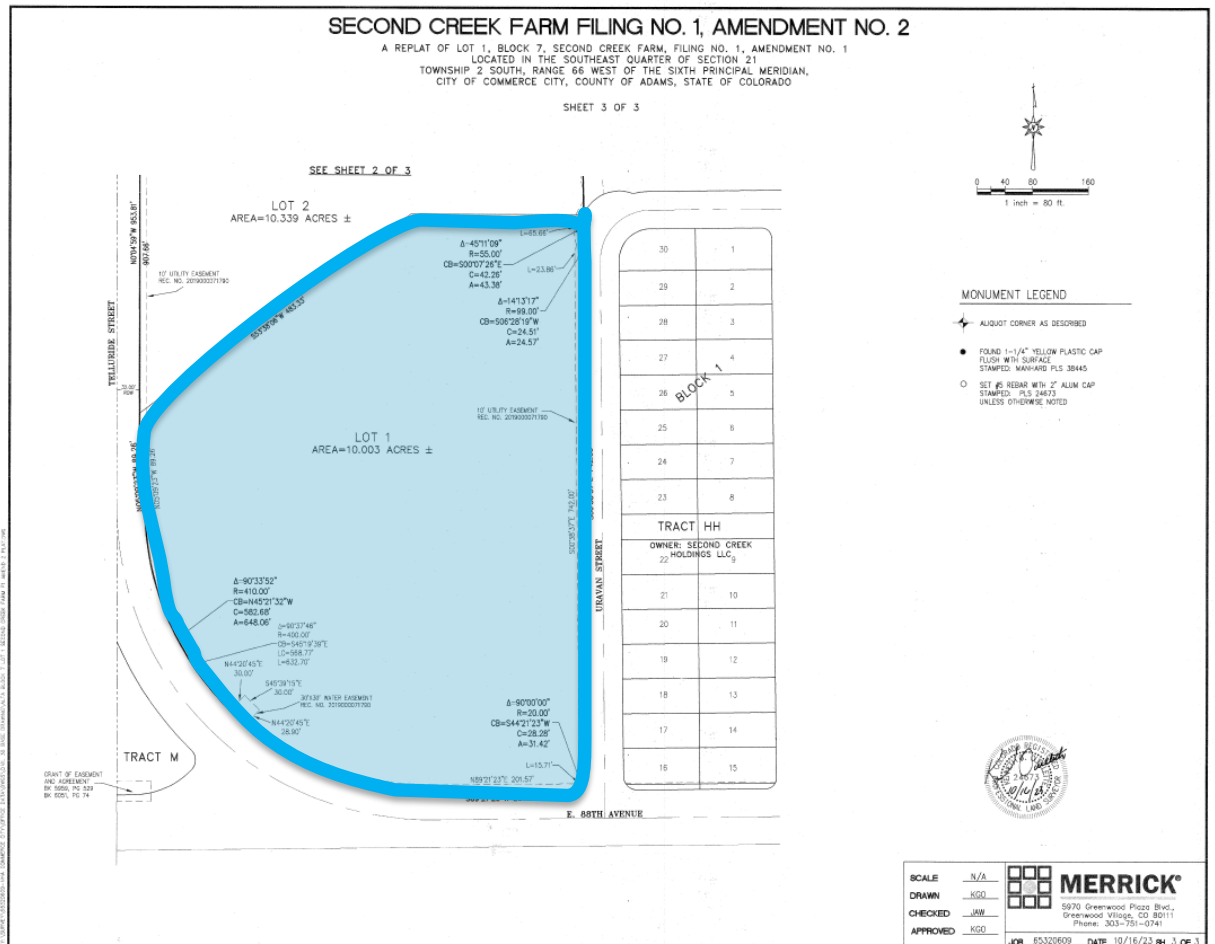
**Second Creek Farm Filing No. 1 Amendment No. 2 Plat**

*Second Creek Farm Filing No. 1 Amendment No. 2* plat was recorded in October of 2023. It replatted Block 7, Lot 1 of *Second Creek Farm Filing No. 1 Amendment No. 1* into two separate lots. Lot 1, the southernmost lot, for the school site, and Lot 2, the northernmost lot for a public park site. The school site has consistently remained at ten-acres in size. A sheet excerpt follows showing the school lot (Lot 1) in blue. The public park site is approximately



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10.3-acres in size. The full *Second Creek Farm Filing No. 1 Amendment No. 2* plat document is attached as Reference Document F.



**Resolution 2023-126**

At the November 6, 2023 regular City Council meeting Resolution 2023-126 was pulled off the consent agenda, discussed, and voted on by Council. At the meeting it was announced that



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the vote was 4 to 5, failing to approve the resolution. Review of the meeting by the City Clerk's Office indicates the vote was announced in error and should have actually been 5-3 approving the resolution.

Approval of the resolution will allow the land to be transferred to the 27J School District for use as a school site, as planned since the creation of Second Creek Farm PUD in the early 2000s. Lot 2 of the *Second Creek Farm Filing No. 1 Amendment No. 2* plat will remain under ownership of the City for the future development of a public park.

