



Commerce City

7887 E. 60th Ave.
Commerce City, CO 80022
c3gov.com

Council Communication

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A RESOLUTION APPROVING THE LEGATO FILING NO. 1 SUBDIVISION GENERALLY LOCATED BETWEEN TOWER ROAD AND E-470, SOUTH OF 96TH AVENUE, WEST OF HIMALAYA PARKWAY, AND BETWEEN E. 93RD PLACE AND E. 95TH AVENUE

Summary & Background

Cohen Denver Airport, LLC is requesting approval of the Legato West Filing No. 1 Final Plat. The subject property is located near Tower Road and 96th Avenue and contains approximately 34.84 acres. It is zoned Planned Unit Development and is currently vacant and undeveloped. The subdivision includes lots and tracts in accordance with the approved zoning. The subdivision request is platting 181 lots and 7 tracts for future single family and open space development.

Access to this Filing is provided from Himalaya Parkway and E. 95th Avenue (via Biscay Court) and from Himalaya Parkway and E. 93rd Place (via Biscay Court, Ceylon Street, Danube Street, Danube Court, and Dunkirk Street). Drainage, access, and the technical requirements of the plat were reviewed and approved by the City's engineering division. A concurrent PUD Permit application is under administrative review (Z-953-D-472-22).

Per Section 21-3241(2) of the City's LDC, Final Plats are considered through an administrative approval process following review by the DRT and the Director of Community Development. As part of that process, review through a public hearing process may be required if requested by a property owner within 300-feet, a public entity or utility, the Community Development Director, or by the City Council. Once the DRT completed the technical review and determined the application was ready for the notification period, staff proceeded with the standard process for notifying the public and City Council. During the notification period for this application, City Council voted to require public hearings for this case, in accordance with Section 21-3241(4)(d). In accordance with required public hearing procedures, a public hearing was conducted on May 3, 2022. and the Planning Commissioners voted 4-1 to recommend approval of the proposed plat to the City Council.

DRT Analysis of Residential Considerations:

The DRT examined this request through the traditional cycles of development review. A general summary of the comparison between the subdivision proposal's design attributes and the City's standards, requirements of the Land Development Code, and the Legato PUD Zone Document is found on page 4 of the staff report. Based on the

development review process, staff generally believes that the proposed plat meets the City's relevant requirements.

Approval Criteria

Section 1-3241(3) of the Commerce City Land Development Code (LDC) sets forth the criteria use when evaluating subdivisions.

Sec. 1-3241(3)

Approval Criteria. A final plat may be approved if the decision maker finds that:

Criteria (a): The subdivision is consistent with any approved rezoning, concept plan or PUD Zone Document;

Analysis: The Legato PUD Zone Document is the approved zoning for this location. This plat application is consistent with the allowable uses and lot standards in the PUD Zone Document. Single family detached residential is the identified residential use allowed in this particular area. All standards of the PUD are met with this proposal. *Staff believes this application meets this criterion.*

Criteria (b): The subdivision is consistent with and implements the intent of the specific zoning district in which it is located;

Analysis: This subdivision is consistent with the intent of the Legato PUD Zone Document. The PUD allows this area to develop with any of the following: single family detached residential, paired homes, auto court, and green court homes. The allowable density range is 4 to 8 dwelling units per acre. This proposal is consistent with and implement the intent of the Legato Planned Unit Development. *Staff believes this application meets this criterion.*

Criteria (c): There is no evidence to suggest that the subdivision violates any state, federal, or local laws, regulations, or requirements;

Analysis: The proposed plat has been reviewed and approved by all agencies that have jurisdiction over the subject property, including Commerce City Engineering, South Adams County Fire District, and Adams County. There is no indication that the proposed subdivision violates any laws, regulations, or requirements. *Staff believes this application meets this criterion.*

Criteria (d): 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 this land development code;

Analysis: The overall layout of the proposed plat is orderly and conforms to the Land Development Code. The alignments of Himalaya Parkway, E. 95th Avenue, and E. 93rd Place match those shown on the approved PUD Zone Document. The internal circulation as established by the street network and the lot configuration of the plat are designed in a way that will minimize land disturbance and maximize open space. The access point at E. 96th Avenue will create minimal disruption to regional traffic flows, and will provide orderly egress/ingress to the development.

Staff believes this application meets this criterion.

Criteria (e): 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;

Analysis: The subdivision plat complies with the requirements and standards for lot design from the LDC and the PUD Zone Document, as applicable. The subdivision is designed in such a way as to ensure compliance with the relevant development standards.

Staff believes this application meets this criterion.

Criteria (f): The subdivision:

- (i) 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
- (ii) Any adverse effect has been or will be mitigated to the maximum extent feasible;

Analysis: This plat will not result in a substantial or undue adverse effect on adjacent properties, traffic conditions, parking, or public improvements. This plat has been reviewed by various agencies and departments of the DRT, which have concluded that the proposed plat adequately addresses access and future traffic conditions. Drainage, and other infrastructure impacts will not have undue adverse effect on adjacent properties.

Staff believes this application meets this criterion (i).

Criteria (g): Adequate and sufficient public safety, transportation, utility facilities and services, recreation facilities, parks, and schools are available to serve the subject property, while maintaining sufficient levels of service to existing development;

Analysis: All referral agencies that reviewed this proposal, including utility providers, City Parks Department, Brighton 27J School District, South Adams County Water and Sanitation District, and South Adams County Fire Department have indicated an ability to serve the proposed lot, and have not raised objections to the proposed plat/development.

Staff believes this application meets this criterion.

Criteria (h): A development agreement between the city and the applicant has been executed and addresses the construction of all required public improvements; and

Analysis: A development agreement between the City and the applicant has been executed and is attached to this communication. The development agreement includes all public improvements such as roadways, drainage, and landscaping, in

accordance with the plat's associated construction documents and PUD Development Permit.

Staff believes this application meets this criterion.

Criteria (i): As applicable, the proposed phasing plan for development of the subdivision is rational in terms of available infrastructure capacity.

Analysis: Improvements for the proposed plat will be constructed in one phase as identified in the development agreement. This is reasonable in terms of development construction.

Staff believes this application meets this criterion.

Staff Responsible (Department Head): Jim Tolbert, Community Development

Staff Presenting: Anita Riley, City Planner

Financial Impact: N/A

Funding Source: N/A

Staff Recommendation: On May 3, 2022, this case was presented to the Planning Commission. The Planning Commission held a public hearing, took testimony, and voted (4 to 1) to forward the subdivision request to City Council with a recommendation for approval.

Suggested Motion: I move that the City Council enter a finding that the requested subdivision plat for the subject property contained in case S-772-20-22 meets the criteria of the Land Development Code and, based upon such finding, approve the subdivision plat.