



# Villages at Buffalo Run Land Conveyance and Subdivision Exemption

Location:

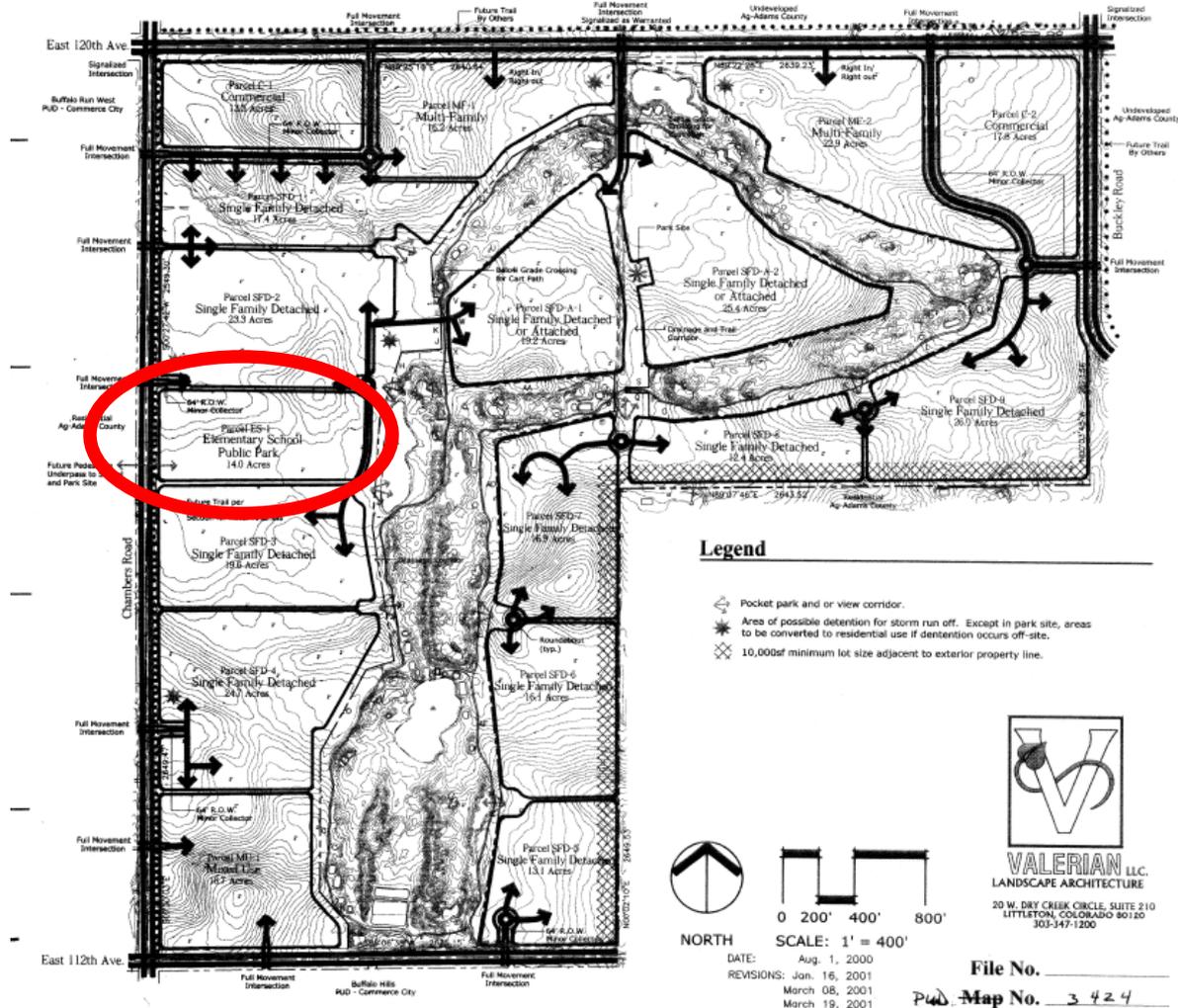
11698 Chambers Road

Request:

Exemption of Subdivision Requirement for  
Transfer of City owned land



# Site and Surroundings



# Background

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- The Villages at Buffalo Run East PUD Zone Document was approved by City Council in 2000
- A part of this PUD Zone Document called out a future 14-acre tract of land to be a future elementary school site and park
- The property was dedicated to city as school site and park via Villages East Filing #1 (parcel is currently under city ownership)

# Background Continued

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- The City platted this tract into one lot for the preparation of the neighborhood park construction (Villages East Filing #8)
- At that time, the City and School District 27J worked together to plan this site to allow for space for both a school and a park to help maximize space (including ball field location)

# PUD Requirements

- Within the PUD Zone Document and related Development Agreement is a sunset provision for this site that reads...

The ES-1 parcel is zoned for a combined elementary school and public park site with the following conditions (which are outlined in the Development Agreement - Commerce City dated July 17, 2000, as recorded Book 6220 at Page 0267-0281 of the Adams County, Colorado records): Although the ES-1 parcel will be dedicated at signing of the final plat, if a permanent elementary school facility has not been constructed or is not then being constructed on the ES-1 parcel by the later of (i) ten (10) years from July 17, 2000, or (ii) a date that 80% or more of the aggregate single family residential structures approved in final plats for the Villages at Buffalo Run East and West have been sold to third party purchasers, then five (5) acres of the ES-1 parcel will revert to the Owner but the remaining nine (9) acres shall continue to be owned, maintained and operated as a park by the City. If such reconveyance is required, Owner shall have the right to rezone the five (5) acre parcel that is reconveyed into SF residential lots pursuant to zoning outlined in SFD 1-2 of this PUD Zone Document.

# Reversion Discussions

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- The developer notified the City that their threshold had been met
- Staff presented this information to the City Council and it was determined that:
  - 27J did not want to purchase the land
  - the five acre site would not be large enough for a traditional elementary school
  - the Parks division did not need the land for a neighborhood park
- It was Council's desire for Staff to explore purchasing the five acre site

# Reversion Continued

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- Staff presented the results of a site appraisal to City Council.
  - At that time, Council directed staff to cease efforts to purchase the parcel and to convey the land back to the developer

# Request for Exemption

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- Staff recommends exempting the division of land described as the 5-acre site at approximately 11698 Chambers Road from the subdivision standards as the division at issue is not within the purpose of the regulations and the exemption is in the best interests of the city.

# LDC Exemption

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Section 21-6100(2)(g). This states the following:

- ***Exemptions.*** *The standards related to the subdivision of land contained in this land development code shall not apply to the following:.....*
  - *Any other division of land if it is determined by the city council, after review by the planning commission, that the division of land is not within the purpose of these regulations and that the exemption would be in the best interests of the city.*

# Analysis

- This particular property is subject to the existing agreement executed several decades ago.
- Both School District 27J and the City have reviewed and analyzed this property based on their future plans, and decided that they do not wish to keep or acquire this land.
  - City Council directed staff to convey the land back to the developer.
- The developer will already have to replat this land to accommodate single-family homes, and another platting process to divide the 5 acres would add additional time and money to the same future outcome.
- This is a unique situation on a property found in existing contracts and entitlements, which are not traditional within Commerce City.
- It is in the best interest of the City, based on review and decision of City Council, not to purchase the property, that the City should not spend additional funds to plat the property into two parcels.

# Recommendation

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- Staff recommends that the Planning Commission forward a favorable recommendation to City Council to allow this subdivision exemption





Staff is available to answer any questions.

