



# STAFF REPORT

## Planning Commission

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### CASE #Z-772-01-04-18

|                   |                                                                            |                      |                                                                |
|-------------------|----------------------------------------------------------------------------|----------------------|----------------------------------------------------------------|
| <b>PC Date:</b>   | September 4, 2018                                                          | <b>Case Planner:</b> | Brad Callender                                                 |
| <b>CC Date:</b>   | October 1, 2018                                                            |                      |                                                                |
| <b>Location:</b>  | 9507 Landmark Drive (SWC of East 96 <sup>th</sup> Avenue & Landmark Drive) |                      |                                                                |
| <b>Applicant:</b> | Lennar                                                                     | <b>Owner:</b>        | Stratus Buffalo Highlands, LLC                                 |
| <b>Address:</b>   | 9781 S. Meridian Blvd. #120<br>Englewood, CO 80112                         | <b>Address:</b>      | 8480 E. Orchard Rd., Suite 1100<br>Greenwood Village, CO 80111 |

### Case Summary

|                               |                                                                                                                                                                                                                             |
|-------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Request:</b>               | Amendment to the Buffalo Highlands PUD Zoning Document                                                                                                                                                                      |
| <b>Project Description:</b>   | The applicant proposes to amend the PUD Zoning Document to allow for single-family attached dwellings in the townhome portion of the Buffalo Highlands development.                                                         |
| <b>Issues/Concerns:</b>       | <ul style="list-style-type: none"><li>• Land Development Code (LDC) approval criteria for a PUD Zone Document Amendment</li><li>• Consistency with the Comprehensive Plan</li><li>• Future Land Use compatibility</li></ul> |
| <b>Key Approval Criteria:</b> | <ul style="list-style-type: none"><li>• Comprehensive Plan</li><li>• Land Development Code</li></ul>                                                                                                                        |
| <b>Staff Recommendation:</b>  | Approval                                                                                                                                                                                                                    |
| <b>Current Zone District:</b> | PUD (Planned Unit Development)                                                                                                                                                                                              |
| <b>Comp Plan Designation:</b> | Residential - High                                                                                                                                                                                                          |

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

- |                                                                   |                                                                |
|-------------------------------------------------------------------|----------------------------------------------------------------|
| <input checked="" type="checkbox"/> Applicant's Narrative Summary | <input checked="" type="checkbox"/> Vicinity Map               |
| <input checked="" type="checkbox"/> Conceptual Site Plan          | <input checked="" type="checkbox"/> Proposed PUD Zone Document |

## Background Information

### Site Information

|                               |                                                                           |
|-------------------------------|---------------------------------------------------------------------------|
| <b>Site Size:</b>             | ±23.2 Acres (Amendment Area); ±316.2 Acres (Buffalo Highlands Total Area) |
| <b>Current Conditions:</b>    | Vacant and undeveloped                                                    |
| <b>Existing Right-of-Way:</b> | East 96 <sup>th</sup> Avenue to the north and Landmark Drive to the west  |
| <b>Neighborhood:</b>          | Buffalo Highlands                                                         |
| <b>Existing Buildings:</b>    | None                                                                      |
| <b>Buildings to Remain?</b>   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No       |
| <b>Site in Floodplain</b>     | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No       |

### Surrounding Properties

| Existing Land Use |             | Occupant                                                                | Zoning |
|-------------------|-------------|-------------------------------------------------------------------------|--------|
| <b>North</b>      | Undeveloped | Future high school site in Reunion                                      | PUD    |
| <b>South</b>      | Residential | Buffalo Highlands Filing 2                                              | PUD    |
| <b>East</b>       | Undeveloped | Future site of detached single-family development in Second Creek Farms | PUD    |
| <b>West</b>       | Residential | Buffalo Highlands Filing 1                                              | PUD    |

### Case History

The parent tract of the subject property was part of a ±320 acre annexation between East 96<sup>th</sup> Avenue and 88<sup>th</sup> Avenue and east of Buckley Road in 1989 (*Case #AN-104-89*). Also in 1989, the annexed property was zoned to PUD with conditions. In 2002-2003, the City reviewed a PUD Concept Schematic for the development. In September of 2005, the current PUD Zone Document was approved with conditions. The PUD Zone Document approved in 2005 designated 10 planning areas within the PUD.

| Case        | Date      | Request                                   | Action                          |
|-------------|-----------|-------------------------------------------|---------------------------------|
| AN-104-89   | 1989      | Annexation from ADCO into Commerce City   | <b>Approved</b>                 |
| Z-512-89    | 1989      | Rezoned to PUD                            | <b>Approved with Conditions</b> |
| Z-772-01    | 2003      | PUD Concept Schematic                     | <b>Approved</b>                 |
| Z-772-01-04 | Sep. 2005 | Rezoned ±316 Acres into 10 planning areas | <b>Approved with Conditions</b> |

## Applicant's Request

The applicant is requesting approval of a PUD Zone Document Amendment in order to allow construction of single-family attached dwellings in the area of the PUD designated for "Townhomes."

The Land Development Code defines a Townhouse as *"a specific type of multi-family dwelling in which individual dwelling units are attached by one or more party walls, with habitable spaces of different dwelling units arranged on a side-by-side, rather than stacked, configuration. For the purposes of this land development code, a single-family attached dwelling is not considered a townhouse."*

Single-family attached (duplex) dwellings containing only two connected dwelling units cannot be defined as a townhome. The basis for the applicant's PUD Zone Document Amendment request is to allow single-family attached (duplex) dwellings to be constructed in the area originally designated for townhomes.

The applicant's narrative states, "Planning Area A is currently zoned for townhome development. We are proposing to change the use of this area to include single-family attached residential development. We are also proposing to amend the PUD requirements for Planning Area A associated with the paired product."

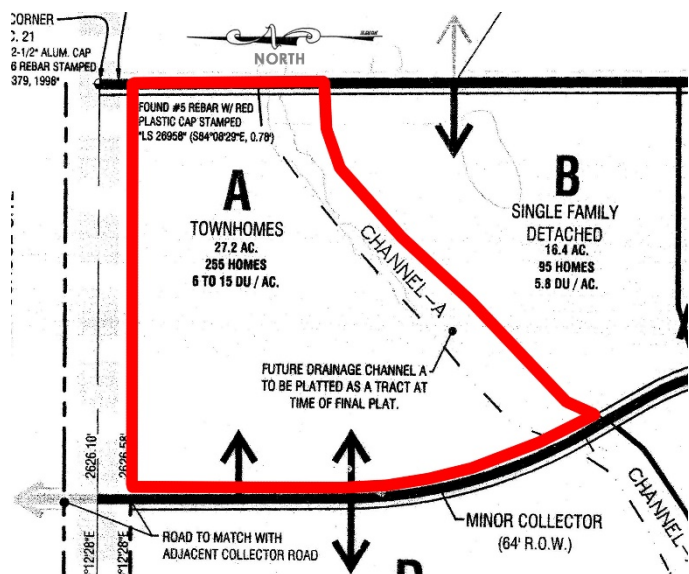
The applicant also states “Planning Area A of Buffalo Highlands is a 23.2 acre property that consists of multi-lot residential clusters connected via a network of pedestrian walkways and public streets. The proposed uses include clusters of single-family attached units, with 164 total units in Planning Area A. Each cluster of 8 units contains 4 pairs of single-family attached homes, with each home consisting of a private garage, porch, driveway, and fenced rear yard. Residential lots are oriented towards a shared drive that branches perpendicularly from the public street. A number of trails and open spaces are directly accessible from each home through tree-lined sidewalks and landscaped walkways that are interconnected throughout the community. To further encourage pedestrian circulation to neighborhood amenities, we are proposing a continuous planted buffer between the sidewalk and any adjacent privacy fencing. Various monuments located along the perimeter of the community serve to guide residents and visitors through the neighborhood.”

## Development Review Team Analysis

### Site Location:

The area for this request is for Planning Area A within Buffalo Highlands. This area is located south of East 96<sup>th</sup> Avenue and east of Landmark Drive, as illustrated with a red outline on the right.

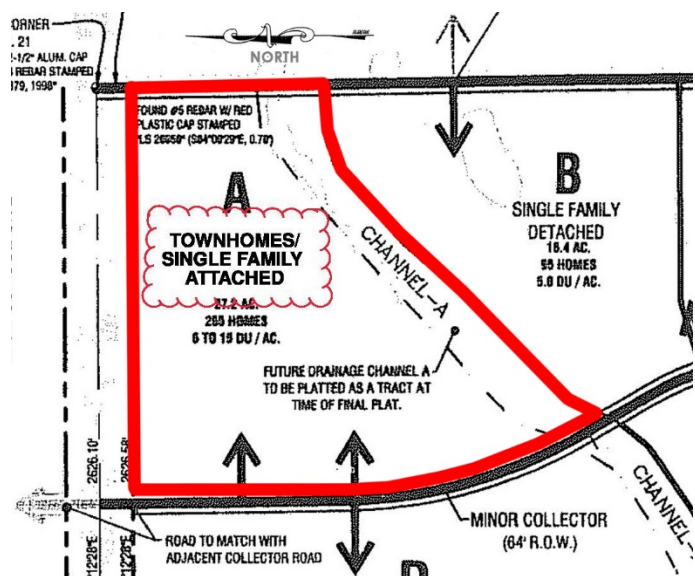
Currently, Planning Area A is planned for Townhome construction with an allowed density of 6 to 15 dwelling units per acre, and a maximum of 255 dwelling units.



### Proposed PUD Zone Document Amendments:

The applicant is requesting to amend Planning Area A of the Buffalo Highlands PUD to construct single-family attached dwellings. As previously discussed, single-family attached dwellings are not defined as townhomes in the LDC, which is the basis for this request.

The illustration to the right is a change to page 2 of the PUD Zone Document, which includes adding “Single-Family Attached” dwellings to Planning Area A. Listed on page 5 of this staff report are all of the amendments to the PUD Zone Document necessary to accommodate construction of single-family attached dwellings in Planning Area A.



## Conceptual Site Plan:

The Conceptual Site Plan illustrated below was submitted along with the PUD Zone Document Amendment request. The site plan contains a total 164 proposed Single-Family Attached dwellings. This represents a density of approximately  $\pm 7$  dwelling units per acre, which is on the low end of the possible density allocated to Planning Area A (6-15 DUs per acre—255 total DUs). In contrast with the existing PUD Zone Document, the proposed density in developing Planning Area A with SFA dwellings will not result in any increased density or a greater number of dwellings than currently allowed. The architectural elevations provided by the applicant comply with the architectural standards outlined in Sec. 21-7631 of the Land Development Code.

As illustrated below, Planning Area A will contain internal streets connected to East 94<sup>th</sup> Way (under construction) to the south and Telluride Street (proposed) to the east. This area will also contain a small park in the eastern portion of the site. The site contains several open space tracts near each corner of the site. Open space tracts in the center of the site will contain guest parking. Storm water in Planning Area A will be collected via storm drains and routed into a proposed detention pond in the SWC of the site.



The existing Buffalo Highlands PUD Zone Document has ten designated planning areas of development, illustrated below. Area A is designated for townhomes and is the subject of this request. Areas B, C, D, E, F and G are all designated for single-family detached dwellings. Area H is designated for drainage in Gramma Gulch. Area J is dedicated greenway along the Second Creek floodplain. Area K was dedicated to the City to satisfy the development's requirement to contribute to the City's parks. Areas B and C are currently being developed for single-family detached dwellings. Area D has been developed and currently has numerous completed single-family detached dwellings.



Sheet 1 – Cover Sheet: Adding “Amendment 1” to the title block and revising the sheet index.

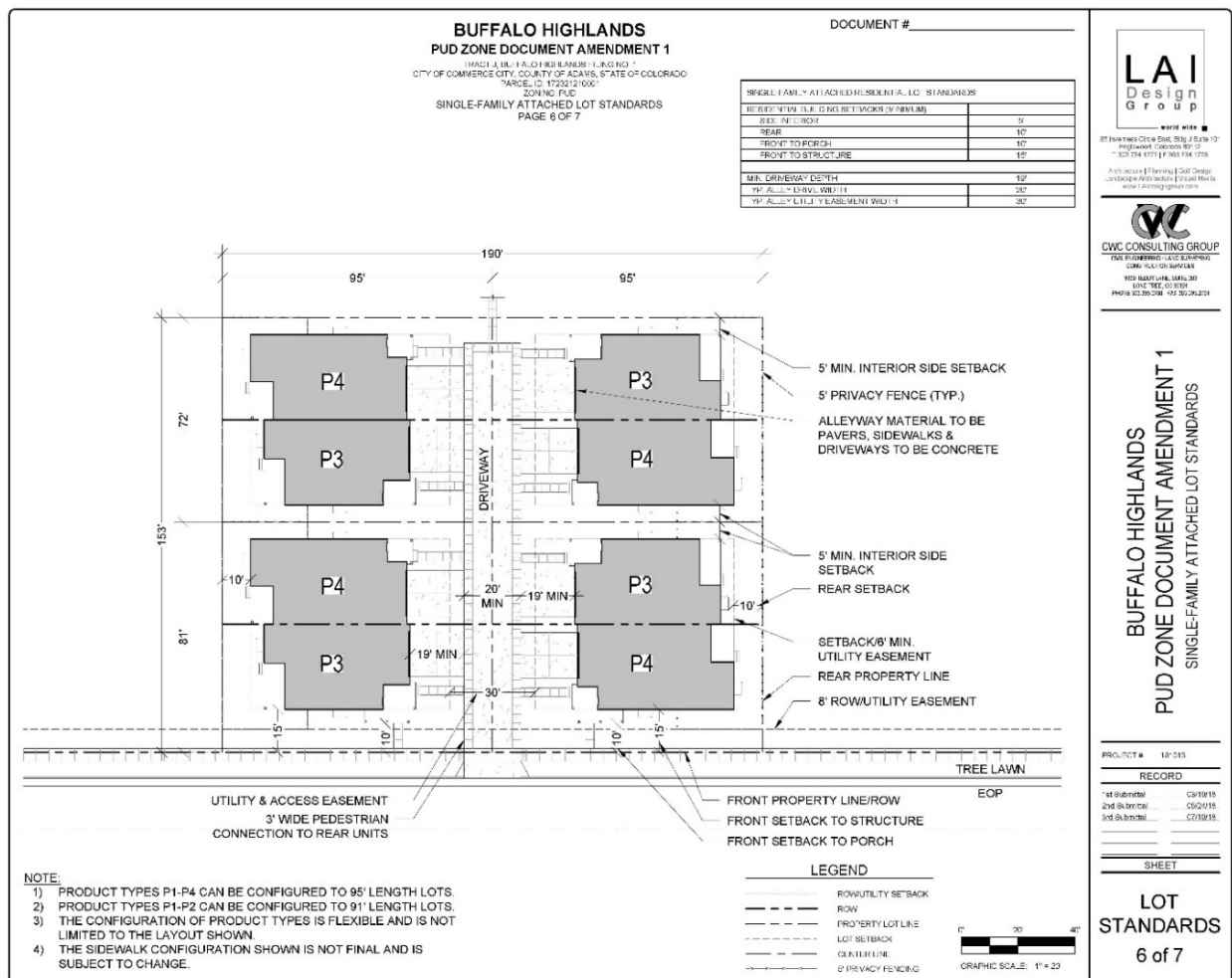
Sheet 2 – Site Plan: Adding “Single-Family Attached” (SFA) to Planning Area A.

**Sheet 3 – Land Use Schedule:** Modifying the Land Use Schedule to allow SFA dwellings, revising the setbacks in Planning Area A, updating the Land Use Summary to add SFA dwellings. Other changes are updating the Notes section to include references to SFA dwellings, limiting fence height to 5 feet for SFA dwellings, restricting accessory structures from lots with SFA dwellings, and requiring all SFA dwellings to have two car garages.

Sheet 4 – Landscape Standards: No proposed changes.

*Sheet 5 – Details (Elevations):* Adding notations regarding fence height for SFA dwellings.

**Sheet 6 – SFA Lot Standards:** NEW SHEET for Lot Standards of Single-Family Attached Dwellings (image provided on the following page. Includes a typical lot configuration illustrating driveway locations, lot dimensions, pedestrian connectivity, and utility easement widths. The lots proposed for the SFA dwellings will be located on a common shared driveway. The shared driveway illustrated below complies with the standards for Shared Driveways in Section 21-7205(7) of the Land Development Code.



**Sheet 7 – Roadway Section:** NEW SHEET for the Roadway Section Details for an entrance into Planning Area A from Telluride Street, a proposed street that will be located along the eastern boundary of the Buffalo Highlands development.

### Conceptual Site Plan Summary:

The applicant included a Conceptual Site Plan with their PUD Zone Document Amendment request. The Conceptual Site Plan provides the framework and development details for the single-family attached dwellings. Listed below is an outline of the content in the Conceptual Site Plan:

**Sheet 1 – Cover Sheet:** Includes site data, minimum lot and dwellings sizes, as well as setbacks for the SFA dwellings.

**Sheet 2 – Conceptual Site Plan:** Provides an overview of the layout for Planning Area A, including the street network, identifying open space tracts and a private park near the center of the neighborhood in addition to illustrating pedestrian connectivity to surrounding roadways.

See the image on page 4 of the staff report for the Conceptual Site Plan.

Sheet 3-5 – Lot Typical Types: These three sheets identify typical lot layouts for different SFA architectural elevations.

Sheet 6 – Lot Typical Landscaping: Provides typical landscaping that will be applied to each cluster of SFA dwelling lots.

### Comprehensive Plan:

Planning Area A within Buffalo Highlands is designated on the Future Land Use Plan (FLUP) as “Residential-High”. The current PUD Zone Document for Buffalo Highlands designates Planning Area A for Townhomes which complies with the Residential-High designation on the FLUP. The proposed amendment to the PUD Zone Document to allow for single-family attached dwellings in Planning Area A will continue to comply with the Residential-High designation on the FLUP.

The Development Review Team (DRT) has reviewed the request for a PUD Zone Document Amendment against the goals found in the City’s Comprehensive Plan. That analysis is provided below:

| Comprehensive Plan           |      |                                                                                                                                                                                                                                                                                                                                                                                      |
|------------------------------|------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Section                      | Goal | Description                                                                                                                                                                                                                                                                                                                                                                          |
| Land Use & Growth Strategies | LU 1 | Maintain a balanced mix of land uses citywide and within a Strategic Planning Areas                                                                                                                                                                                                                                                                                                  |
| <u>Analysis:</u>             |      | The Future Land Use Plan (FLUP) was created in order to ensure an appropriate mix of uses throughout the City. The Future Land Use designation for the subject property is “Residential-High”. For this PUD Zone Document Amendment, the density proposed for the single-family attached dwellings continues to comply with the intent of high density residential at this location. |

| Section                      | Goal | Description                                                                                                                                                                                                                                                                                                             |
|------------------------------|------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Land Use & Growth Strategies | LU 2 | Phase growth in an orderly, compact manner                                                                                                                                                                                                                                                                              |
| <u>Analysis:</u>             |      | The proposed PUD Zoning Document Amendment is located in the Buffalo Highlands PUD. The Buffalo Highlands development has seen recent development in the past few years, with proposed areas of development still planned to be developed in the future. The Buffalo Hills PUD is designated with 10 development areas. |

### PUD Zone Document – Approval Criteria:

The Development Review Team (DRT) has reviewed the request for a PUD Zone Document Amendment against the Approval Criteria found in the Land Development Code. That analysis is provided below:

| PUD Zone Document – Approval Criteria |                                                                                                                                                       |                                                                                                                                                                                                        |
|---------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Criteria Met?                         | Sec. 21-3251. PUD Zone Documents                                                                                                                      | Rationale                                                                                                                                                                                              |
| <input checked="" type="checkbox"/>   | The PUD zone document is consistent with all applicable City adopted plans or reflects conditions that have changed since the adoption of such plans; | The proposed single-family attached dwellings proposed in Planning Area A of the development will remain consistent with the Future Land Use Plan designation of the property as “Residential – High”. |
| <input checked="" type="checkbox"/>   | The PUD zone document is consistent with the PUD concept schematic;                                                                                   | The proposed PUD zone document amendment is consistent with the PUD concept schematic.                                                                                                                 |

| PUD Zone Document – Approval Criteria |                                                                                                                                                                                                    |                                                                                                                                                                                                                   |
|---------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Criteria Met?                         | Sec. 21-3251. PUD Zone Documents                                                                                                                                                                   | Rationale                                                                                                                                                                                                         |
| <input checked="" type="checkbox"/>   | The PUD achieves the purposes set out in section 21-4370 and represents an improvement over what could have been accomplished through straight zoning;                                             | The requested PUD zone document amendment will continue to comply with the purpose and intent of the PUD district.                                                                                                |
| <input checked="" type="checkbox"/>   | The PUD complies with all applicable City standards;                                                                                                                                               | The PUD will continue to comply with all applicable City standards.                                                                                                                                               |
| <input checked="" type="checkbox"/>   | The PUD is integrated and connected with adjacent development;                                                                                                                                     | The subject portion of the PUD includes roadways aligned with adjoining development and pedestrian connectivity to existing streets surrounding the site.                                                         |
| <input checked="" type="checkbox"/>   | To the maximum extent feasible, the proposal mitigates any potential significant adverse impacts;                                                                                                  | This PUD Zone Document Amendment is similar to what is currently approved for this portion of the PUD and should not result in any additional impacts beyond those associated with the current PUD Zone Document. |
| <input checked="" type="checkbox"/>   | Sufficient public safety, transportation, and utility facilities and services are available to serve the subject property, while maintaining sufficient levels of service to existing development; | Sufficient public safety, transportation and utility facilities are available to serve the subject property.                                                                                                      |
| <input checked="" type="checkbox"/>   | The objectives of the PUD could not be accomplished through height exceptions, variances, or minor modifications;                                                                                  | The proposed changes to the PUD Zone Document could not be achieved through other processes.                                                                                                                      |

## Development Review Team Recommendation

Based upon the analysis above, the Development Review Team believes that the application meets the criteria for a PUD Zone Document Amendment as set forth in the Land Development Code and recommends the Planning Commission forward the PUD Zone Document Amendment 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 **PUD Zone Document Amendment** for the property located at **9507 Landmark Drive** contained in case **Z-772-01-04-18** meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the **PUD Zone Document Amendment**.

## **Alternative Motions**

### ***To recommend approval subject to condition(s):***

I move that the Planning Commission enter a finding that, subject to certain conditions, the requested **PUD Zone Document Amendment** for the property located at **9507 Landmark Drive** contained in case **Z-772-01-04-18** meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the **PUD Zone Document Amendment** subject to the following conditions:

*Insert Condition(s)*

### ***To recommend denial:***

I move that the Planning Commission enter a finding that the requested **PUD Zone Document Amendment** for the property located at **9507 Landmark Drive** contained in case **Z-772-01-04-18** 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 **PUD Zone Document Amendment**.

### ***To recommend continuance:***

I move that the Planning Commission continue the requested Zone Change for the property located at **9507 Landmark Drive** contained in case **Z-772-01-04-18**.