



# OAKWOOD

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## HOMES

Reunion Ridge, Filing 1, PA-1 Appeal  
June 7, 2022

# Reunion Ridge, Filing 1, PA-1 Appeal

Oakwood is appealing the City's decision denying Oakwood's application for a Terminology Adjustment to retitle a parcel known as Tract C in PA1 as a Lot under LDC § 21-3244.

# Reunion Ridge, Filing 1, PA-1 Appeal

## Oakwood's Legal Bases for Appeal



1. The City cannot amend the LDC through the guise of a new interpretation.
2. The City's new interpretation fails to meet statutory interpretation principles.
3. The City exceeded its jurisdiction by requiring Oakwood to submit a Final Plat to retitle Tract C.
4. The City violated C.R.S. § 29-20-203(2) by placing a discretionary condition on Oakwood's Application.

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## City's Arguments

- ▶ City argues:
  - ▶ The Final Plat process is the only process available to retitle Tract C as a lot.
  - ▶ Retitling Tract C as a lot through a Terminology Adjustment deprives the City of the opportunity to review and assess PA1 in light of the Final Plat criteria.
- ▶ The City's position is unsupportable:
  - ▶ There is no need to "create a lot".
  - ▶ The City, by previously approving the Reunion Ridge Filing No. 1 Plat and the Reunion PUD Zone Document, already had the opportunity to assess PA1 in light of Final Plat criteria; and
  - ▶ The City has the opportunity to assess any ancillary criteria through the PUD Development Permit process.

#	Final Plat Approval Criteria	Already Approved by City
(a)	Subdivision is consistent with any approved rezoning, concept plan or PUD Zone Document.	<b>Yes</b> (see Reunion Ridge Filing No. 1 Plat and Reunion PUD Zone Document)
(b)	The subdivision is consistent with and implements the intent of the specific zoning district in which it is located.	<b>Yes</b> (see Reunion Ridge Filing No. 1 Plat and Reunion PUD Zone Document)
(c)	There is no evidence to suggest that the subdivision violates any state, federal, or local laws, regulations, or requirements.	<b>Yes</b> (see Reunion Ridge Filing No. 1 Plat and Reunion PUD Zone Document)
(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.	<b>Yes</b> (see Reunion Ridge Filing No. 1 Plat and Reunion PUD Zone Document)
(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;	<b>Yes</b> (see Reunion Ridge Filing No. 1 Plat)
(f)	The subdivision: <ul style="list-style-type: none"> <li>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</li> <li>ii. Any adverse effect has been or will be mitigated to the maximum extent feasible.</li> </ul>	<b>Yes</b> (see Reunion Ridge Filing No. 1 Plat and/or Reunion PUD Zone Document)
(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.	<b>Yes</b> (see Reunion Ridge Filing No. 1 Plat)
(h)	A development agreement between the city and the applicant has been executed and addresses the construction of all required public improvements.	<b>Yes</b> (see Reunion Ridge Filing No. 1 Plat and Consolidated Development Agreement)
(i)	As applicable, the proposed phasing plan for development of the subdivision is rational in terms of available infrastructure capacity.	<b>Yes</b> (see Reunion Ridge Filing No. 1 Plat)



#	Final Plat Approval Criteria	Will be addressed through PUD Development Permit
(a)	Subdivision is consistent with any approved rezoning, concept plan or PUD Zone Document.	<b>Yes</b> (see LDC § 21-3252(3)(b))
(b)	The subdivision is consistent with and implements the intent of the specific zoning district in which it is located.	<b>Yes</b> (see LDC § 21-3252(3)(b))
(c)	There is no evidence to suggest that the subdivision violates any state, federal, or local laws, regulations, or requirements.	N/A (See 11/21/21 Staff Comments)
(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.	N/A (Not creating new lots)
(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;	<b>Yes</b> (see LDC § 21-3252(3)(a))
(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.	<b>Yes</b> (see LDC § 21-3252(3)(c))
(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.	<b>Yes</b> (see LDC § 21-3252(3)(e))
(h)	A development agreement between the city and the applicant has been executed and addresses the construction of all required public improvements.	N/A (All City-maintained public improvements are complete)
(i)	As applicable, the proposed phasing plan for development of the subdivision is rational in terms of available infrastructure capacity.	N/A (Necessary infrastructure capacity previously constructed)

<b>Fees</b>	<b>Due</b>
<b>School Fees</b> (LDC § 21-9200)	At Final Plat stage.
<b>Public Park Fees</b> (LDC § 21-9210)	At Final Plat stage.
<b>Road Impact Fees</b> (LDC § 21-9220)	At PUD Development Permit stage.
<b>Water Acquisition Fees</b> (LDC § 21-9230)	At PUD Development Permit stage.
<b>Drainage Fees</b> (LDC § 21-9240)	At PUD Development Permit stage.
<b>Fire and Emergency Fees</b> (LDC § 21-9250)	At PUD Development Permit stage.
<b>Oil and Gas Impact Fee</b> (LDC § 21-9260)	N/A

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## Conclusion

- ▶ LDC Terminology Adjustment, not Final Plat, process applies to Oakwood's application.
- ▶ Oakwood's application meets all LDC criteria for a Terminology Adjustment.
- ▶ The City's denial of Oakwood's application is a misinterpretation of the LDC.
- ▶ The City has exceeded its authority by requiring Oakwood to submit a Final Plat and comply with LDC Subdivision Standards.

**Oakwood Homes requests the Planning Commission make a recommendation:**

- 1. Reversing the City's decision; and**
- 2. Approving the use of a Terminology Adjustment (LDC § 21-3244) to retitle Tract C to a Lot.**





*Thank you*

— OAKWOODHOMESCO.COM —

