



STAFF REPORT

Planning Commission

CASE #S-809-22			
PC Date:	March 1, 2022	Case Planner:	Harry Brennan
CC Date:	April 4, 2022		
Location:	Northwest corner of Walden St. and E. 100 th Avenue		
Applicant:	Brighton 27J School District	Owner:	Same As Applicant
Address:	18551 E. 160th Ave Brighton CO, 80601	Address:	Same As Applicant

Case Summary	
Request:	Final Subdivision Plat to replat one tract to one lot
Project Description:	Brighton 27J School District requests approval of the Southlawn Elementary Filing No. 1, Lot 1 Final Plat to create one lot from one existing tract, consisting of 10.61 acres, for a new elementary school on the property located at the northwest corner of Walden St & E 100th Ave, zoned Reunion PUD (Planned Unit Development District).
Issues/Concerns:	<ul style="list-style-type: none"> Plat meets the standards in LDC and PUD Site layout, architecture, and construction, permitting, and inspections of the school are reviewed at the State level, not by Commerce City
Key Approval Criteria:	<ul style="list-style-type: none"> Land Development Code (LDC) final plat criteria
Staff Recommendation:	Approval
Current Zone District:	PUD (Planned Unit Development District)
Comp Plan Designation:	School Site

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

- Vicinity Map
- Applicant's Narrative
- Proposed Final Plat

Background Information

Site Information

Site Size:	10.61 acres
Current Conditions:	Under Construction for new elementary school
Existing Right-of-Way:	Uravan Street to the west, E Southlawn Parkway to the north, Walden Street to the east, E 100 th Avenue to the south
Neighborhood:	Reunion - Southlawn
Existing Buildings:	None
Buildings to Remain?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Site in Floodplain	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Surrounding Properties

Existing Land Use		Occupant	Zoning
North	Residential	Privately Owned Homes	PUD
East	Residential	Privately Owned Homes	PUD
South	Residential	Privately Owned Homes	PUD
West	Residential	Privately Owned Homes	PUD

Case History

This particular property was first zoned PUD in 2002. Shea Homes, the master developer at the time, platted this parcel in 2004, as part of Reunion Filing 17. At that time, the parcel was designated Tract E, and set aside for future development of an elementary school site. The LDC does not allow construction of buildings on tracts, only on lots; therefore, Brighton 27J School District requests through this subdivision plat that this parcel be re-designated as a lot, rather than a tract, to make the elementary school legal and conforming. The City of Commerce City transferred ownership of this property to Brighton 27J School District in June of 2021.

Case	Date	Request	Action
Z-781-02	10/7/2002	Rezoned from Buffalo Hills Ranch PUD to Reunion PUD.	Approved
Z-781-02-04	6/6/2004	<i>Amendment #1 of the Reunion PUD Zone Document:</i> Included revisions to the location of the school site.	Approved
S-420-04	5/3/2004	<i>Reunion Filing 17 Subdivision Plat:</i> Platted 41 residential lots and 5 tracts including the parcel identified in this staff report, as Tract E.	Approved
S-809-22	Current	<i>Southlawn Elementary School Filing No. 1, Lot 1:</i> Change Tract E to Lot 1, in order to allow development of an elementary school. No property lines or additional residential lots are altered in this application.	Pending

Applicant's Request

Brighton 27J School District requests approval of a subdivision plat that will create one (1) single lot from an existing single tract. The granting of this request will alter no property lines and will not create any additional residential lots. Rather, the intent of this request is for a terminology update (tract to lot). New drainage and utilities easements are also proposed by this plat.

The Southlawn Elementary School is anticipated to open in the Fall of 2022, with initial attendance of just under 500 students spread between kindergarten to 5th grade. The School is under construction currently.

Development Review Team Analysis

Scope of Review:

The request for consideration at this hearing is a final subdivision plat. 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 outside considerations may be the basis of a decision of approval or denial.

It is important to note that this application includes only the subdivision plat, and not the development of the school itself. Review and approval of the site plan, architecture, and site details and development, permitting, and inspections of this public school are under the review authority of State agencies, and are not included in Commerce City's review of this subdivision plat application. State statute (CO Rev Stat § 22-32-124 (d)) says that while a school district must consult with the local jurisdiction in the development of new schools, this *"shall not be construed to limit the authority of a board of education to finally determine the location of the public schools of the school district and construct necessary buildings and structures."*

Public Hearing Background:

Typically, the City considers Final Subdivision Plats administratively in accordance with Section 21-3241(2) of the Land Development Code (LDC). As a part of the administrative approval process, the LDC requires notification to the public and City Council prior to approval of an application. During the notification period, an application may be called up for review in public hearings before Planning Commission and City Council if one of the following occurs:

Section 21-3241(4) Public Hearings Required. states:

Public hearings before the planning commission and the city council shall be required if:

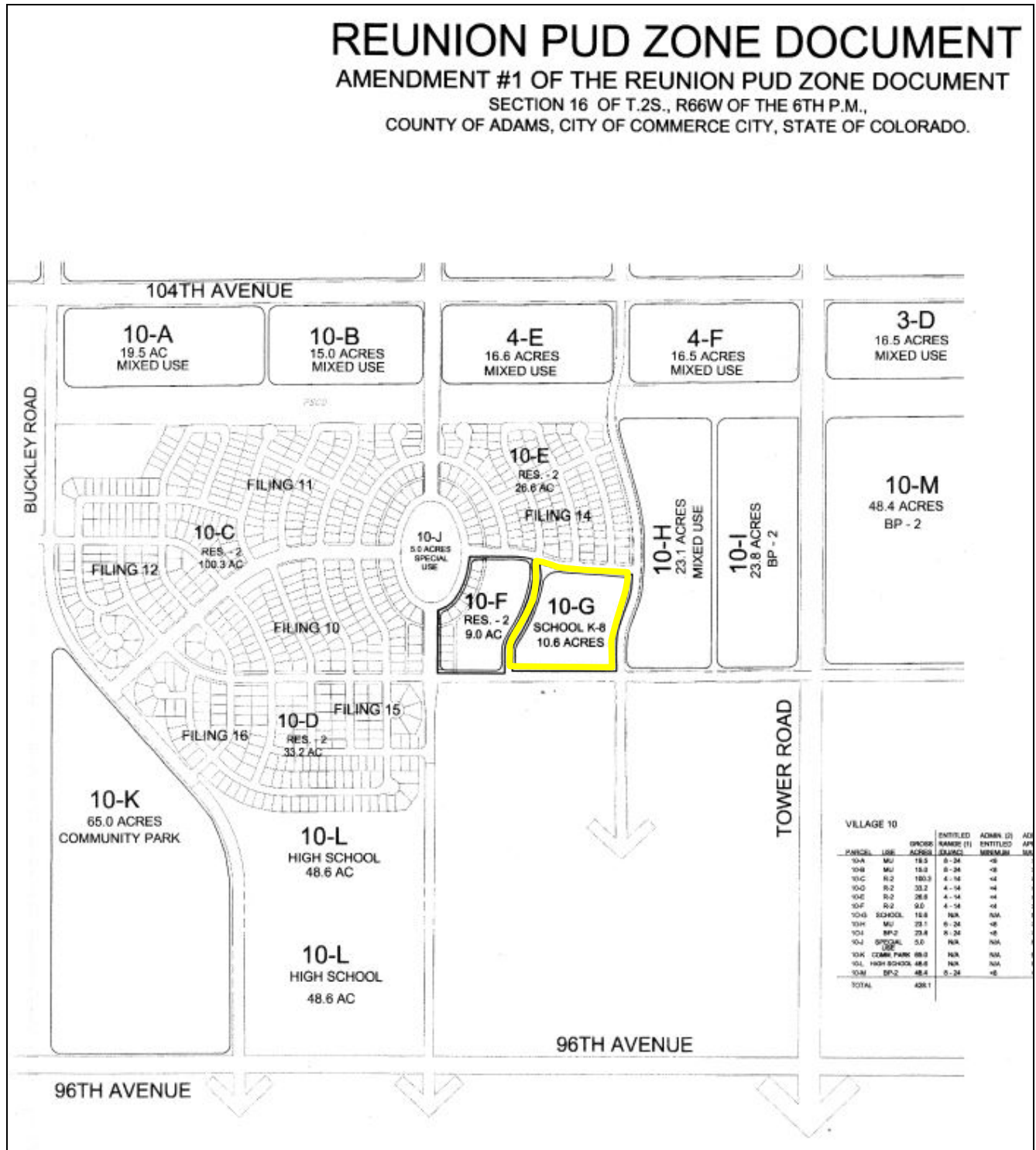
- a) The applicant or any property owner within 300 feet of the property submits a written request to the director by the date scheduled for department approval. This written objection request must be directly related to the proposed subdivision. General objections regarding existing land use, zoning, or issues unrelated to the subdivision will not be considered valid objections for purposes of this provision;
- b) If any public entity or utility affected by the proposed subdivision claims it is negatively impacted by the proposed subdivision and submits written request to the director by the date scheduled for department approval;
- c) The director determines that the final plat should be reviewed through a public hearing process; or
- d) The city council requests that the final plat be reviewed through a public hearing process if such request is made before the date scheduled for department approval.**

Once staff completed the technical review and determined the application was ready for the notification period, staff proceeded with the standard process for notifying the public. On January 10, 2022, during the notification period for this application, City Council voted to require public hearings for this case.

Site Overview:

The requested subdivision plat (Southlawn Elementary School) is 10.61 acres generally bound by E. 100th Ave to the south, Uravan St on the west, Southlawn Parkway to the north, and Walden St to the east. It is located within the Reunion PUD Amendment #1, and specifically located in the area identified as Parcel 10-G in the PUD (Image A). The property is identified for school use in the PUD zone document.

Image A: Reunion PUD Amendment #1 Zone Document



In addition to the PUD designation, the Comprehensive Plan identifies the future land use of this area as public (school). The applicant will use this single lot for the Southlawn Elementary School.

Image B: Future Land Use Map (Site Highlighted with Yellow Circle)

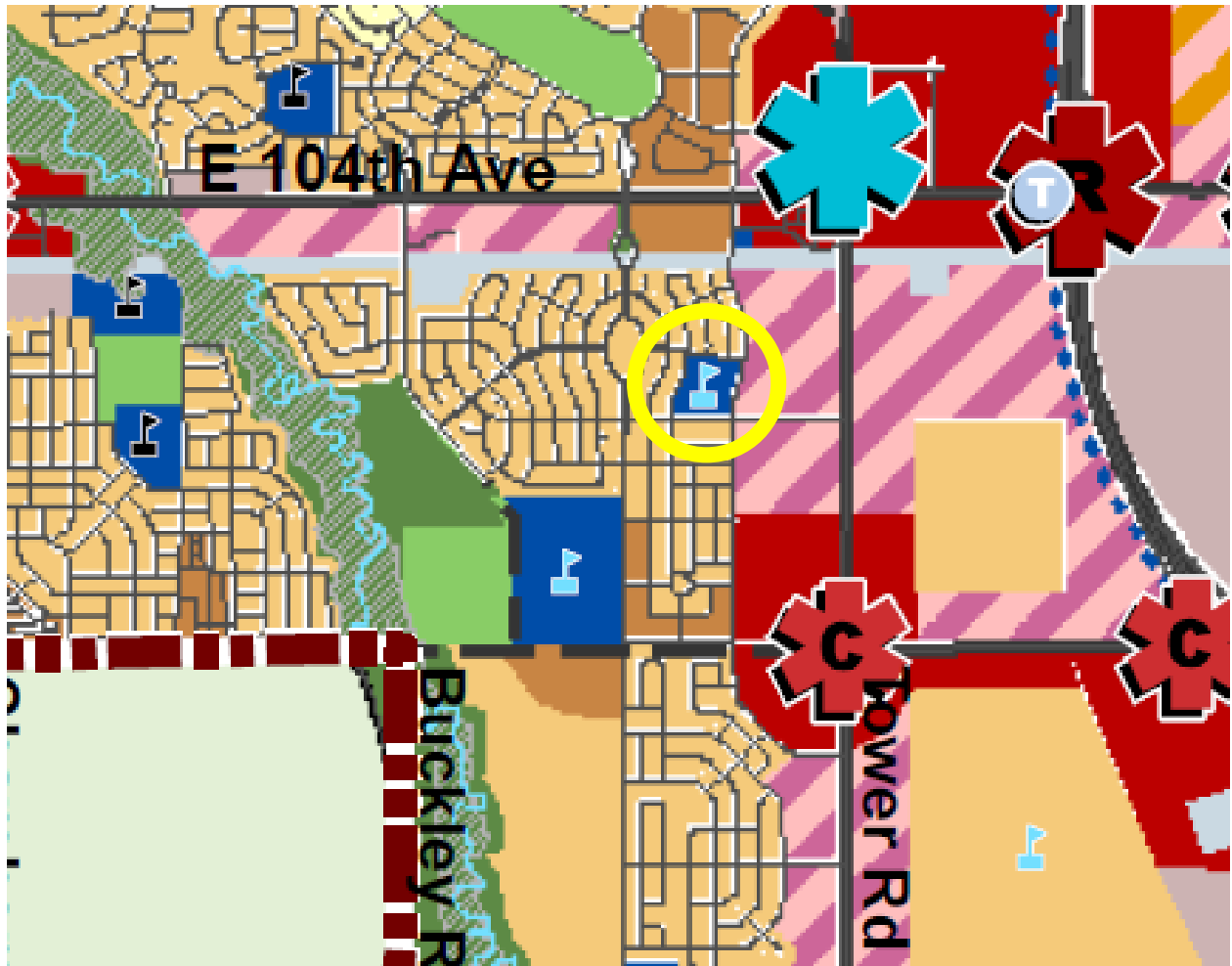
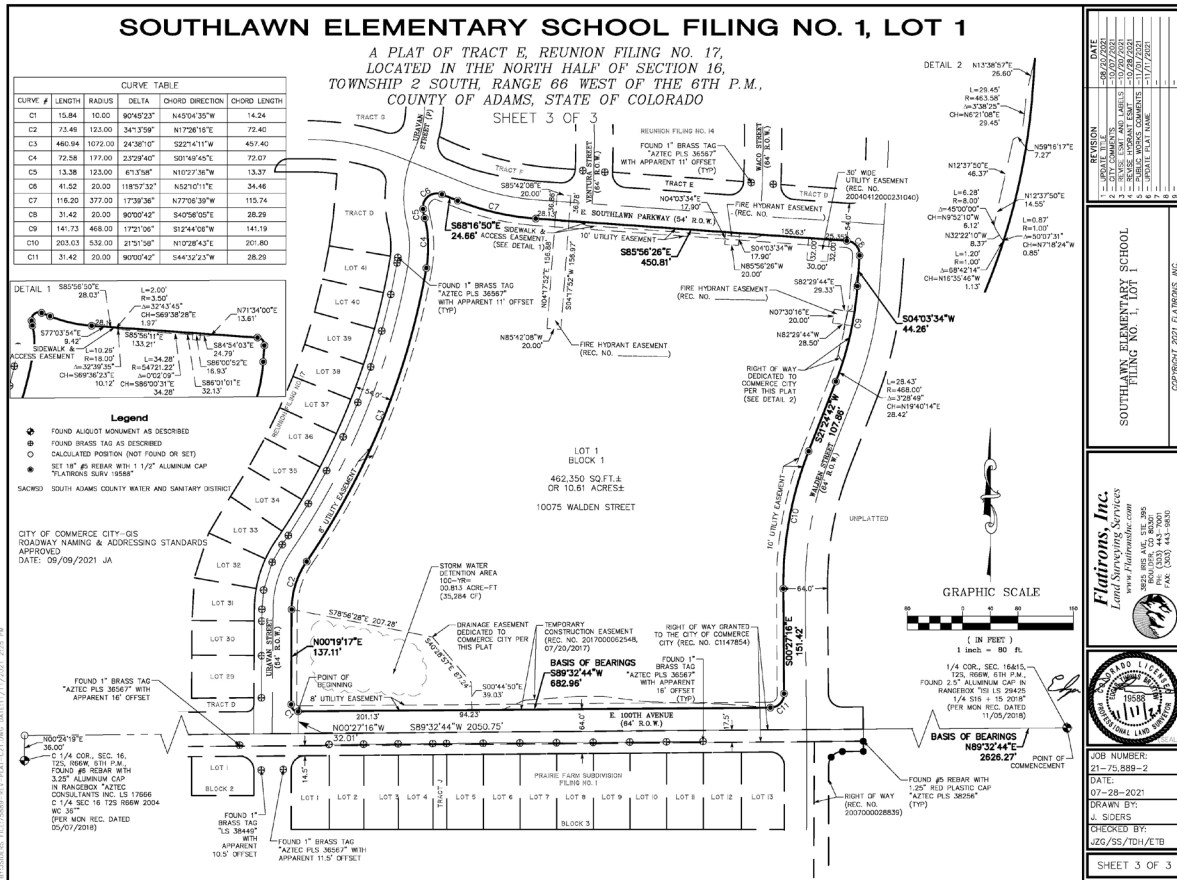


Image C: Current Site Aerial (as of August 2021)



No additional right of way dedication is necessary. This subdivision plat will, however, dedicate new fire hydrant easements and a drainage easement for storing stormwater runoff on-site. While drainage and traffic were not reviewed by the city (as stated previously, these elements were included in the State review of the project), the easements and plat as submitted do satisfy the city's technical requirements.

Image D: Proposed Plat



DRT Analysis Considerations:

The DRT examined this request through the traditional cycles of development review. The following chart is 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 Reunion PUD Amendment #1. During this review, staff was able to determine that the proposed plat meets all of the City's relevant requirements.

Proposed Plat Requirements - Public Uses			
ISSUE	PROPOSED	CITY STANDARD	MEETS CITY STANDARD?
Access	Existing ROW: Walden St, Uravan St, Southlawn Parkway, E 100 th Ave	Access is required to be provided via public street or other approved access	Yes
Comprehensive Plan	School	Future School Site	Yes
Lot Frontage	682.96 feet on E 100 th Ave	N/A per the PUD Zoning Document	Yes
Lot Size	10.61 acres	N/A per the PUD Zoning Document	Yes
Right-of-Way Dedications	No Additional ROW dedication needed or planned	To dedicate and install ROW that complies with City standards	Yes
Total Lots/Tracts	1 lot	N/A	Yes

Impacts to the Overall Road Network:

A new school will certainly have impacts to the road network. However, the roads in the Reunion Southlawn area are designed and constructed to adequately accommodate future development, including this school. Right of way has been previously dedicated in order to accommodate all necessary access to this development. The previously dedicated perimeter streets meet local residential street standards (Uravan and Southlawn Parkway) and minor collector street standards (Walden and E. 100th). The City's Engineering staff reviewed the application and all issues or concerns were addressed by the applicant. The DRT has no concerns related to the overall road network. New offsite improvements to the road network include additional crosswalks, a new turn lane on Walden Street, and a new dropoff lane on Southlawn Parkway.

Project Benefits:

The creation of this single lot will facilitate the future use of the property by Brighton 27J School District as the new Southlawn Elementary School. The DRT feels strongly that this project will be a valued addition to the Northern Range and this specific neighborhood. The approval of the requested lot will help to implement the community vision for this area as established by the Reunion PUD Amendment #1 and the Comprehensive Plan. Further, 27J is depending on the on-time opening of this school to alleviate pressure on existing area elementary schools, and accommodate future demand by new development.

In addition, the proposed subdivision does not request to change current zoning or allowed land uses, or alter any property lines. The proposed plat creates one single lot from what is currently one single tract. For the sole purpose of developing the Southlawn Elementary School. The proposed subdivision plat meets current zoning and LDC requirements. If for some reason, the plat is not approved, the School will still open and operate, as its construction is reviewed by the State.

LDC Final Plat Approval Criteria Analysis

The DRT recommendation for this case is based on the following LDC criteria, from **Sec. 21-3241**:

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 Reunion PUD Amendment #1 is the approved PUD Zone Document for this location. This plat application is consistent with the lot standards in the PUD Zone Document. A school is an allowed land use for this lot. Minimum lot size, minimum lot width, and maximum lot coverage are not applicable for a school site, according to the PUD zone document. The PUD Zone Document also indicates that density is not applicable to the review of this subdivision plat.

*Staff finds 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 Reunion PUD Amendment #1 Zone Document. The PUD intends this area to develop as a school. As a single lot to accommodate the Southlawn Elementary School, this subdivision plat meets that specific intent.

*Staff finds 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: There is no indication that the proposed subdivision violates any laws, regulations, or requirements.

*Staff finds 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 is orderly, as this single lot closely lines up with the underlying planning area in the PUD Zone Document. This subdivision plat does not alter the previous property lines established in Reunion Filing 17, which laid out this property in a way that minimized land disturbance and provided an orderly street network.

*Staff finds 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. The lot layout will ensure compliance with development standards. As a single lot, the subdivision plat achieves maximum flexibility to facilitate future development.

*Staff finds 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: To staff's knowledge, adverse affects due to traffic and parking will be mitigated in the development of the school. Mitigation efforts include an internal parking lot to accommodate school traffic and drop off lanes. The City does not have the authority to review or impose on the design of the school building or site itself, but to the extent possible in the review of this plat, mitigation efforts have been included as feedback to the applicant.

*Staff finds this application **meets this criterion (ii).***

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, parks & recreation, police, and the fire district have indicated an ability to serve the proposed lot, and have not raised objections to the proposed plat/development.

*Staff finds 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: No new Development Agreement is required for this subdivision plat, per Commerce City Public Works Department.

*Staff finds this **criterion is not applicable.***

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

Analysis: Not applicable, as no phasing plan is included or needed for this subdivision plat.

*Staff finds this **criterion is not applicable.***

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.

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

Section	Goal	Description
Land Use and Growth Strategies	LU 2	Phase Growth in an Orderly and Compact Manner
Analysis:	The proposed plat is located within an established neighborhood, in a location that has been long anticipated as a school site. Utility service is available to the property, and the applicant will make improvements to drainage and access to fire service.	

Section	Goal	Description
Land Use and Growth Strategies	LU 3	Strengthen City Neighborhoods as Attractive, Livable Places
Analysis:	This proposed plat will facilitate the use of this property as a school site. The development of the Southlawn Elementary School will strengthen the area, providing a new school for the neighborhood residents in a more convenient location. The development of the school will contribute to a more complete neighborhood with diverse public services.	

Section	Goal	Description
Fiscal Stability	PF 2	Increase Educational Options for Life-Long Learning
Analysis:	Again, this proposed plat will facilitate the use of this property as a school site. Brighton 27J School District is relying on the development of this elementary school to alleviate student population pressure at other existing elementary schools in the Northern Range. The creation of Southlawn Elementary School will improve access to education and increase options for students in the area.	

Development Review Team Recommendation

This case was discussed at DRT in a meeting on September 30th, 2021. The discussion centered primarily on the nature of the City review process vs State review. No other substantive issues were raised at the DRT meeting. As a result, DRT has made an official recommendation of approval for this particular case before Planning Commission.

Based upon the analysis above, the Development Review Team believes that the application meets the criteria for a Final Plat set forth in the Land Development Code. Thus, staff recommends that the Planning Commission forward the Final Plat 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 Final Plat for the property located at **the northwest corner of Walden Street and E. 100th Avenue** contained in case **S-809-22** meets the criteria of the Land Development Code and based upon such finding, recommend that the City Council approve the Final Plat.

Alternative Motions

To recommend denial:

I move that the Planning Commission enter a finding that the requested Final Plat for the property located at **the northwest corner of Walden and E. 100th Avenue** contained in case **S-809-22** fails to meet the following criteria of the Land Development Code:

Insert criteria

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

To recommend approval with conditions:

I move that the Planning Commission enter a finding that the requested Final Plat for the property located at **the northwest corner of Walden Street and E. 100th Avenue** contained in case **S-809-22** meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Final Plat, subject to the following conditions:

Insert conditions

To continue the case:

I move that the Planning Commission continue the requested Final Plat for the property located at **the northwest corner of Walden Street and E. 100th Avenue** contained in case **S-809-22** to a future Planning Commission agenda.