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July 6, 2023

Mayor Benjamin Huseman and City Council Members  
City of Commerce City  
7887 E. 60<sup>th</sup> Avenue  
Commerce City, CO 80022

***Re: Reunion Ridge, Filing Nos. 2 & 3 – Final Plat Approval***

Dear Mr. Mayor and City Council Members:

On July 17, 2023, the City of Commerce City (“City”) City Council will hold a public hearing to consider the Reunion Ridge, Filing No. 2 Final Plat Application (Case No. S-778-20-23) and the Reunion Ridge, Filing No. 3 Final Plat Application (Case No. S-810-21-23) (collectively, the “Applications”). Spencer Fane LLP represents Clayton Properties Group II, Inc. dba Oakwood Homes (“Oakwood”) regarding the Applications.

On June 6, 2023, the Commerce City Planning Commission held a public hearing regarding the Applications. At the public hearing, the City’s Community Development staff (“Staff”) presented their review of the Applications and findings that the Applications meet the final plat approval criteria in the City’s Land Development Code (“LDC”) and the requirements of the Amended Reunion PUD.<sup>1</sup> Representatives for Oakwood also provided testimony in support of the Applications at the public hearing. After considering the evidence presented by Staff and Oakwood, the Planning Commission made two motions and voted as follows: (1) the Planning Commission voted 4 to 1<sup>2</sup> in favor of making a finding that the final plat application in Case No. S-778-20-23 meets the criteria of the LDC, and based on that finding, recommends that City Council approve the Reunion Ridge, Filing No. 2 Final Plat Application with no conditions; and (2) the Planning Commission unanimously voted in favor of making a finding that that the final plat application in Case No. S-810-21-23 meets the criteria of the LDC, and based on that finding, recommends that City Council approve the Reunion Ridge, Filing No. 3 Final Plat Application with no conditions. For the reasons detailed below, Oakwood believes the Applications meet all final plat approval criteria contained in the LDC at Section 21-3241(3) (“Approval Criteria”). Oakwood therefore respectfully requests that City Council approve the Applications with no conditions.

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<sup>1</sup> Ordinance No. Z-781-02-04-05-06-10-17-19, dated March 4, 2019 and recorded in the real property records for Adams County at Reception No. 2019000016880.

<sup>2</sup> Commissioners Andrew Amador, Garret Biltoft, Debra Eggleston, and Roger Japp all voted in favor of recommending approval of Case No. S-778-20-23, and Alternate Commissioner Steven Douglas voted against recommending approval.

## **I. Reunion Land Use Entitlement Background**

In late 2017, Oakwood became the master developer of the Reunion development (“Reunion”). At that time, approximately 1,700 acres of land in Reunion, including Village 9, also known as Reunion Ridge, remained undeveloped. The development of Reunion Ridge and the other remaining Reunion parcels was subject to the requirements of the original PUD Zone Document, created in 2001 (the “Reunion PUD”)<sup>3</sup>, and the 2001 development agreement between the City and the original Reunion developers (the “Development Agreement”).<sup>4</sup> Prior to Oakwood becoming the master developer, the Reunion PUD was amended to add additional annexed property, adjust sizes of various planning areas and school site locations, and revise the allowed uses in Planning Areas 3, 8, and 10.<sup>5</sup> Shortly after becoming the master developer, Oakwood began working with the City on an amendment to the Reunion PUD to acknowledge the changed economic conditions since approval,<sup>6</sup> (the “Amended Reunion PUD Application”).

The primary changes to the layout of Reunion Ridge proposed in the Amended Reunion PUD Application consisted of changing the alignment of Potomac Street, the connection of 100<sup>th</sup> Avenue to the west, and the location of potential school sites.<sup>7</sup> The potential school site in Reunion Ridge was moved from the westernmost edge to a more central location off Potomac Street to facilitate stronger pedestrian access via the Reunion Ridge trail system.<sup>8</sup>

In the Amended Reunion PUD Application, compliance of the proposed changes in Reunion Ridge with the City’s comprehensive plan was addressed as follows: “Medium Density residential is proposed for the majority of Village 9. High density residential is shown on the [comprehensive plan] along 96th; however due to the Wildlife Refuge directly to the south the intent would be to have higher density focused closer to 104th and transition to lower densities towards the wildlife refuge. There still may be small pockets of higher density along 96th, just not to the extent shown on the [comprehensive plan].”<sup>9</sup> The proposed changes to Village 9 were discussed with Staff and determined to be consistent with the intent of the comprehensive plan.<sup>10</sup>

In its report, Staff found the Amended Reunion PUD Application (1) would not have any adverse impacts on the existing infrastructure or taxing authorities; (2) included development that continues to comply with the various land use designations shown on the Future Land Use Plan; and (3) met Goals LU1 and LU2 of the comprehensive plan.<sup>11</sup> On January 9, 2019, Planning

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<sup>3</sup> Buffalo Hills Ranch PUD Zone Document, recorded October 27, 2000 at Reception No. C0725646; Reunion PUD Zone Document Amendment #1, recorded December 9, 2002 at Reception No. C1064716, and December 17, 2002 at Reception No. C1068494.

<sup>4</sup> Consolidated Development Agreement for Buffalo Hills Ranch PUD, recorded January 23, 2002 at Reception No. C0917475. The Consolidated Development Agreement has since expired and Oakwood and the City now address the construction of required public improvements required for each final plat in individual development agreements.

<sup>5</sup> Exhibit A – Staff Report – Planning Commission, pages 2-3.

<sup>6</sup> Exhibit B – Reunion PUD Amendment #5 Narrative, page 1.

<sup>7</sup> Exhibit B – *Id.* at page 1.

<sup>8</sup> Exhibit B – *Id.* at page 1.

<sup>9</sup> Exhibit B – *Id.* at page 2.

<sup>10</sup> Exhibit B – *Id.* at page 2.

<sup>11</sup> Exhibit A – Staff Report – Planning Commission, page 9.

Commission held a public hearing on the Amended Reunion PUD Application, and unanimously recommended approval with no conditions to the City Council.

On February 4, 2019, City Council held a public hearing on the Amended Reunion PUD Application. During the public hearing, information was provided regarding the driving force behind the Amended Reunion PUD Application—the need for increased housing stock diversity in Reunion. Oakwood also explained that the northern part of Reunion Ridge was the planned location for Oakwood’s American Dream product line, which necessitated the requested change to the cluster home bulk standards. Public testimony supported the need to provide more “attainable housing” and to move “affordable homes” away from the Rocky Mountain Arsenal Wildlife Refuge. The City Council voted 8-1 in favor of approving the Amended Reunion PUD Application,<sup>12</sup> and on March 4, 2019, City Council passed an ordinance approving the Amended Reunion PUD.

## **II. Reunion Ridge, Filing Nos. 2 and 3 Final Plat Background**

On June 24, 2021, Oakwood filed an application for administrative approval of a final plat for Reunion Ridge, Filing No. 2, which was assigned Case No. S-778-20-23, followed by an application for administrative approval of a final plat for Reunion Ridge, Filing No. 3 on December 22, 2021, which was assigned Case No. S-810-21-23. The Applications include the final plat applications for both filings and propose creating 251 lots for cluster homes, with 10 undeveloped tracts for open space, utilities, access, and drainage. Various departments within the City and outside referral agencies, including the Brighton School District 27J (“27J”), South Adams County Fire Department, and Public Works, reviewed the Applications and provided comments addressing the Applications’ compliance with the Approval Criteria to which Oakwood responded and provided revised and additional information. Oakwood responded to the final Staff review of the Applications by the City’s Development Review Team (“DRT”) on January 30, 2023, addressing the DRT’s comments regarding connectivity of Reunion Ridge Filing Nos. 2 & 3 to potential future development to the south, and parking and urban design requirements associated with the proposed “cluster” development.<sup>13</sup>

On April 14, 2023, Staff determined the Applications met the Approval Criteria, and were ready to be posted for public notice. Public notice of the Applications was posted on April 27, 2023. The notice period was set to expire on May 8, 2023, for final administrative approval of the Applications on May 9, 2023. At the May 1, 2023, regular City Council meeting, the Applications were considered for call up for public hearings in accordance with LDC Section 21-3241(4)(d). A motion to call up the Applications for public hearings was made by Councilmember Kim, seconded by Councilmember Douglas, and passed by a vote of 6 to 3.

For the public hearing with the Planning Commission on June 6, 2023, Staff prepared a Subdivision Report (“Staff Report”), which summarized Staff’s findings that the Applications meet the Approval Criteria and the requirements of the Amended Reunion PUD. A copy of the Staff Report was included in the Planning Commissioners’ meeting packets and is attached as

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<sup>12</sup> See, Exhibit C - City Council Meeting Minutes, page 5.

<sup>13</sup> Exhibit D – Reunion Ridge Filings 2 & 3 – Oakwood Response to DRT.

Exhibit E.<sup>14</sup> Because the Applications are for residential development on adjacent parcels with no barrier between them, Staff considered the Applications as part of a single neighborhood and addressed both Applications in the Staff Report.

In the Staff Report, Staff found that the proposed “cluster” development in the Applications is consistent with the Residential-Medium use designation on the City’s future land use map for this area because the site is near a community commercial center at the intersection of E. 104<sup>th</sup> and Highway 2 and the proposed residential density of 7.5 units per acre in the Applications is within the 4 to 8 units per acre residential density for Residential-Medium according to the Land Use Categories in Table 3.1 of the comprehensive plan. Staff also found in the Staff Report that the Applications support the Housing and Neighborhoods Goal in the comprehensive plan to increase housing choices and variety by adding to the diversity of housing types within Reunion. The Applications include a mix of single-family attached, single-family detached, and cluster homes, which creates new housing options compared to the predominate type of home—single-family-detached—in the area. Therefore, the Applications promote Citywide Policy HN 2.1 from the comprehensive plan.

Staff also found in the Staff Report that the Applications will further Citywide Policy HN 4.3 from the comprehensive plan because the design and layout of the streets proposed in the Applications does not include any cul-de-sacs and incorporate three connections from Reunion Ridge Filing Nos. 2 & 3 to adjacent properties to ensure adequate interconnectivity between neighborhoods in adjacent tracts.

During the public hearing before the Planning Commission, Commissioner Andrew Amador stated on the record that he appreciated Oakwood’s revisions to the street layout in the Applications to increase connectivity of Reunion Ridge Filing Nos. 2 & 3 to the adjacent existing and proposed neighborhoods. Commission Amador also stated on the record his appreciation that the amount of parking provided for in the Applications includes 296 additional spaces above and beyond what is required by the LDC. The additional spaces will alleviate pressure on parking caused by guests and other visitors to the community. Commissioner Steven Douglas raised concerns that the streets in Reunion Ridge Filing Nos. 2 and 3 might be too narrow for fire safety with on-street parking. In response, Oakwood’s representative pointed Commissioner Douglas to the final plats, which show that the streets meet the City’s design standards—54 feet wide—and the fact that South Adams County Fire Department reviewed the Applications and has no outstanding concerns with Reunion Ridge Filing Nos. 2 & 3.<sup>15</sup>

### **III. Final Plat Approval Process under the LDC**

LDC Section 21-3241(2)(a) provides that “except where public hearings are required pursuant to paragraph 4, the director and DRT review applications for final plats and the director is authorized to approve, approve with conditions, or deny such applications based upon the

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<sup>14</sup> Exhibit E – Subdivision Report Case #S-778-20-23 & S-810-21-23.

<sup>15</sup> LDC Section 21-7206(1) prescribes the necessary access for fire protection and other emergency service vehicles, which is 16’ of unobstructed width on local streets. Staff and the South Adams County Fire Department have reviewed the Applications and found that the streets comply with all design standards in the LDC, including emergency service vehicle access, and have no outstanding concerns.

approval criteria outlined below.” As was the case with the Applications, LDC Section 21-3241(4)(d) allows City Council to request a final plat be reviewed through a public hearing process if the request is made before the date scheduled for department approval. When a final plat is called up for public hearings, (1) the director provides a report to the Planning Commission; (2) the Planning Commission holds a public hearing on the application and makes a recommendation to City Council to approve, approve with conditions or deny an application based on the Approval Criteria; and (3) the City Council becomes the final quasi-judicial decisionmaker as to whether an application meets the Approval Criteria.<sup>16</sup>

As described above, as of April 14, 2023, the DRT had reviewed the Applications and Staff had determined they meet the Approval Criteria so the public notice period for administrative approval could begin. The notice period was set to expire on May 8, 2023, prior to which the City Council voted to call up the Applications at its regular meeting on May 1, 2023.

**a. Final Plat Approval Criteria.**

LDC Section 21-3241(3) provides the following nine (9) criteria that must be met for final plat approval:

- (a) The subdivision is consistent with any approved rezoning, concept plan or PUD Zone Document;
- (b) The subdivision is consistent with and implements the intent of the specific zoning district in which it is located;
- (c) There is no evidence to suggest that the subdivision violates any state, federal, or local laws, regulations, or requirements;
- (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;
- (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;
- (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;

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<sup>16</sup> LDC Section 21-3241(2)(b)(i-iii).

- (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;
- (h) A development agreement between the city and the applicant has been executed and addresses the construction of all required public improvements; and
- (i) As applicable, the proposed phasing plan for development of the subdivision is rational in terms of available infrastructure capacity.

As discussed in detail in the following sections, and as supported by the Staff Report, the Applications meet each of the Approval Criteria. Therefore, the City Council should approve the Applications with no conditions.

**b. The Applications are consistent with the approved Amended Reunion PUD.**

LDC Section 21-3241(3)(a) requires that the subdivision be consistent with any approved rezoning, concept plan or PUD Zone Document. Reunion Ridge Filing Nos. 2 & 3 are designated in the Amended Reunion PUD as Parcel 9-E in Village 9. The Amended Reunion PUD includes, among other things, a land use schedule that provides the zoning for Parcel 9-E; land use development standards that delineate limitations on development such as lot size, setbacks and building heights in Parcel 9-E; and a land use designation matrix that provides the allowed uses for Parcel 9-E.

In the Amended Reunion PUD, Parcel 9-E is zoned as Residential – 2 (“R-2”), the same as the zoning shown for Reunion Ridge Filing Nos. 2 and 3 in the Applications. Exhibit F contains a detailed Residential Land Use Development Standards Matrix comparison of the Applications with each of the bulk and performance standards set forth in the Amended Reunion PUD.<sup>17</sup> The Applications meet or exceed each one of these standards, showing the Applications are consistent with the development standards approved in the Amended Reunion PUD.

Finally, as discussed in the section below, the Amended Reunion PUD includes a land use designation matrix that describes the types of uses that are “allowed by right” in each zone district. The residential uses proposed in the Applications are all uses that are “allowed by right” in the R-2 zone district.

Moreover, the Staff Report includes a finding by Staff that the Applications are consistent with the lot standards in the Amended Reunion PUD and can be found to meet this Approval Criteria.

Therefore, the Applications are consistent with the applicable approved PUD Zone Document—the Amended Reunion PUD.

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<sup>17</sup> Exhibit F – Development Standards Matrix Comparison.

**c. The Applications are consistent with and implement the intent of the Residential-2 zone district.**

LDC Section 21-3241(3)(b) requires that the subdivision be consistent with and implement the intent of the specific zoning district in which it is located. As discussed, above, the land subject to the Applications is zoned as R-2. In its Amended Reunion PUD Application narrative, Oakwood stated the medium density residential use shown on the comprehensive plan would be implemented on the land subject to the Applications, thus the intent of the R-2 zone district is for medium density residential uses.<sup>18</sup>

The land use designation matrix in the Amended Reunion PUD provides the types of residential uses that are “allowed by right” in the R- 2 zone district.<sup>19</sup> In accordance with the land use designation matrix table on Sheet 17 of the Amended Reunion PUD, the uses “allowed by right” in the R-2 zone district include, among others, multi-family dwellings, single-family detached dwellings, single-family attached dwellings, and cluster homes.<sup>20</sup> Further, as shown in Exhibit F, the bulk and performance standards for the R-2 zone district set forth in the Amended Reunion PUD encourage medium density residential development.

The types of residential uses proposed in the Applications are single-family attached, single-family detached and cluster homes, all of which are uses “allowed by right” in the R-2 zone district. Also, the Applications meet or exceed the bulk and performance standards for the R-2 zone district. The Amended Reunion PUD was intended to allow exactly the type of residential housing and densities Oakwood is proposing in the Applications.

Moreover, the Staff Report includes a finding by Staff that the Applications are consistent with the intent of the Amended Reunion PUD and can be found to meet this Approval Criteria.

Therefore, the Applications are consistent with and implement the intent of the R-2 zone district in the Amended Reunion PUD and meet this Approval Criteria.

**d. The Applications do not violate any state, federal, or local laws, regulations or requirements.**

LDC Section 21-3241(3)(c) requires there be no evidence to suggest that the subdivision violates any state, federal, or local laws, regulations, or requirements. There were no comments or concerns raised by the referral agencies, and Staff provided no concerns to Oakwood to suggest the Applications violate any state, federal, or local laws, regulations, or requirements. This conclusion is supported by the DRT’s conclusion that the Applications were ready for public notice and administrative approval on April 14, 2023, and Staff’s finding in the Staff Report that there is no evidence to suggest that the Applications violate any laws, regulations, or requirements. Additionally, no referral agencies provided comments on the Applications that remain unresolved.

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<sup>18</sup> Exhibit B – Reunion PUD Amendment #5 Narrative, page 2.

<sup>19</sup> Exhibit G - Amended Reunion PUD.

<sup>20</sup> Exhibit G - Amended Reunion PUD.

Therefore, the Applications meet this Approval Criteria.

- e. **The Applications incorporate a general layout of lots, roads, driveways, utilities, drainage facilities and other services in a way that minimizes land disturbance and maximizes open space, preserves existing riparian areas, and otherwise furthers the goals of the LDC.**

LDC Section 21-3241(3)(d) requires that 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 general layout of lots, roads, and driveways for Reunion Ridge Filing Nos. 2 & 3 is consistent with the Amended Reunion PUD and the LDC. The lots in the Applications, especially the cluster home lots, are laid out to promote the types of medium density residential uses that are “allowed by right” under the Amended Reunion PUD and are done so in accordance with the approved City design criteria for such uses.

In accordance with the development standard notes in the Amended Reunion PUD, Reunion Ridge Filing Nos. 2 & 3 comply with the off-street and on-street parking design standards. There are 583 off-street parking spaces included in Reunion Ridge Filing Nos. 2 & 3, which satisfies the 502 spaces needed to comply with the LDC parking requirement. In addition to the off-street parking spaces, there are 215 on-street spaces in Reunion Ridge Filing Nos. 2 & 3 that may be used by guests or visitors to the community to alleviate parking pressure on residents. In total, the Applications include 798 parking spaces, which is 296 more than what is required by the design standards in the LDC.

Included with the Applications is a traffic and circulation plan that shows the impact on existing levels of traffic generated by the development of Reunion Ridge Filing Nos. 2 & 3. Public Works has reviewed and approved the traffic and circulation plan for Reunion Ridge Filing Nos. 2 & 3. In general, the Applications include the construction of additional local and collector roads to facilitate the flow of traffic to and through Reunion Ridge Filing Nos. 2 & 3. The Applications also include two (2) access points to potential future development of property south of Reunion Ridge Filing Nos. 2 & 3, and one (1) access point to the subdivision to the west of Reunion Ridge Filing Nos. 2 & 3, as requested by the DRT in its last round of comments. Accordingly, the Applications will further Citywide Policy HN 4.3 from the comprehensive plan by ensuring adequate interconnectivity between neighborhoods in adjacent tracts. The City’s Public Works department granted one traffic standards variance for the intersection at 96<sup>th</sup> and Peoria.<sup>21</sup> In granting the variance, Public Works determined the Applications could be approved without strictly meeting the LDC traffic requirements at this particular intersection due to traffic management constraints that are determined by the City and are beyond Oakwood’s control.

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<sup>21</sup> Exhibit H – Reunion Ridge Filings No. 2 & 3 Approved Traffic Variance.



The Applications also include adequate drainage facilities in the northwest portion of Reunion Ridge Filing Nos. 2 & 3 to serve the development. Finally, there are no riparian areas on the land subject to the Applications that will be adversely affected by the development of Reunion Ridge Filing Nos. 2 & 3.

Reunion Ridge Filing Nos. 2 & 3 provide medium density residential housing in a location designated for such use in the comprehensive plan and add a variety of housing options to the area. Thus, the Applications further the goals of the LDC by ensuring a logical pattern of growth as contemplated by the City's comprehensive plan, improving housing diversity, increasing interconnectivity between adjacent neighborhoods, and fostering economic development in the area.<sup>22</sup>

Moreover, Staff found in the Staff Report that the Applications are designed to implement the intent of the Amended Reunion PUD and provide significantly more private park space than required by the LDC, as described below, and can be found to meet this Approval Criteria.

Therefore, the Applications satisfy this Approval Criteria.

**f. The Applications comply with all applicable City standards and do not unnecessarily create lots or patterns of lots that make compliance with such standards difficult or infeasible.**

LDC Section 21-3241(3)(e) requires that the subdivision comply 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 Applications comply with all applicable City standards, except where Public Works approved the previously discussed traffic variance. The Applications also comply with the Amended Reunion PUD development standards and are consistent with the goals of the comprehensive plan. Staff made these same findings in the Staff Report.

As such, the Applications do not unnecessarily create lots or patterns of lots that make compliance with the City's standards difficult or infeasible. The Applications also reflect the preferred approach to urban design based on the Urban Land Institute Technical Advisory Panel's study of the City of Denver's American Cities Climate Challenge.

Therefore, the Applications meet this Approval Criteria.

**g. The Applications will not result in undue adverse effect on adjacent properties, traffic conditions, parking, public improvements, either as they presently exist or as they may in the future exist because of the implementation of provisions and policies of the comprehensive plan.**

LDC Section 21-3241(3)(f) requires that the subdivision will not result in a substantial or undue adverse effect on adjacent properties, traffic conditions, parking, or public improvements. As described in the sections above, Oakwood provided Staff with the designs and plans to demonstrate that the Applications include the necessary public improvements to avoid any adverse

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<sup>22</sup> See, LDC Section 214-1120.

impacts on adjacent properties, traffic, parking, and public improvements. Increased traffic is addressed by the improvements that Oakwood will cause to be constructed for Reunion Ridge Filing Nos. 2 & 3, as required in the development agreement, which is discussed below.

As noted above, the Amended Reunion PUD identified any potential negative impacts from the land uses approved for this parcel. Therefore, residential development at the proposed densities will not result in any substantial or undue adverse effect on adjacent properties that has not already been mitigated in the development standards or the Applications. In addition, public improvements discussed above will create a positive impact on the adjacent properties and provide value to the residents of Commerce City.

Moreover, Staff found in the Staff Report that after review by numerous referral agencies there are no unresolved issues or concerns with Reunion Ridge Filing Nos. 2 & 3, and the Applications can be found to meet this Approval Criteria.

Therefore, the Applications meet this Approval Criteria.

**h. The Applications include adequate public safety, transportation, utility facilities and services, recreation facilities, parks, and schools to serve the proposed development.**

LDC Section 21-3241(3)(g) requires that 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. The Applications include adequate public facilities for Reunion Ridge Filing Nos. 2 & 3.

None of the referral agencies provided comments on the Applications indicating there were inadequate public safety facilities or services for Reunion Ridge Filing Nos. 2 & 3. Also, during its review of the transportation facilities for the Applications, Public Works determined based on its review of the Applications that the existing and proposed transportation facilities for Reunion Ridge Filing Nos. 2 & 3 are adequate.<sup>23</sup> Finally, none of the referral agencies provided comments or concerns about the adequacy of the utility facilities proposed in the Applications for Reunion Ridge Filing Nos. 2 & 3.

In addition to locations contained in the Amended Reunion PUD denoting where Oakwood would construct parks, the Applications include an additional proposed pocket park within Reunion Ridge Filings No. 2 & 3. The Applications also propose a number of walking paths and sidewalks that include a connection to a proposed community trail on the northeast side of Reunion Ridge Way. Staff found in the Staff Report that Oakwood was required by the LDC to include 1 acre of private park space for Reunion Ridge Filing Nos. 2 & 3, but the Applications include a total of 8.7 acres dedicated for private parks. Moreover, Staff found that Oakwood will make payments of approximately \$273,709.00 of cash-in-lieu payments for Reunion Ridge Filings Nos.

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<sup>23</sup> Public Works did, however, grant a variance from the traffic standards for the intersection of 96<sup>th</sup> and Peoria.

2 & 3. Therefore, Staff found that the Applications meet or exceed the requirements for parks and recreation.

In accordance with LDC Section 21-9200(3), the school district affected by the proposed development plan should at the earlier of a PUD Concept plan, PUD sketch plan or PUD zone document application indicate its preference for a land dedication for fee-in-lieu payment. The land dedication and fee-in-lieu payment requirements are described in LDC Section 21-9200(2). If a land dedication is desired by the school district, and Staff determines a land dedication is appropriate, subsection (3)(a) requires the developer to designate on the final plat the land that will be dedicated for future school use. If fees-in-lieu are determined to be the appropriate means of satisfying the school fee, such fees are paid to the City at the time of a final plat.

In the case of the Amended Reunion PUD, land dedication for school sites in Reunion was determined to be the appropriate means of satisfying the adequacy of school requirement by 27J. The Applications, however, contain no parcel designated for school use within the Amended Reunion PUD. Therefore, no dedication of land to 27J is necessary for approval of the Applications.

Oakwood also supports educational opportunities in 27J through the Reunion Community Foundation and participation in the 27J Capital Facilities Fee Foundation voluntary funding program. Attached as Exhibit I is a Participation Agreement Oakwood entered into with 27J to voluntarily provide funding to 27J in the form of donations to the Capital Facilities Fee Foundation, which will be paid for each residential unit in Reunion Ridge Filing Nos. 2 & 3.<sup>24</sup> According to the schedule of Capital Facility Fees attached to the Participation Agreement, the fees starting in 2022 are set at \$865 for single family attached/detached homes and \$494 for condominiums/townhomes/multifamily residential uses. Consistent with the Participation Agreement, the Capital Facility Fees are automatically increased every two years in an amount equal to the cumulative percentage increase in the Engineering News-Record Index from the prior date the fees were adjusted. In addition, Oakwood also contributes to the Reunion Community Foundation to support the STED school and the Build Strong Foundation to support educational opportunities throughout Reunion.

Neither Staff nor the outside referral agencies to which the Applications were referred, identified any inadequate public services for Reunion Ridge Filing Nos. 2 & 3. This finding is included in the Staff Report.

Therefore, the Applications satisfy this Approval Criteria.

- i. **A development agreement has been entered into between the City and Oakwood, which addresses the construction of all required public improvements associated with the Applications, which will be constructed in four phases.**

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<sup>24</sup> Exhibit I - 27J CFFF Participation Agreement.

LDC Section 21-3241(3)(h) requires that a development agreement between the City and the applicant be executed to address the construction of all required public improvements. On May 16, 2023, Oakwood signed the development agreement with the City to address construction of all necessary public improvements related to the Applications.<sup>25</sup>

LDC Section 21-3241(3)(i) requires, where applicable, a proposed phasing plan for development of the subdivision is rational in terms of available infrastructure capacity. The phasing for the development of the Reunion Ridge Filing Nos. 2 & 3 will occur in four phases.<sup>26</sup> A phasing plan was included with the Applications, and as noted above, sufficient transportation, drainage, and utility infrastructure capacity exists to serve the proposed subdivision during the various phases.

Therefore, the Applications satisfy these Approval Criteria.

#### **IV. Conclusion**

As discussed above, the Applications meet each of the Approval Criteria. Therefore, based on the reasons discussed above, the DRT's conclusions on April 14, 2023, the Staff's findings in the Staff Report, and the Planning Commission's recommendation, Oakwood respectfully requests that City Council approve the Applications without any conditions. Oakwood and I look forward to the public hearing on July 17<sup>th</sup> and answering any questions you may have at that time.

Very truly yours,

SPENCER FANE LLP



Michelle L. Berger

Enclosures

Cc: Bruce Rau, President, Oakwood Land  
Greg Saia, Director of Entitlements & Acquisitions, Oakwood

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<sup>25</sup> Exhibit J – Reunion Ridge F2 & 3 Final Development Agreement.

<sup>26</sup> Exhibit K – Reunion Ridge F2 & 3 Phasing Plan.