



STAFF REPORT

Planning Commission

CASE #S-711-18-20

PC Date:	Tuesday, Decemeber 1, 2020	Case Planner:	Steve Timms
CC Date:	Monday, December 21, 2020		
Location:	Parcels located approximately 1000 feet south of E. 104 th Avenue and Peoria Street (east and west) with PIN# 172114000026 and 172113200001, Commerce City, CO 80022		
Applicant:	Catellus CC Note, LLC	Owner:	Same As Applicant
Address:	66 Franklin Street, Suite 200 Oakland, CA 94607	Address:	Same As Applicant

Case Summary

Request:	The applicant is requesting approval for Turnberry Filing #5 Plat for residential development.
Project Description:	The applicant would like to construct Turnberry Filing #5, a new residential subdivision with 222 residential lots (92 single family lots and 130 duplex lots). Along with these lots are 20 tracts for open space, drainage, landscaping, utilities and private parks. As a part of this development, the applicant desires to relocate Peoria Street to the east to better accommodate the overall subdivision layout. Hence, the vacation plat request to accompany this application.
Issues/Concerns:	Conformity with Comprehensive Plan and Master Transportation Plan.
Key Approval Criteria:	Compatibilty with surrounding uses, provisions of services, conformance with Master Plans.
Staff Recommendation:	Approval
Current Zone District:	PUD (Planned Unit Development District)
Comp Plan Designation:	Residential - Medium

Attachments for Review: *Checked if applicable to case.*

- | | |
|--|---|
| <input checked="" type="checkbox"/> Final Plat | <input checked="" type="checkbox"/> Vicinity Map |
| <input checked="" type="checkbox"/> Traffic Study | <input checked="" type="checkbox"/> Presentation- Applicant |
| <input checked="" type="checkbox"/> Presentation- City | <input type="checkbox"/> |

Background Information

Site Information

Site Size:	Approximately 53.5 acres
Current Conditions:	The existing parcels are currently vacant They have traditionally been used for dryland wheat farming.
Existing Right-of-Way:	Peoria Street currently bisects this property and runs from E. 96 th Avenue to E. 104 th Avenue. Peoria Street is currently gravel, dirt, and undeveloped.
Neighborhood:	Turnberry
Existing Buildings:	The existing parcels are currently vacant and no existing buildings are on site.
Buildings to Remain?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Site in Floodplain	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Existing Land Use

Occupant

North	Public/Utility	Xcel Energy Transmission Lines
South	Ag/Public	Shell Oil Agricultural Land/Army Pumping Station / City of Commerce City Future Maul Reservoir
East	Ag/Residential	Currently vacant Land/ Applications for Turnberry Filing #6 and Reunion Ridge
West	Industrial	Several County Industrial Out Parcels with variety of truck and storage uses

Case History

The subject property was annexed into the City in 1997 (Cases #AN-139-97 and #AN-140-97). Annexation zoning of R-1 was approved for the two parcels in 1998 (Cases #Z-678-98 and #Z-679-98). In December 1999 the applicant, Burlington Northern Railroad/Catellus, received approval of the original PUD Zone Document (Case #Z-706-99) for the construction of residential and neighborhood-serving commercial uses.

<u>Case</u>	<u>Date</u>	<u>Request</u>	<u>Action</u>
Z-706-99	12/99	Original PUD Zone Document Approval	Approval with Conditions
Z-706-99-01 & Z-706-99-01-02	12/01 & 5/02	Parcel Adjustments	Approval with Conditions
Z-706-99-01-02-06	10/06	Amend Area A	Approval
Z-706-99-01-02-06-14	10/14	Amend Area B	Approval
Z-706-99-01-20-06-14-16	03/16	Amend Northern Area	Approval

Applicant's Request

Catellus CC Note, LLC, the master Developer for Turnberry, has submitted this application in order to plat Turnberry Filing #5. This Filing includes 222 new lots for single-family detached uses, 20 tracts for landscaping, open space, utilities, and/or drainage, and the dedication of right-of-way. There is a drainage feature that bisects this property from east to west. This property is generally located 1000 feet south of E. 104th Avenue, north of E. 96th Avenue, east of Highway 2, and bisecting existing Peoria Street. The property is current zoned as part of the Turnberry PUD. The general purpose of the proposed plat is to create additional lots for residential development. The proposed subdivision, vacation and realignment of Peoria Street have been contemplated since the earliest approvals of the Turnberry PUD Zone Document. The newly constructed and realigned Peoria Street will serve as a major collector, eventually transporting citizens throughout the area south of E. 104th Avenue.

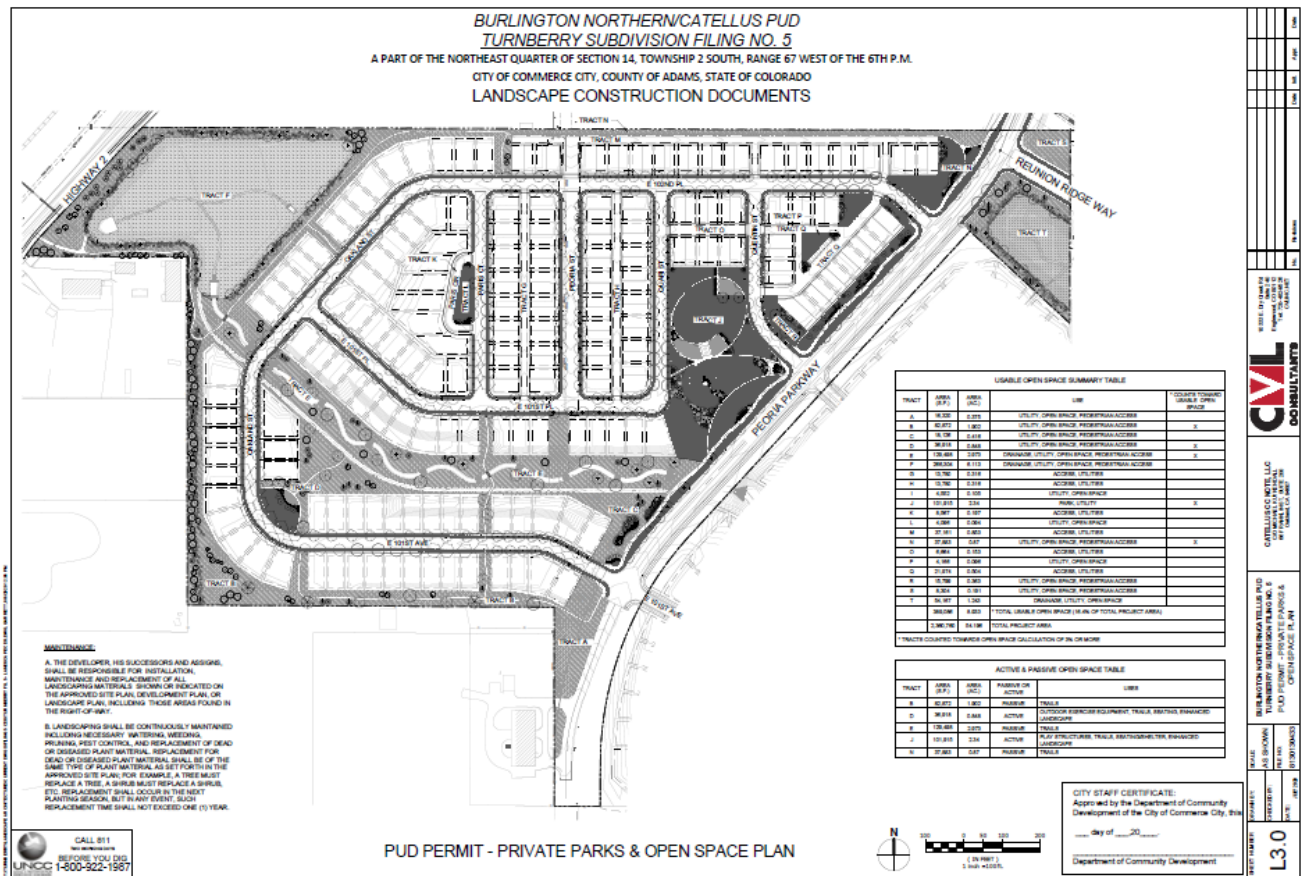
Finally, the applicant believes this subdivision request is in conformance with the City's adopted Comprehensive Plan, which identifies this area to be medium residential in nature. The applicant intends to phase this development with Filing #6, immediately to the east, as all available

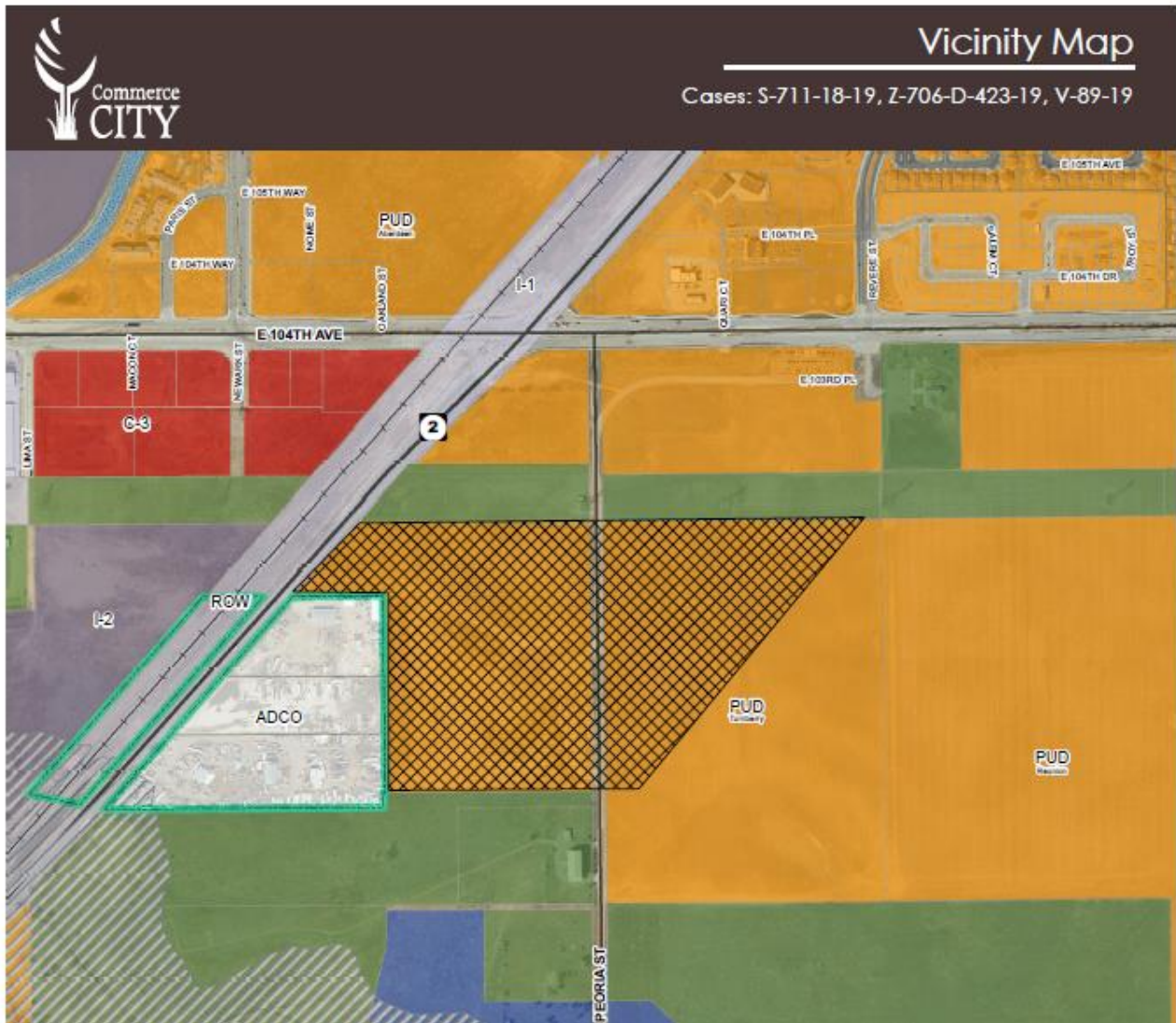
infrastructure, meeting the City and various utility providers requirements, will be constructed and implemented comprehensively.

Development Review Team Analysis

Site analysis:

The requested subdivision plat (Turnberry Filing #5) is generally bound by the Xcel Transmission Lines on the North, Highway 2 on the west, the alignment of 100th Avenue to the south, and the Reunion property boundary to the east. The site is currently undeveloped. This particular filing is composed of 222 residential lots, of which 92 are traditional single-family detached lots and 130 are single-family attached (duplex) lots with an alley for rear garages. The filing will take their access from the realigned Peoria Parkway and will consist of a modified grid pattern. There will be a drainage feature that bisects the filing running from east to west. There will be a private park in the center of the development, with trails and landscape features meandering throughout the development. There will be increased landscape buffers to the north and west, to help buffer from the existing truck uses along Highway 2. Finally, this development will also be providing an additional direct access to the Reunion Ridge development to the east





Scope of review and background:

The request being considered at this hearing is for a subdivision plat. Traditionally, subdivisions are reviewed and approved administratively in accordance with the City’s Land Development Code (LDC). However in conjunction with this development, there is a vacation of active right of way, Peoria Street. Vacations of active right-of-way can only be approved by City Council and must accompany a subdivision plat that identifies how the vacated property will be utilized. Hence, this is the reason why both cases are before the Planning Commission this evening. As it relates to subdivisions, the LDC sets out the specific criteria upon which a plat application can be approved or denied. Therefore, the analysis and evaluation must be limited to those criteria; no other considerations may be considered in the decision making process. Of note, the future development within this subdivision plat such as homes that may be constructed in this Filing or their associated price points may not be included in the review criteria associated with the division of land and as such, may not be considered in the city’s review process. To note, no application for any home model review has of yet, been submitted.

The DRT’s analysis of this request compared to the Master Plan:

The Turnberry development is a master planned community that has always been developed in phases. The original phase was constructed just north of the commercial area, north of E. 104th Avenue. The second phase was constructed around Turnberry Elementary School and Park. Since 2018, the City and Catellus Development have been working collaboratively on Phase 3 of Turnberry which includes their

residential areas south of E. 104th Avenue. This collaboration allowed for a comprehensive layout of the road network, utilities, and regional drainage. This area of Turnberry has always been planned for a variety of residential uses, from single-family detached to single-family attached and is consistent with the overall master plan for this area. The image below shows the concept for this southern area of Turnberry and the requested subdivision's consistency with the general master zoning plan for this subdivision.

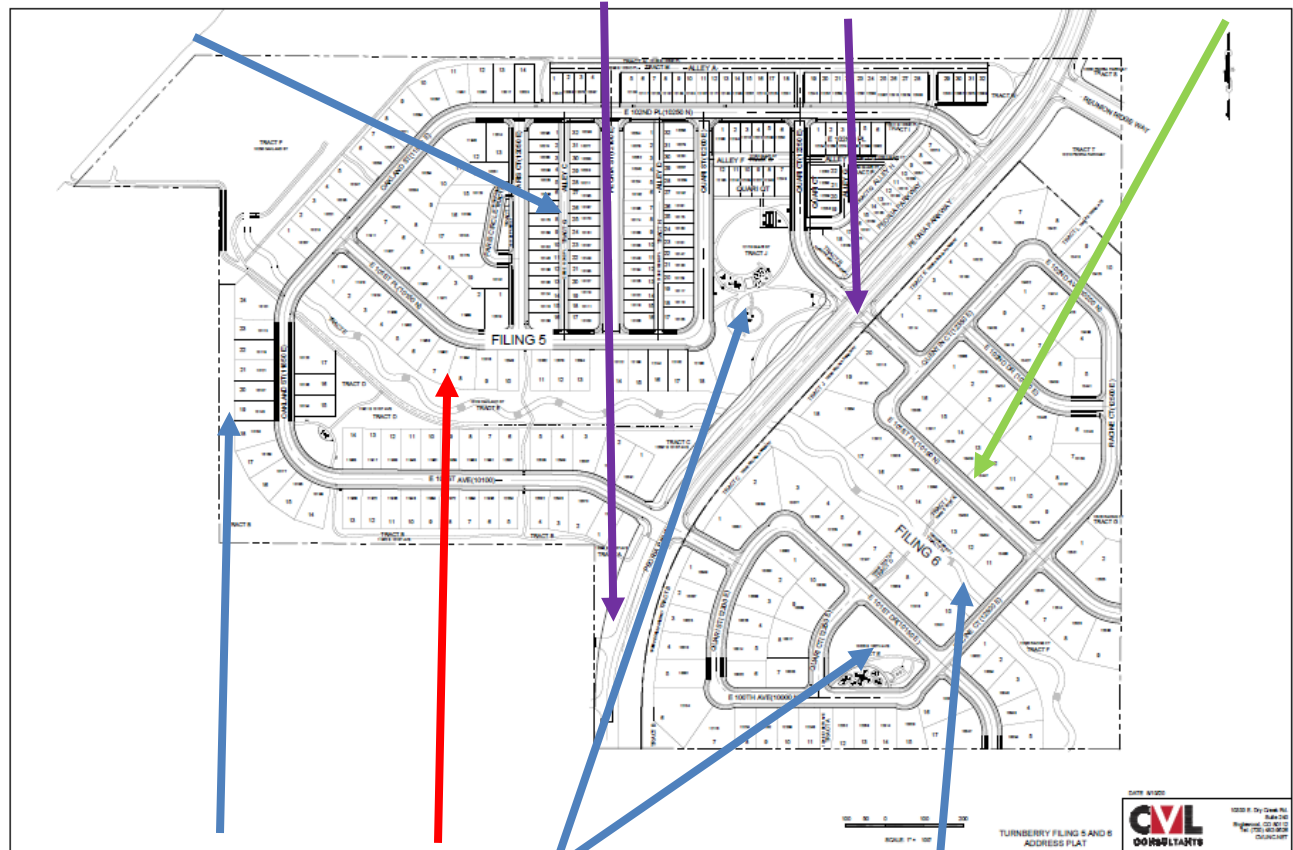
Blue – Subdivision Features.

Green – To be platted in the future.

Red – The subject property for S-711-18-20 (Filing #5).

Orange- Existing Peoria Street (to be vacated) and proposed alignment (Case V-89-20).

Single Family Attached (Duplex) Original Peoria Street Realigned Peoria Pkwy Filing #6



Increased Buffer to West

Filing #5

Private Park

Drainage Feature

The DRT’s analysis of residential considerations:

Staff has reviewed the requested plat against the requirements of the Turnberry PUD (Planned Unit Development) Zone Document and the city’s subdivision regulations. During this review, staff was able to determine that the proposed plat meets all of the city’s relevant requirements.

Issue	Proposed	City Standard	Does the Proposed meet the Standard?
Street Width	Local Residential Streets: 50-feet of right-of-way. Peoria Parkway 120 feet of right of way	Local Residential Streets: 50-feet of right-of-way. Minor Arterial 120 feet of right-of-way. Major Collector 80 feet of right of way.	YES
School Impacts	Catellus has worked with the 27J School District to identify the Turnberry Elementary school site in Turnberry. For any amounts that exceed this land dedication, future builders are required to pay a fee-in-lieu of land dedication in accordance with the Developer’s Agreement.	Developers are required to dedicate land for school sites or pay a fee-in-lieu of land dedication.	YES
Comprehensive Plan	Residential – Medium	Residential – Medium	YES
Public Parks/Open Space Land	Catellus and the city have identified the necessary public park and open space areas related to this development, which are dedicated when they are platted. The public park for Turnberry is located next to Turnberry Elementary School. . For any amounts that exceed this land dedication, future builders are required to pay a fee-in-lieu of land dedication.	Residential developers are required to dedicate land for public parks/open space or pay a fee-in-lieu of land dedication.	YES
Private Parks/Open Space Land	2.3 acres of private park space is proposed as part of this Filing. In addition, over 17.9 acres of land will be set aside for open space, drainage, and access tracts. .	Residential developers are required to reserve 3% of their usable land for private parks/open space.	YES
Lot Size	Minimum of 2,326 square feet for subarea P, Minimum of 5,000 square feet for subareas S and T.	The Turnberry PUD has no minimum lot size requirements for these subareas	YES
Lot Frontage	Minimum of 50-feet for subareas S and T. Minimum of 29 feet for subarea P (duplex with alley)	The Turnberry PUD has no minimum lot frontage requirement for these residential subareas.	YES

Relationship to other Land Use Applications:

The applicant has concurrently applied for a vacation of ROW (Case V-89-20) to vacate the existing Peoria Street and realign it to the east as a subdivision parkway through the development. Referral agencies including South Adams Fire Protection District, Tri-County Health Department, utility agencies, the US Army, and various city departments have reviewed the proposal and have been working with the applicant to address all comments and to ensure that agencies have no conflicts with the vacation request. Upon approval of the vacation, this Filing #5 subdivision will replat the previous Peoria Street into lots, tracts and ROW.

Because the subdivision only requires one reading at City Council and the Vacation Plat requires two, a condition is placed on this subdivision case in the very remote chance that the Vacation Plat is not approved on second reading. It would read, *"This subdivision plat approval is based on the subsequent final approval of the Vacation Plat referenced in case V-89-20. If, for any reason, the Vacation Plat is not approved in second reading, then this subdivision plat approval will become null and void and may not be recorded."*

In addition to the vacation plat, there is also a PUD Development Permit under review. This PUD Development Permit (Z-706-D-423-20) is an administrative review of landscaping, addressing, and construction documents. The PUD Permit would not be approved until after the vacation plat and subdivision plat are approved.

Subdivision Analysis:

1. Impacts to the overall road network.

Any new development will have impacts to the overall road network. However, the existing roads in the Northern Range were designed and constructed to adequately accommodate future development. All previous Filings in Turnberry dedicated right-of-way for public streets in accordance with the city's standard and PUD Zone Document cross-sections for the specific road type, which accounts for future development. Peoria Pkwy will be realigned and constructed as a new major collector roadway enabling traffic to and from E. 104th Avenue, connecting to a signal at Revere Street and E. 104th Avenue. As a part of this subdivision, a traffic study was submitted and reviewed by the City's Engineering Division. Based on this traffic study, and the capacity of the existing and proposed roadways, the DRT has no concerns related to the overall road network.

2. Traffic conditions in and around the proposed plat.

Section 21-6240(4) of the LDC requires that *"In order to promote connectivity to adjacent properties, every plat shall provide multiple access points, to the maximum extent feasible. Streets in a proposed subdivision must connect, where feasible, to existing streets in abutting platted subdivisions."* The roads that are being dedicated and constructed as part of this plat connect to the existing and future road network at pre-established locations. The DRT believes that this road network adequately addresses traffic concerns in and around the requested plat. Additionally, the proposed right-of-way dedication is consistent with the Master Plan. Specifically, these local residential roads will connect to the larger road network of Peoria Parkway, which will eventually connect into E. 96th Avenue to the south and E. 104th Avenue to the north. While this road network is not currently complete, the future build-out will accommodate both local and regional traffic in and around southern Turnberry.

3. Impacts to the School District.

The 27J School District has been actively involved in this platting process and is not objecting to the requested plat. Additionally, Catellus and the School District have worked collaboratively to establish a school location in Turnberry (Turnberry Elementary). No other school sites are identified in the Turnberry Zoning or Master Plan. Therefore, they meet the requirement to dedicate land for school sites. Future residential builders in Turnberry are required to pay a fee-in-lieu of land dedication of \$619 per home constructed.

Comprehensive Plan Analysis:

In reviewing the requested final plat, the DRT reviewed the request’s compatibility with the city’s comprehensive plan. That analysis is provided in the following table.

Comprehensive Plan

The DRT recommendation for this case is supported by the following Comprehensive Plan Goals:

Section	Goal	Description
Land Use and Growth Strategies	LU 1	Maintain a Balanced Mix of Land Uses.
Analysis:		The Future Land Use Plan (FLUP) was created in order to ensure an appropriate mix of uses throughout the city. The FLUP identifies this particular area for ‘Residential – Medium’ uses, which is compatible with the proposed plat.

Section	Goal	Description
Land Use and Growth Strategies	LU 2	Phase Growth in an Orderly and Compact Manner
Analysis:		The proposed plat is located in Turnberry, which has seen ongoing construction for over a decade. Turnberry is adequately served by the necessary utilities or will extend all necessary utilities to cover this newly developing area.

Section	Goal	Description
Fiscal Stability	FS 2	Retain/Increase Employment Base
Analysis:		The proposed plat will create 222 new lots for residential development. These homes will provide opportunities for both employees and employers in the area, providing additional rooftops for prospective retailers. In addition, this area will begin to fill in an empty area within the Northern Range, and may help prospective retailers begin to visualize the area with full development

Project Benefits:

As part of the analysis for this application, the DRT concluded that the approval of an additional 222 lots in Turnberry would be beneficial for the overall health of the city. Specifically, the approval of the plat will signal continued growth and economic strength in the local economy. Additionally, another 222 lots will help to entice future retailers to the area, which means additional services that the community has expressed a desire to have. Finally, the approval of the requested 222 lots in Turnberry will help to implement the community vision for this area by approving lots that accommodate single-family detached and attached homes in an area that has been designated for that type of use.

The DRT recommendation:

Based on the requested plat’s compliance with the comprehensive plan as outlined above and its compliance with the approval criteria for a final plat listed below, the DRT is recommending that the Planning Commission send this application to the City Council with a favorable recommendation., subject to one condition.

Criteria Met?	Sec. 21-3241. Final Plats	Rationale
<input checked="" type="checkbox"/>	The subdivision is consistent with any approved rezoning, concept plan or PUD Zone Document;	The proposed plat is consistent with the approved Burlington Northern/Catellus/Turnberry PUD Zone Document and the Future Land Use Plan of the city.
<input checked="" type="checkbox"/>	The subdivision is consistent with and implements the intent of the specific zoning district in which it is located;	This plat is for single-family detached and attached lots, which is consistent with the approved PUD Zone Document.
<input checked="" type="checkbox"/>	There is no evidence to suggest that the subdivision violates any state, federal, or local laws, regulations, or requirements;	There has been no indication that the proposed request violates any laws, regulations, or requirements.
<input checked="" type="checkbox"/>	The general layout of lots, roads, driveways, utilities, drainage facilities, and other services within the proposed subdivision is designed in a way that minimizes the amount of land disturbance, maximizes the amount of open space in the development, , preserves existing trees/vegetation and riparian areas, and otherwise accomplishes the purposes and intent of the LDC;	The proposed plat includes over 20 acres of landscaping, open space, and drainage tracts, which help to accomplish the purposes and intent of the LDC.
<input checked="" type="checkbox"/>	The subdivision complies with all applicable city standards and does not unnecessarily create lots or patterns of lots that make compliance with such standards difficult or infeasible;	The plat complies with the applicable requirements for creating lots governed by this PUD as well as the requirements for the dedication of right-of-way and drainage elements.
<input checked="" type="checkbox"/>	The subdivision will not result in a substantial or undue adverse effect on adjacent properties, traffic conditions, parking, public improvements, either as they presently exist or as they may in the future exist as a result of the implementation of provisions and policies of the comprehensive plan, this land development code, or any other plan, program or ordinance adopted by the City; or Any adverse effect has been or will be mitigated to the maximum extent feasible.	The DRT believes that this plat will not result in a substantial or undue adverse effect on adjacent properties, traffic conditions, parking, or public improvements. The DRT has concluded that the proposed plat adequately dedicates the necessary right-of-way and the additional traffic created by these homes will not put undue burden on the existing road network.
<input checked="" type="checkbox"/>	Adequate and sufficient public safety, transportation, utility facilities and services, recreation facilities, park, and schools are available to serve the subject property, while maintaining sufficient levels of service to existing development;	All referral agencies for this request have indicated an ability to serve the proposed lots and the school district is not objecting to the current request.

Criteria Met?	Sec. 21-3241. Final Plats	Rationale
☒	A development agreement between the city and the applicant has been executed and addresses the construction of all required public improvements; and	The applicant and the city have agreed to a "Draft" of a Public Improvements Agreement for the subject Filing #5
☒	As applicable, the proposed phasing plan for development of the subdivision is rational in terms of available infrastructure capacity.	The phasing plan identified in the Public Improvements Agreement is rational in terms of infrastructure capacity.

Development Review Team Recommendation

Based upon the analysis above, the Development Review Team believes that the application meets the criteria for a Subdivision set forth in the Land Development Code and recommends that the Planning Commission forward the Subdivision request to the City Council with a favorable recommendation:

Recommended Motion

To recommend approval:

I move that the Planning Commission enter a finding that the requested Subdivision for the properties located within Turnberry Filing #5, and contained in case **S-711-18-20** meet the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Subdivision request subject to the following condition:

1. *This subdivision plat approval is based on the subsequent final approval of the Vacation Plat referenced in case V-89-20. If, for any reason, the Vacation Plat is not approved in second reading, then this subdivision plat approval will become null and void and may not be recorded.*

Alternative Motions

To recommend approval:

I move that the Planning Commission enter a finding that the requested Subdivision for the properties located within Turnberry Filing #5 contained in case S-711-18-20 meet the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Subdivision request.

To recommend denial:

I move that the Planning Commission enter a finding that the requested Subdivision for the properties located within Turnberry Filing #5 contained in case S-711-18-20 fails to meet the following criteria of the Land Development Code:

List the criteria not met

I further move that, based upon this finding, the Planning Commission recommend that the City Council deny the Subdivision request.

To continue the case:

I move that the Planning Commission continue the requested Subdivision for the properties located within Turnberry Filing #5 contained in case S-711-18-20 to a future Planning Commission agenda.