



STAFF REPORT

Planning Commission

CASE #S-776-20-22			
PC Date:	February 10, 2022	Case Planner:	Jennifer Jones, AICP
CC Date:	March 7, 2022		
Location:	Southeast corner of E. 112 th Ave and Chambers Rd		
Applicant:	Oakwood Homes	Owner:	Clayton Property Group
Address:	4908 Tower Rd Denver CO, 80249	Address:	4908 Tower Rd Denver CO, 80249

Case Summary	
Request:	Final Plat to create 153 residential lots and 11 tracts
Project Description:	Oakwood Homes is requesting the approval of the Reunion Filing 38 Final Plat for 153 single family cluster lots and 11 tracts on approximately 21.9 acres for the property located at the southeast corner of E. 112 th Ave and Chambers Road, zoned PUD (Planned Unit Development).
Issues/Concerns:	<ul style="list-style-type: none"> Plat meets the standards in LDC and PUD
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:	Residential High

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

Vicinity Map

Proposed Final Plat

Background Information

Site Information	
Site Size:	21.9 acres
Current Conditions:	Undeveloped
Existing Right-of-Way:	E. 112 th Ave to the north; Chambers Rd to the west
Neighborhood:	Reunion
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

<u>Existing Land Use</u>		<u>Occupant</u>	<u>Zoning</u>
North	Residential	Buffalo Run East PUD	PUD
East	Golf Course	Buffalo Run Golf Course	Public
South	Golf Course	Buffalo Run Golf Course	Public
West	Undeveloped	Reunion Filings 39 and 40 (currently under review)	PUD

Case History

The City approved the Reunion PUD Zone Document, 5th Amendment of the Buffalo Hills Ranch PUD Zone Document in 2019, which is the governing zoning and regulatory document for this area (in addition to the LDC).

<u>Case</u>	<u>Date</u>	<u>Request</u>	<u>Action</u>
Z-781-02-04-05-06-10-17-19	March 04, 2019	Reunion PUD Zone Document, 5 th Amendment	Approved

Applicant's Request

Oakwood Homes, the master developer for Reunion, has submitted this application in order to plat Reunion Filing 38. This filing includes 153 single family cluster lots and 11 tracts for landscaping, parks/open space/trails, utilities, and/or drainage on approximately 21.9 acres. This property is generally located at the southeast corner of E. 112th Ave and Chambers Road. The property is currently zoned as part of the Reunion PUD. The general purpose of the proposed plat is to create additional lots for residential development. E. 112th Avenue in this location is newly improved and will provide east and west access to the site via Helena Street. North and south access to the development is accessed off of Chambers Road via E. 110th Place.

Development Review Team Analysis

Scope of Review:

The request for consideration at this hearing is a final subdivision plat. The Land Development Code (LDC) sets out the specific criteria for review of a plat application. The default process for a subdivision case is to be reviewed and approved administratively in accordance with the City's Land Development Code (LDC). However, the LDC allows that a subdivision be required to go through the public hearing process in certain circumstances, with final approval authority given to Council. 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.

Public Hearing Background:

In accordance with Section 21-3241(2) of the Land Development Code (LDC), Final Plats are typically considered through an administrative approval process after review by the Development Review Team (DRT) and the Director of Community Development. As a part of the administrative approval process, the LDC requires notification to the public and Council prior to approval of an application. During the notification period, an application may be requested for review in public hearings before Planning Commission and City Council if one of the following occurs.

Section 21-3241(4) states:

Public Hearings Required. 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.

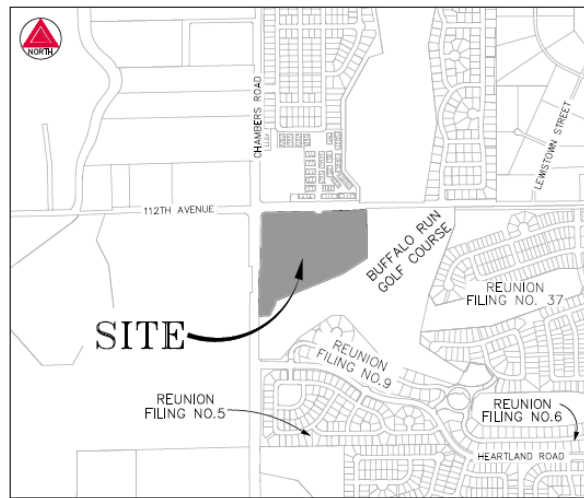
Once staff completed the technical review and determined the application was ready for the notification period, staff proceeded with the standard process for notifying the public. A number of objections were received from residents before the comment deadline of Monday, December 13, 2021. Upon review of the objections, a determination was made by the City that valid objection(s) related to the final plat approval criteria were received which, per 21-3241(4)(a) requires public hearings.

The objections tended to focus on the increasing population, density of the development, grocery store capacity, schools, and infrastructure. The issues raised in the community objections were included in the project review, when appropriate. While the capacity of the nearest grocery store is not considered by the Development Review Team, the sufficiency of the infrastructure is reviewed extensively by the City's engineering staff and any deficiencies are required to be handled as part of the development approval process. No infrastructure issues were identified by the Development Review Team. The roadways in the northern range have been designed to accommodate the growing population. E. 112th Avenue has recently been improved in the area of this project. Similarly, the 27J School District was included in this review and there were no objections to this development. The density of the proposed development is not a relevant consideration of this plat, as it is allowable per the Reunion PUD Zone Document which regulates the land use.

Site Overview:

The requested subdivision plat (Reunion Filing 38) is 21.9 acres generally bound by E. 112th Ave to the north, Chambers Road to the west, and Buffalo Run Golf Course to the east and south (Image A). The property is zoned Planned Unit Development and is currently vacant and undeveloped.

Image A: Simple Vicinity Map of Filing 38



The Comprehensive Plan identifies the future land use of this area as Residential – High. This land use category is characteristic of multi-family apartments, townhomes, or condominium at 8 to 40 dwelling units per acre. It is important to note that the Comprehensive Plan is a guiding policy document that establishes long-range goals for the City. The Comprehensive Plan is not a regulatory document, as it does not dictate specific zoning and development standards, which is the role of the LDC and the PUD. The Reunion PUD Zone Document, 5th Amendment identifies this area as Mixed-Use which allows for both residential and non-residential uses without prescribing a preferred percentage, ratio or format for the variety of allowable of uses.

The applicant intends to use this development for single-family detached homes in a cluster lot configuration. The cluster lots allow for typically four to six homes to utilize a shared driveway. The homes are all single-family and detached in their construction. The proposed single-family cluster lots are expressly allowed by the Reunion PUD.

DRT Analysis of Residential 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 the 5th Amendment of the Reunion PUD Zone Document. During this review, staff determined that the proposed plat meets all of the City’s relevant requirements.

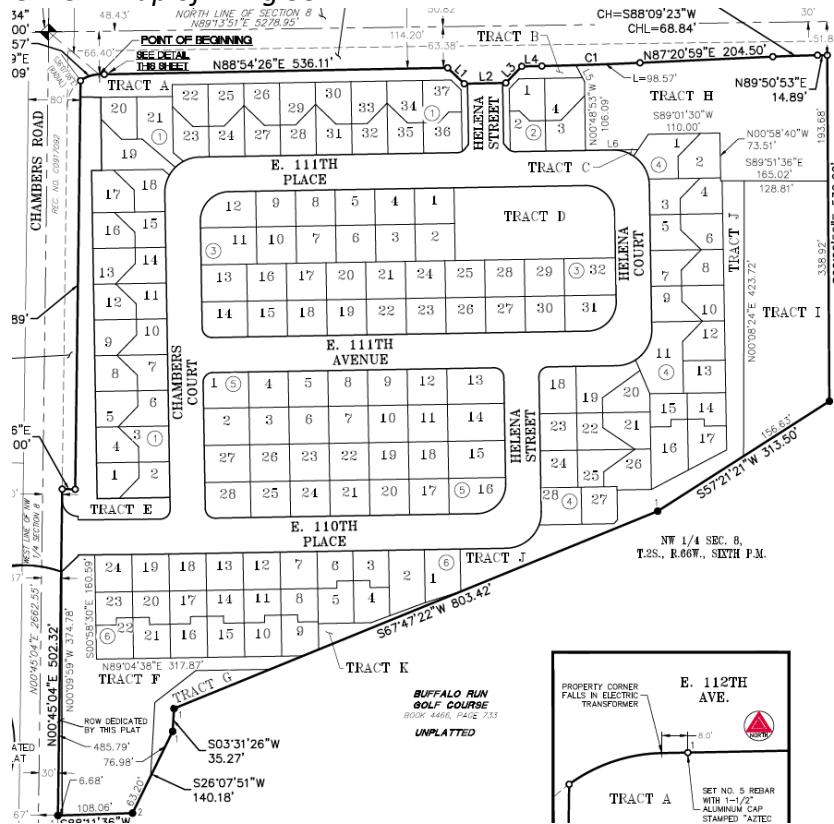
Proposed Plat Requirements – Residential			
ISSUE	PROPOSED	CITY STANDARD	MEETS CITY STANDARD?
Density	6.97 DU/AC (gross) 12.74 DU/AC (net)	6-24 DU/AC (PUD Standard)	Yes
Comprehensive Plan	Single-Family Cluster Lots	Residential - High	Yes
Lot Frontage	Cluster Design (shared access drives)	N/A Per the PUD	Yes
Lot Size(s) - Minimum	2,652 – 6,824 sq ft	2,200 sq ft Minimum (PUD Standard)	Yes
Right-of-Way Dedications	ROW Dedications provided as required	Collector and Local Streets	Yes

Park Land Dedication	Cash-in-Lieu <i>(Villages East Park is located at Chambers Rd & E. 116th Ave)</i>	Dedication or Cash-in-Lieu	Yes
Private Park	0.6 Acre private park (with play equipment, shade structure, & turf) + 0.6 trail connection from golf course to Chambers Rd = 5.8%	3% Minimum	Yes
School Land Dedication	Dedication requirement previously satisfied	Dedication or Cash-in-Lieu	Yes
Total Lots/Tracts	153 lots; 11 tracts	Regulated by the PUD zoning document	Yes

Impacts to the Overall Road Network:

Access to this proposed development will be provided from both E. 112th Avenue (via Helena Street) and from Chambers Road (via E. 110th Place). Public streets will accommodate circulation throughout the development and include Chambers Court, Helena Street, Helena Court, E. 110th Place, E. 111th Avenue, and E. 111th Place. The intersection of E. 112th Avenue and Chambers Road is signalized. The DRT review found that this Final Plat will not have a negative substantial impact on overall traffic in the area. 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-781-D-485-22).

Image B: Simple Overview Map of Filing 38



Impacts to the School District:

The 27J School District is a referral participant to the City's DRT review process. The City's LDC establishes provisions for residential development to satisfy the required impact on school facilities as a part of the development review process. Review of this proposal by School District 27J projects 119 students to be generated by this development. Per 27J *"the land dedication requirement has been satisfied with previous land dedications."* Students from this development will attend Turnberry Elementary, Stuart Middle School, and Prairie View High School.

Impacts to Parks and Recreation:

This proposed development includes a 0.624 acre private park that includes a play structure, swings, shade structure, and a large turf area. The private park will be located at the southwest corner of E. 111th Place and Helena Court. In addition to the private park, this proposal includes an important trail connection along the southern boundary of this project from the golf course to Chambers Road. The trail was developed in close coordination with the City's Buffalo Run Golf Course and other Parks staff. Together the private park and trail connection account for 5.8-percent of the land, which satisfies the three-percent requirement. In addition to the adjacent Buffalo Run Golf Course, there is also a public park located near this proposed development. The Villages East Park is located just north on Chambers Road at E. 116th Avenue.

Project Benefits:

As part of the analysis for this application, the DRT found that this development would help provide additional housing options in the Northern Range. Single-family detached homes on smaller lots are a growing trend, as less maintenance is increasingly desirable, especially while maintaining the feel and amenities of a traditional neighborhood. In addition, the proposed subdivision plat does not request to change current zoning or allowed land uses. The proposed subdivision plat meets current zoning and LDC requirements.

LDC Final Plat Approval Criteria Analysis

The DRT recommendation for this case is based on the following LDC criteria, from Sec. 21-3241(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 Reunion PUD Zone Document, 5th Amendment is the approved zoning for this location. This plat application is consistent with the allowable uses and lot standards in the PUD Zone Document. Cluster Homes are a specifically identified residential use allowed in this particular area. All standards of the PUD are met with this proposal.*

*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 Zone Document, 5th Amendment. The PUD allows this area to develop with any of the following: single-family detached, cluster homes, single-family attached, multi-family, or non-residential. The allowable density range is 6-24 dwelling units per acre. The Reunion PUD Zone Document, 5th Amendment *allows* for a variety of uses, but does not *require* a mix of uses. This proposal is consistent with and implement the intent of the Reunion Planned Unit Development.

*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 and the utilization of shared driveways allows for less impervious surfacing. The internal circulation as established by the street network and the cluster lot configuration of the plat are designed in a way that will minimize land disturbance and maximize open space. The access points identified onto Chambers Road and E. 112th Ave will create minimal disruption to regional traffic flows, and will provide orderly egress/ingress to the development.*

*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, as applicable. The subdivision is designed in such a way as to ensure compliance with the relevant development standards.*

*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: *This plat will not result in a substantial or undue adverse effect on adjacent properties, traffic conditions, parking, or public improvements. This assertion is supported by numerous reviews by the various agencies and departments of the DRT, which have concluded that the proposed plat adequately addresses access and the additional traffic created by this development will not put undue burden on the existing road network. Drainage, and other infrastructure impacts will not have undue adverse effect on adjacent properties.*

*Staff finds 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 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: The City has worked closely with the applicant in order to execute a Development Agreement. This 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 finds 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: The improvements related to Filing 38 are divided into two phases and are reasonable in terms of development construction.

Staff finds this application **meets this criterion**.

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 in Reunion, which has seen ongoing construction for almost two decades. Reunion is adequately served by the necessary utilities for this development.	

Section	Goal	Description
Land Use and Growth Strategies	LU 3	Strengthen City Neighborhoods as Attractive, Livable Places
Analysis:	This proposed plat will provide an additional desirable neighborhood within the City. It will provide easy access to major roadways, is in close proximity to Buffalo Run Golf Course, and will include amenities for residents including a neighborhood park space and trail connection.	

Section	Goal	Description
Fiscal Stability	FS 2	Retain/Increase Employment Base
Analysis:	The proposed plat will create 153 new lots for residential development. These homes will provide opportunities for both employees and employers in the area, providing additional rooftops for prospective retailers. In addition, this area will begin to fill in an empty corner in the Northern Range, and may help prospective retailers begin to visualize the area with full development.	

Development Review Team Recommendation

The DRT discussed this case, Reunion Filing 38, in December of 2020. Planning staff presented a summary of the case and highlighted site specifics. The majority of the DRT discussion focused on the trail connection and the necessary coordination with the Buffalo Run Golf Course staff. The DRT made a recommendation of approval for this case.

Recommended Motion

To recommend approval:

I move that the Planning Commission enter a finding that the requested Final Plat for **Reunion Filing 38**, located at the southeast corner of E. 112th Avenue and Chambers Road, known as case **S-776-20-22** 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 approval with conditions:

I move that the Planning Commission enter a finding that the requested Final Plat for **Reunion Filing 38**, located at the southeast corner of E. 112th Avenue and Chambers Road, known as case **S-776-20-22**, 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 recommend denial:

I move that the Planning Commission enter a finding that the requested Final Plat for **Reunion Filing 38**, located at the southeast corner of E. 112th Avenue and Chambers Road, known as case **S-776-20-22** fails to meet the following criteria of the Land Development Code:

Insert Criteria Not Met

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

To continue the case:

I move that the Planning Commission continue the requested Final Plat for **Reunion Filing 38**, located at the southeast corner of E. 112th Avenue and Chambers Road, known as case **S-776-20-22**, to a future Planning Commission agenda.