



# STAFF REPORT

## Planning Commission

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### CASE # S-426-04-15

|                   |  |                      |                   |
|-------------------|--|----------------------|-------------------|
| <b>PC Date:</b>   | November 4, 2015   | <b>Case Planner:</b> | Robin Kerns       |
| <b>CC Date:</b>   | November 16, 2015  |                      |                   |
| <b>Location:</b>  | The requested subdivision plat (Villages @ Buffalo Run East, Filing 7) is generally located north of 112th Ave., east of the Golf Course & west of Columbine Ranches. The site is currently undeveloped. |                      |                   |
| <b>Applicant:</b> | Northwood Village Assoc. Ltd   | <b>Owner:</b>        | Same as applicant |
| <b>Address:</b>   | 905 W. 124th Avenue<br>Westminster, CO 80234   | <b>Address:</b>      | Same as applicant |

### Case Summary

|                               |  |
|-------------------------------|--|
| <b>Request:</b>               | A subdivision for residential property development.  |
| <b>Project Description:</b>   | The applicant is requesting to plat 151 lots for Filing #7 in the Villages at Buffalo Run East.  |
| <b>Issues/Concerns:</b>       | <ul style="list-style-type: none"><li>▪ Subdivision Review &amp; Approval Criteria</li><li>▪ School Capacity</li></ul>                       |
| <b>Key Approval Criteria:</b> | <ul style="list-style-type: none"><li>▪ Compliance with the Comprehensive Plan</li><li>▪ Compliance with the Land Development Code</li></ul> |
| <b>Staff Recommendation:</b>  | Approval   |
| <b>Current Zone District:</b> | Planned Unit Development (PUD)   |
| <b>Comp Plan Designation:</b> | Residential - Low  |

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

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Plat                           | <input checked="" type="checkbox"/> Vicinity Map |
| <input checked="" type="checkbox"/> Comment letters from residents |  |

## Background Information

### Site Information

|                               |  |
|-------------------------------|--|
| <b>Site Size:</b>             | 48.23 acres +/-  |
| <b>Current Conditions:</b>    | The site is currently undeveloped.   |
| <b>Existing Right-of-Way:</b> | E. 112 <sup>th</sup> Avenue  |
| <b>Existing Roads:</b>        | E. 112 <sup>th</sup> Avenue  |
| <b>Existing Buildings:</b>    | None   |
| <b>Buildings to Remain?</b>   | <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A |
| <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 | City of Commerce City Golf Course                             | PUBLIC     |
| <b>South</b>      | Residential | Reunion PUD   | PUD        |
| <b>East</b>       | Undeveloped | The Villages @ Buffalo Run East, Filing 6 & Columbine Ranches | PUD & ADCO |
| <b>West</b>       | Golf Course | City of Commerce City Golf Course                             | PUBLIC     |

### Case History

The following table provides the relevant case history for the subject property:

| Case     | Date               | Request                                       | Action                               |
|----------|--------------------|---|--------------------------------------|
| AN-81-87 | 7/6/1987           | Annexation from ADCO to Commerce City         | <b>Approved</b>                      |
| Z-459-87 | 7/6/1987           | Rezoned from ADCO PUD to Commerce City PUD    | <b>Approved</b>                      |
| Z-700-01 | 6/4/2001           | Rezoned from PUD to Commerce City PUD.        | <b>Approved</b>                      |
| S-426-04 | 7/30/04(submitted) | Final Plat for Village @ Buffalo Run East, #7 | <b>Applicant suspended activity.</b> |

#### AN-81-87:

On July 6, 1987, the City Council approved the annexation from ADCO to Commerce City. The area covered in S-426-04-15 was incorporated into Commerce City.

#### Z-458-87:

On July 6, 1987, the City Council approved the rezoning from ADCO PUD to Commerce City PUD. This PUD allowed for Single Family development of 7 Dwelling Units (D.U.) per acre. This Commerce City approval covered the area in S-428-04-15.

#### Z-700-01:

On June 4, 2001, the City Council approved the rezoning from original PUD to Commerce City PUD which covered the area in S-428-04-15, and required 2 to 4 D.U. per acre, with a minimum of 10,000 sq.ft. lot sizes and two-story, 2,500 sq.ft. homes, adjacent to Columbine Ranches.

#### S-426-04:

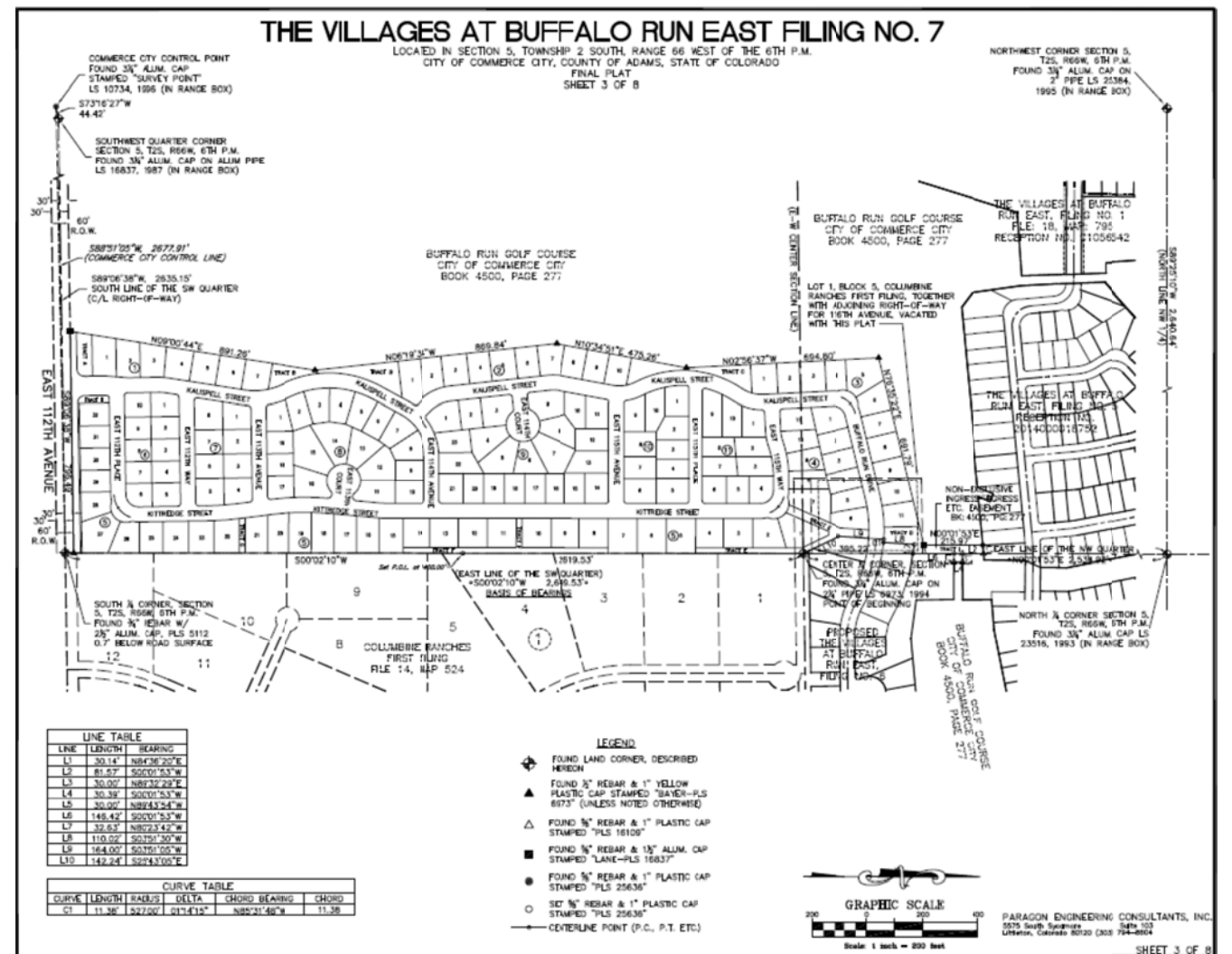
On June 14, 2004, Concord Partners LLC submitted an application to plat Villages @ Buffalo Run East, #7. On July 17, 2006, city staff notified the applicant that since no activity or correspondence had taken place in at least 1 year, the city was closing the file, but that the applicant could activate the case when the applicant was ready.

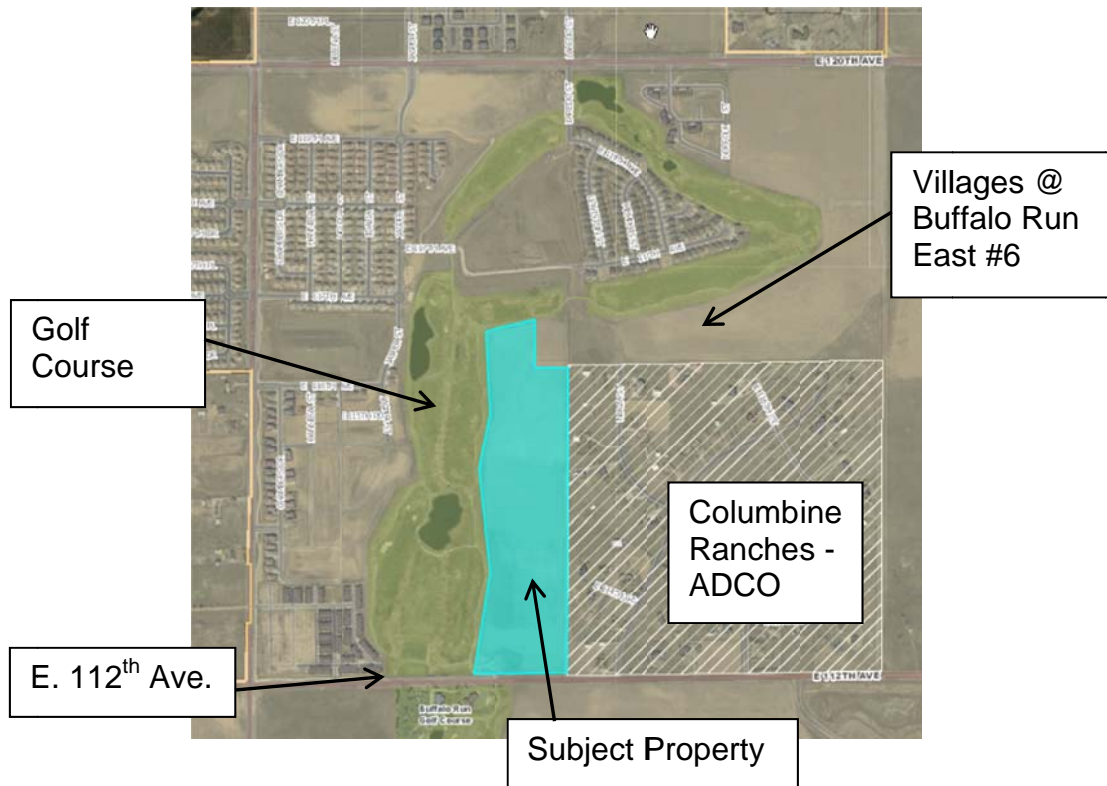
| Applicant's Request |
|---------------------|
|                     |

## Development Review Team (DRT) Analysis

**Site analysis:**

The requested subdivision plat below (Villages @ Buffalo Run East Filing #7) is generally located north of 112th Ave., south & east of the golf course & west of Columbine Ranches and the Villages @ Buffalo Run East #6. The site is currently undeveloped.





#### **Scope of review:**

The request being considered at this hearing is for a subdivision plat. The Land Development Code (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 other considerations may be considered in the decision making process. Of note, the future development within this subdivision plat such as perimeter fencing, lot sizes and the potential for property value impacts may not be included in the review criteria associated with the division of land and as such, may not be considered in the city's review process. Furthermore, no application has been submitted for any proposed homes on these lots. So there is no information known about house size, architectural detail, or price point. However, the PUD does require a minimum of two-story, 2,500 sq.ft. homes adjacent to Columbine Ranches.

#### **Public Hearing Background:**

A request such as this is often handled through an administrative approval process. However, as a part of the administrative approval process, the Land Development Code (LDC) requires notification to the public for certain periods of time prior to the approval of the application. During the notification period, an application can be required to be approved via a public hearing 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:

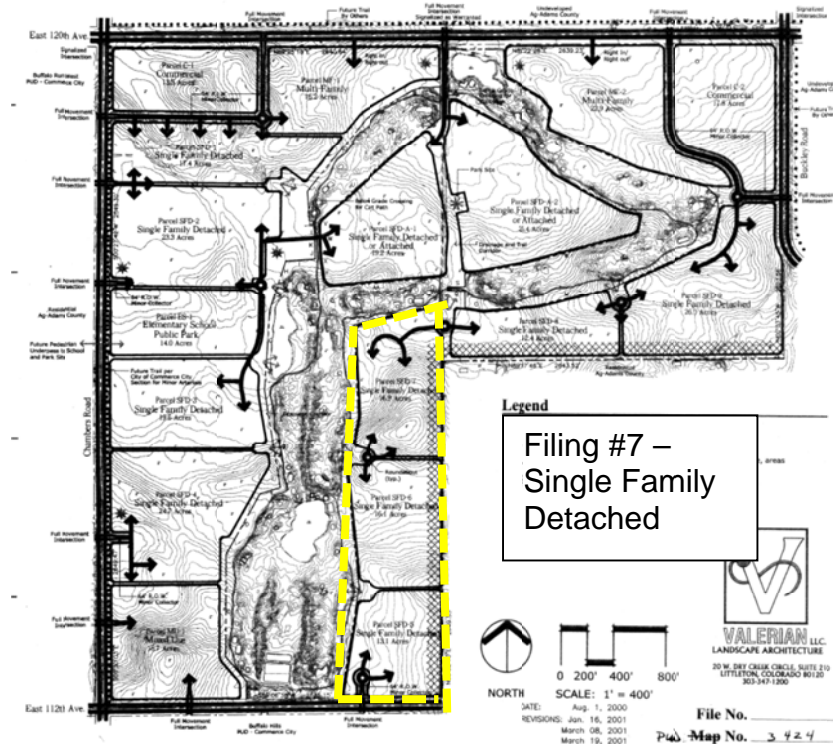
- a) The applicant or any property owner within 300 feet of the property submits a written request to the director by the date scheduled for department approval. This written objection request must be directly related to the proposed subdivision. General objections regarding existing land use, zoning, 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's review of the requested plat was complete and the application was determined to be ready for the notification period, staff proceeded with the standard process for notifying the public. At the end of the notification period for this request (5pm on October 5th), staff had received four separate letters/emails representing 66 individuals. One of the four letters expressed concerns related to the impact of an additional 151 lots on the school district. Based on the nature of these letters, the determination was made that Section 21-3241(4) had been enacted and the proposed subdivision plat would need to proceed thru the public hearing approval process.

### The DRT's analysis of this request compared to the Master Plan:

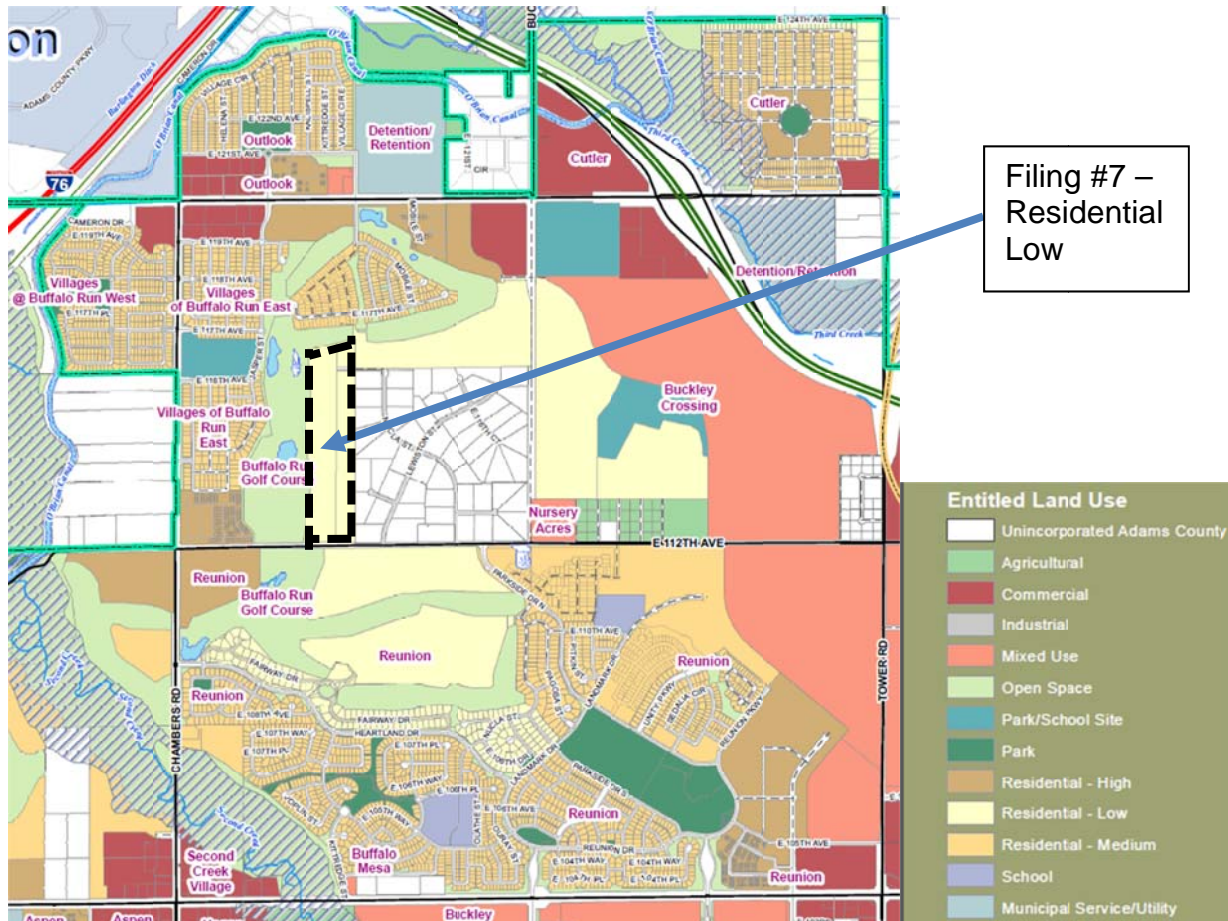
The Villages @ Buffalo Run East PUD development is a master planned community that has been developed in phases. Beginning with the golf course in 1990, the city and the applicant have worked collaboratively to develop this PUD. This collaboration allowed for a comprehensive layout for things like the golf course, road network, pedestrian connectivity, utilities, and drainage. In accordance with the approved Villages @ Buffalo Run East PUD, Filing #7 (the area contained in case S-426-04-15) has always been planned for single-family detached uses and is consistent with the overall master plan for this area. The image below shows the Filing #7 area on the Villages @ Buffalo Run East PUD concept plan.





### The DRT's analysis of this request compared to the Entitled Land Use Map:

The image below shows the existing zoning in the Villages @ Buffalo Run East PUD, including Filing #7 and its consistency with the surrounding area as depicted by the Entitled Land Use Map. The map below is part of the area of Commerce City generally referred to as the Northern Range, which is a rapidly developing area comprised of residential, commercial and open space uses. The area has been planned for suburban residential since the early 1990's.



### The DRT's analysis of potential concerns:

While staff believes that the requested subdivision plat is required to be approved via the public hearing process based on Section 21-3241(4), staff also believes that the issues raised by the residents have been adequately addressed by the applicant. That analysis is provided below.

#### 1. Issues related to the subdivision itself.

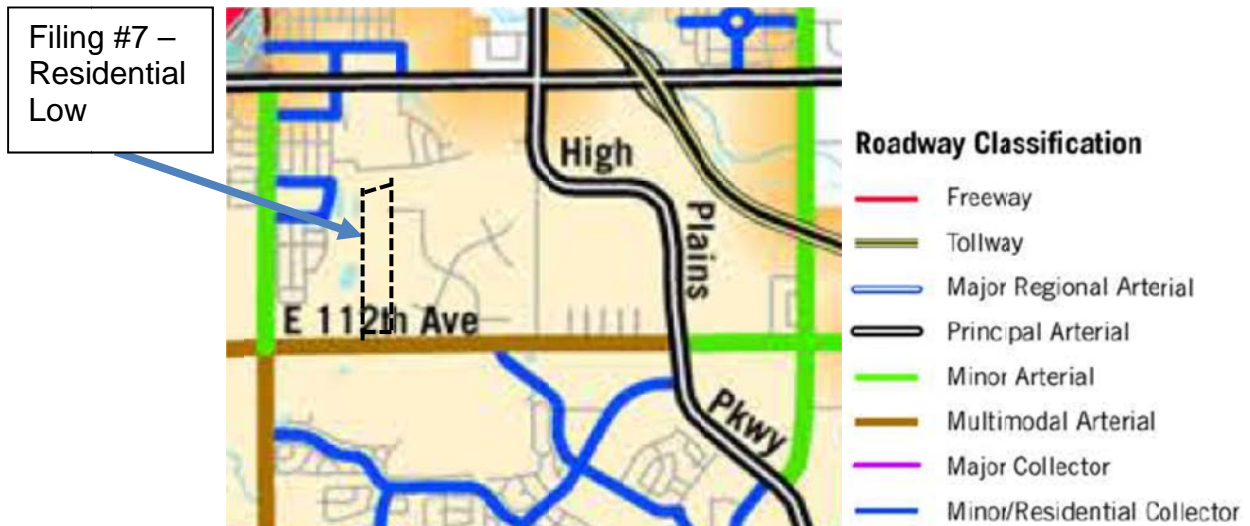
Staff has reviewed the requested plat against the requirements of the Villages @ Buffalo Run East PUD (Planned Unit Development) Zone Document and the city's subdivision ordinance. During this review, staff was able to determine that the proposed plat meets all of the city's relevant requirements.

| Issue                                | Proposed   | City Standard   | Does the Proposed meet the Standard? |
|--------------------------------------|--|---|--------------------------------------|
| <b>Street Width</b>                  | Local Residential Streets:<br>54-feet of right-of-way  | Local Residential Streets:<br>54-feet of right-of-way   | YES                                  |
| <b>School Impacts</b>                | Northwood Village Assoc. Ltd has worked with the 27J School District to identify a future school site in subject PUD and it has already been dedicated. In addition, the subject PUD is required to contribute to the Capital Facility Fee Foundation with School District 27J.  | Developers are required to dedicate land for school sites or pay a fee-in-lieu of land dedication.                        | YES                                  |
| <b>Comprehensive Plan</b>            | Residential – Low  | Residential – Low   | YES                                  |
| <b>Public Parks/Open Space Land</b>  | As part of the Master Plan, Northwood Village Assoc. Ltd and the city have built a public golf course, and identified the necessary public park and open space areas related to this development, which are dedicated when they are platted. 2.589 acres of this Filing are being dedicated for drainage and open space, which includes a non-motorized trail to connect Filing #7 to Filing #4 & #5 to the north. | Residential developers are required to dedicate land for public parks/open space or pay a fee-in-lieu of land dedication. | YES                                  |
| <b>Private Parks/Open Space Land</b> | No park space is proposed as part of this Filing. However, a 103.6 +/- acre area was provided for the city's golf course which is surrounded by the subject PUD. The Master Plan for the Villages @ Buffalo Run East indicates more than enough park/open space to meet the city's requirement.  | Residential developers are required to reserve 3% of their usable land for parks/open space.                              | YES                                  |
| <b>Lot Size</b>                      | Minimum of 8,000 square feet<br>Minimum of 10,000 square feet adjacent to Columbine Ranches  | Minimum of 8,000 square feet<br>Minimum of 10,000 square feet adjacent to Columbine Ranches                               | YES                                  |
| <b>Lot Frontage</b>                  | Range is between 36 & 103 feet, with a typical of 80 +/- feet.   | The Villages @ Buffalo Run East PUD has no minimum lot frontage requirement.  | YES                                  |

2. Impacts to the overall road network.

Any new development will have impacts to the overall road network. The overall road system of the Northern Range generally, and the Villages @ Buffalo Run East specifically, was designed to adequately accommodate future development. All previous Filings in this PUD dedicated right-of-way for public streets in accordance with the city's standard cross-sections

for the specific road type, which accounts for future development. The proposed local residential roads will connect to the larger road network of E. 112<sup>th</sup> Avenue (a Multimodal Arterial) and High Plains Parkway (a Principal Arterial, see map below), and is consistent with the transportation frame work of the City's Transportation Plan. While this road network is not currently complete, the future build-out will accommodate both local and regional traffic in and around the Villages @ Buffalo Run East. The DRT has no concerns related to the overall road network.



3. Traffic conditions in and around the proposed plat.  
Section 21-6240(4) of the LDC requires that *"In order to promote connectivity to adjacent properties, every plat shall provide multiple access points, to the maximum extent feasible. Streets in a proposed subdivision must connect, where feasible, to existing streets in abutting platted subdivisions."* The roads that are being dedicated and constructed as part of this plat connect to the existing road network at pre-established locations. Currently, E. 112<sup>th</sup> Avenue extends across the south of the plat. Access will be provided to the northern side of the fling by the western extension of road access across the Villages @ Buffalo Run East Filing #6 and connecting to High Plains Parkway. No access will be provided into the Columbine Ranches neighborhood. The DRT believes that this road network adequately addresses traffic concerns in and around the requested plat.
4. Impacts to the School District.  
The 27J School District has been actively involved in this platting process and is not objecting to the requested plat. Additionally, Concord Partners LLC and the School District have worked collaboratively to establish a future school location in the Villages @ Buffalo Run East. Therefore, this PUD meets the requirement to dedicate land for school sites. Residential builders in the Villages @ Buffalo Run East are required to pay into the Capital Facility Fee Foundation. The DRT believes that if homes are built in this subdivision, they meet the obligation to mitigate impacts to the school district by committing to dedicate land for a school site in the future, and paying into the Capital Facility Fee Foundation.
5. Drainage  
The applicant has participated in a joint drainage study with Shea Homes and the City that examined the utilization of a borrow pit from E-470 as a regional detention pond, which is located north of the subject property across 120<sup>th</sup> Avenue. This drainage will provide storm water conveyance for runoff from the subject property, from Columbine Ranches and for



regional flows coming from south of 112<sup>th</sup> Avenue, from Reunion. The joint drainage study will determine the required size of the channel in order for it to be used for regional storm water conveyance. Furthermore, components of this storm sewer network have been constructed and are operational.

#### 6. Residential Development

Referencing the Entitled Land Use Map above, the overall area of northern Commerce City is now represented by residential developments with commercial and open space to serve the expanding population. As noted on the map, the subject subdivision area is designated Residential-Low, which according to the Commerce City Comprehensive Plan, dictates a density of 1 to 4 units per acre. The Villages @ Buffalo Run East PUD zoning document dictates a minimum/maximum of 2 to 4 units per acre for the subject area, with a specific requirement for a 10,000 sq.ft. lot size adjacent to Columbine Ranches. The proposed subdivision, case S-428-04-15, meets the approved zoning requirements.

#### 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.

| Comprehensive Plan |  |  |
|--------------------|--|--|
|--------------------|--|--|

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

| Section                        | Goal  | Description                           |
|--------------------------------|---|---------------------------------------|
| Land Use and Growth Strategies | LU 1  | Maintain a Balanced Mix of Land Uses. |
| <b>Analysis:</b>               | The Future Land Use Plan (FLUP) was created in order to ensure an appropriate mix of uses throughout the city. The FLUP identifies this particular area for 'Residential – Low' uses, which is compatible with the proposed plat. |                                       |

| Section                        | Goal  | Description                                   |
|--------------------------------|---|---|
| Land Use and Growth Strategies | LU 2  | Phase Growth in an Orderly and Compact Manner |
| <b>Analysis:</b>               | The proposed plat is located in the Villages @ Buffalo Run East PUD, which has seen ongoing construction for over a decade. This PUD is adequately served by the necessary utilities. |   |

| Section          | Goal   | Description                     |
|------------------|--|---------------------------------|
| Fiscal Stability | FS 2   | Retain/Increase Employment Base |
| <b>Analysis:</b> | The proposed plat will create 138 new lots for single-family residential development. These homes will provide opportunities for both employees and employers in the area. |                                 |

#### Project Benefits:

As part of the analysis for this application, the DRT concluded that the approval of an additional 151 lots in the Villages @ Buffalo Run East would be beneficial for the overall health of the city. Specifically, the approval of the plat will signal continued growth and economic strength in the local economy. Additionally, another 151 lots will help to entice future retailers to the area, which means additional services that the community has expressed a desire to have. Finally, the approval of the

requested 151 lots in Villages @ Buffalo Run East will help to implement the community vision for this area by approving lots that accommodate single-family detached homes in an area that has been designated for that type of use.

**The DRT recommendation:**

Based on the requested plat's compliance with the comprehensive plan as outlined above and its compliance with the approval criteria for a final plat listed below, the DRT is recommending that the Planning Commission send this application to the City Council with a favorable recommendation.

| Criteria Met?                       | Sec. 21-3241. Final Plats   | Rationale  |
|-------------------------------------|---|--|
| <input checked="" type="checkbox"/> | The plat is consistent with any approved land use document;   | The proposed plat is consistent with the approved Villages @ Buffalo Run East PUD Zone Document and the Future Land Use Plan of the city.  |
| <input checked="" type="checkbox"/> | The plat is consistent with and implements the intent of the specific zoning district in which it is located;   | This plat is for single-family detached lots, which is consistent with the approved PUD Zone Document.   |
| <input checked="" type="checkbox"/> | No evidence suggests that the plat violates any laws, regulations, or requirements;   | There has been no indication that the proposed request violates any laws, regulations, or requirements.  |
| <input checked="" type="checkbox"/> | The general layout of the plat minimizes land disturbance, maximizes open space, preserves existing trees/vegetation and riparian areas, and otherwise accomplishes the purposes and intent of the LDC;   | The proposed plat includes 2.589 acres of landscaping, open space, and drainage tracts, which help to accomplish the purposes and intent of the LDC.   |
| <input checked="" type="checkbox"/> | The plat complies with all applicable city standards and does not unnecessarily create lots that make compliance with such standards difficult or infeasible;   | The plat complies with the applicable requirements for creating lots governed by this PUD as well as the requirements for the dedication of right-of-way and drainage elements.  |
| <input checked="" type="checkbox"/> | The plat 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 are envisioned to exist in any adopted City plan, program or ordinance; | The DRT believes that this plat will not result in a substantial or undue adverse effect on adjacent properties, traffic conditions, parking, or public improvements. The DRT has concluded that the proposed plat adequately dedicates the necessary right-of-way and the additional traffic created by these homes will not put undue burden on the existing road network. |
| <input checked="" type="checkbox"/> | Sufficient public services (utilities, safety, etc) and uses (parks, schools etc) are available to serve the subject property;  | All referral agencies for this request have indicated an ability to serve the proposed lots and the school district is not objecting to the current request.   |
| <input checked="" type="checkbox"/> | A development agreement between the city and the applicant has been executed and addresses the construction of all required public improvements; and  | The applicant and the city have agreed to a "Draft" of a Public Improvements Agreement for the subject Filing #7 & also Filing #6.   |
| <input checked="" type="checkbox"/> | As applicable, the proposed phasing plan for development of the subdivision is rational in terms of available infrastructure capacity.  | N/A. There is no phasing plan for this request.  |

## Development Review Team (DRT) Recommendation

Based upon the analysis above, the Development Review Team believes that the application **meets** the approval criteria for a final plat set forth in Section 21-3241 of the Land Development Code and 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 generally known as the Villages @ Buffalo Run East Filing #7 contained in case S-426-04-15 **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 subject to condition(s):

I move that the Planning Commission enter a finding that, subject to certain conditions, the requested final plat for the property generally known as the Villages @ Buffalo Run East Filing #7 contained in case S-426-04-15 **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 Condition(s)*

#### To recommend denial:

I move that the Planning Commission enter a finding that the requested final plat for the property generally known as the Villages @ Buffalo Run East Filing #7 contained in case S-426-04-15 **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 final plat.