



# STAFF REPORT

## Planning Commission

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### CASE #V-89-21

<b>PC Date:</b>	Tuesday, December 1, 2020	<b>Case Planner:</b>	Steve Timms
<b>CC Date:</b>	Monday, December 21, 2020		
<b>Location:</b>	Peoria Street ROW South of Xcel Transmission Lines and Running South Approx. 1787 feet to the southern boundary of Turnberry.		
<b>Applicant:</b>	Catellus CC Note, LLC	<b>Owner:</b>	Same As Applicant
<b>Address:</b>	66 Franklin Street, Suite 200 Oakland, CA 94607	<b>Address:</b>	Same As Applicant

### Case Summary

<b>Request:</b>	Vacate existing Peoria Street ROW, in conjunction with development of Turnberry Filing #5. Peoria Street will be relocated to the east as Peoria Parkway.
<b>Project Description:</b>	The applicant wishes to construct a new residential filing (Turnberry #5) in this location and desires to vacate and relocate Peoria Street to the east to act as a central parkway for the development. The vacated portion of Peoria would be redeveloped as part of the new subdivision. The realignment has been shown on the Turnberry PUD Zone Document since it first got zoned in 1999.
<b>Issues/Concerns:</b>	Conformity with Comprehensive Plan and Vacation Regulations under the LDC.
<b>Key Approval Criteria:</b>	Compatilby with surrounding uses, provisions of services, conformance with Master Plans.
<b>Staff Recommendation:</b>	Approval
<b>Current Zone District:</b>	PUBLIC (Public District)
<b>Comp Plan Designation:</b>	Public/State

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

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Vacation Plat          | <input checked="" type="checkbox"/> Vicinity Map |
| <input checked="" type="checkbox"/> Staff Presentation     | <input type="checkbox"/>                         |
| <input checked="" type="checkbox"/> Applicant Presentation | <input type="checkbox"/>                         |

## Background Information

### Site Information

<b>Site Size:</b>	All ROW area comprises approximately 106,000 square feet
<b>Current Conditions:</b>	All ROW area is currently gravel and dirt unimproved roadway
<b>Existing Right-of-Way:</b>	Peoria Street
<b>Neighborhood:</b>	Turnberry
<b>Existing Buildings:</b>	N/A
<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

### Existing Land Use

### Occupant

<b>North</b>	Public/Utility	Xcel Energy Transmission Lines
<b>South</b>	Ag/Public	Shell Oil agricultural land/Army Pumping Station / City of Commerce City Future Maul Reservoir
<b>East</b>	Ag/Residential	Currently vacant land/ Applications for Turnberry Filing #6 and Reunion Ridge
<b>West</b>	Ag/Residential	Currently vacant land/Application for Turnberry Filing #5

### Case History

The subject property was annexed into the City in 1997 (Cases #AN-139-97 and #AN-140-97). Annexation zoning of R-1 was approved for the two parcels in 1998 (Cases #Z-678-98 and #Z-679-98). In December 1999 the applicant, Burlington Northern Railroad/Catellus, received approval of the original PUD Zone Document (Case #Z-706-99) for the construction of residential and neighborhood-serving commercial uses.

<u>Case</u>	<u>Date</u>	<u>Request</u>	<u>Action</u>
Z-706-99	12/99	Original PUD Zone Document Approval	<b>Approval with Conditions</b>
Z-706-99-01 & Z-706-99-01-02	12/01 & 5/02	Parcel Adjustments	<b>Approval with Conditions</b>
Z-706-99-01-02-06	10/06	Amend Area A	<b>Approval</b>
Z-706-99-01-02-06-14	10/14	Amend Area B	<b>Approval</b>
Z-706-99-01-20-06-14-16	03/16	Amend Northern Area	<b>Approval</b>

## Applicant's Request

The applicant is proposing to vacate the existing unimproved Peoria Street, south of the Xcel Transmission Lines and extending south approximately 1787 feet to the southern boundary of Turnberry. Peoria Street will then be replatted and realigned to the east to curve up from the existing Peoria Street alignment up to the Revere Street alignment at E. 104<sup>th</sup> Avenue. The current Peoria Street alignment will be absorbed and replatted into Turnberry Filing #5 (S-711-18-20). The applicant has contracted a licensed land surveyor to prepare plats according to state and local requirements. This proposed vacation is consistent with the specific vacation criteria found in the city's codes. This realignment of Peoria Street has been identified in all the Turnberry PUD Zone Documents going back to 1999. Vacating this old ROW will help develop the southern part of Turnberry in an orderly and purposeful way for future redevelopment.

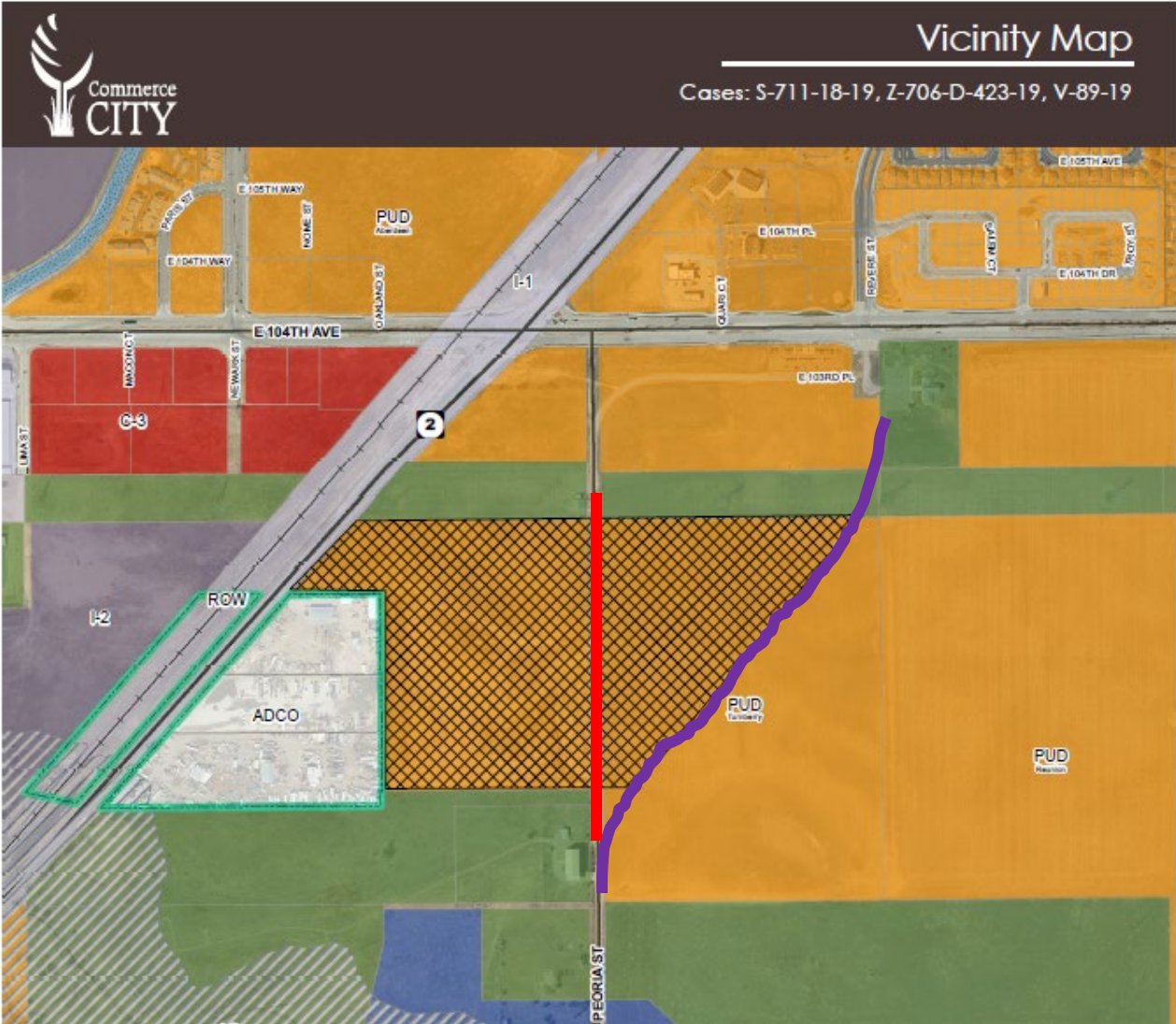
Finally, the applicant believes this vacation request is in conformance with the City's adopted This Comprehensive Plan and Transportation Master Plan.

## Development Review Team Analysis

**Site analysis:**

The requested vacation plat is generally bound by the Xcel Transmission Lines on the North, Highway 2 on the west, the alignment of E. 100<sup>th</sup> Avenue to the south, and the Reunion property boundary to the east. The existing Peoria Street is unimproved and remains in a gravel and dirt state. As a part of the master plan for Turnberry, it has always been envisioned that Peoria Street would go off alignment and connect at E. 104<sup>th</sup> Avenue with Turnberry Parkway/Revere Street. The newly platted and constructed Peoria Parkway would allow access to Turnberry Filings #5 and #6 as well as provide another access point to the Reunion Ridge development.

Map showing existing alignment (Red) and proposed alignment (Purple) platted with Filing #5

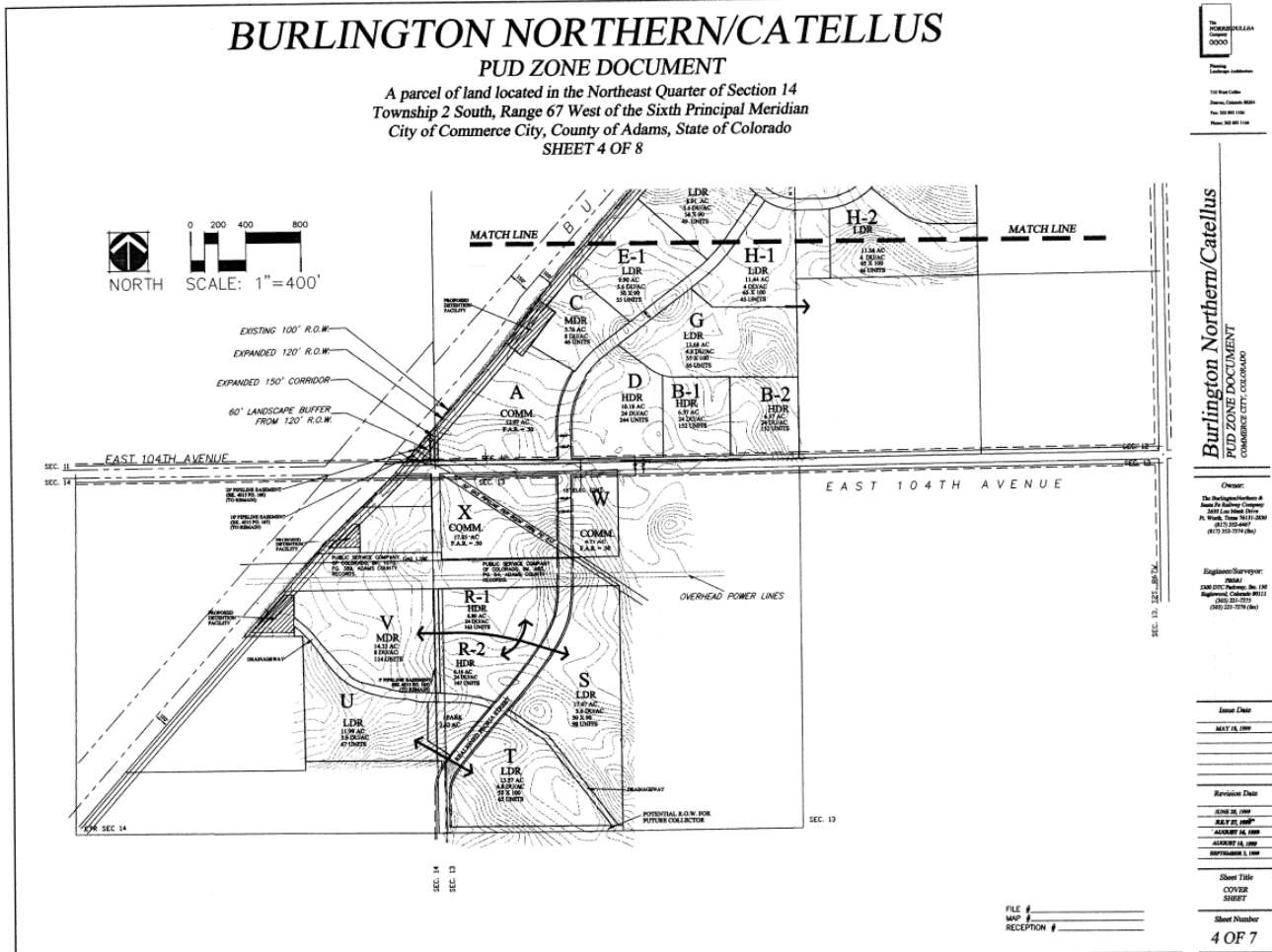


**Vacation Plat Analysis:**

This particular alignment of Peoria has been studied for realignment for several reasons: 1) The existing intersection of Peoria Street and E. 104<sup>th</sup> Avenue (now closed) is too close to the Highway 2 intersection,

2)The ability to have a primary Parkway (Peoria and Turnberry) through such a large development is a unifying and design element that produces a thoughtful collector network for this area, and 3) Before any development occurs, now is the best time to coordinate this vacation and relocation, as one can comprehensively plan the complete infrastructure, utility, and drainage network to save future costs.

Page from the Original Turnberry PUD Zone Document from 1999 showing the realignment of Peoria Street



While Peoria Street is an active roadway, the applicant has worked with all relevant utility agencies and the US Army on their respective utility infrastructure that exists in this area. All of these agencies are working with the applicant to relocate and move this infrastructure to be compatible with the proposed Filing #5.

Image from the City's Transportation Master Plan showing the realignment of Peoria to Revere Street and E. 104<sup>th</sup> Avenue



The applicant has concurrently applied for a subdivision request for Filing #5 (S-711-18-20) to bring the property into a fully entitled and developable state. Referral agencies including South Adams Fire Protection District, Tri-County Health Department, US Army, local utility providers, and various city departments have reviewed the proposal and are working with the applicant to address all comments.

North of the Xcel Transmission Lines, the existing Peoria Street ROW will remain until such time that the commercial developer submits plans for these parcels. The ROW may remain and be incorporated into the overall commercial site, or can be vacated when the site is replatted depending on the redevelopment options. South of the Turnberry property towards E. 96<sup>th</sup> Avenue, Peoria Street will remain on alignment and unimproved. This Peoria Street segment in the future may also shift depending on the future design of Commerce City's Maul Reservoir. No plans or designs for this section of Peoria have as of yet, been considered or contemplated.

#### **Project Benefits:**

As part of the analysis for this application, the DRT concluded that the approval of the vacation plat request for Peoria Street would be beneficial for the following reasons: 1) The City's Comprehensive Plan and Transportation Plan identify this street to be realigned to Revere Street. 2) Specifically, the approval of the plat will signal continued growth and economic strength in the local economy through new ongoing construction. 3) In conjunction with the subdivision requests, the vacation request would help the future development in this area, by helping to create a strong collector road network through the development, and 4) Additionally, new residential lots will help to entice future retailers to the area, which means additional services that the community has expressed a desire to have.

**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 vacation 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. 21-3233. Vacation of Right-of-Way	Rationale
<input checked="" type="checkbox"/>	The vacation is consistent with the Comprehensive Plan and any other applicable city-approved plan;	The area to be vacated will be incorporated into the new Turnberry Filing #5 development and has been identified on the City's Master Plans and the Turnberry PUD Zone Document for more than 20 years.
<input checked="" type="checkbox"/>	The land to be vacated is no longer necessary for the public use and convenience;	The subject ROW is no longer necessary for public transportation use and convenience as there will be a new and improved Peoria Parkway just to the east.
<input checked="" type="checkbox"/>	The vacation will not create an landlocked properties;	There will continue to be access from all the surrounding streets.
<input checked="" type="checkbox"/>	The vacation will not render access to any parcel unreasonable or economically prohibitive;	Access will not be made unreasonable or economically prohibitive, as new accesses will be provided that comply with city rules. Accesses and new streets will be improved as part of the larger redevelopment.
<input checked="" type="checkbox"/>	The vacation will not reduce the quality of public services to any parcel of land; and	There will be no change to the quality of public services to any parcel of land as a result of the vacation.
<input checked="" type="checkbox"/>	A separate plat to replat the vacated area into a larger, usable piece of land has been submitted.	A separate subdivision plat is under review to include the vacated right-of-way with a larger development parcel.

<b>Comprehensive Plan</b>
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The DRT recommendation for this case is supported by the following Comprehensive Plan Goals:

<u>Section</u>	<u>Goal</u>	<u>Description</u>
Land Use and Growth Strategies	LU 1a	<b><u>Future Land Use Plan (FLUP) as a Guide:</u></b> Use the FLUP to guide development patterns and mix of uses and amendments to the Land Development Code.
<b><u>Analysis:</u></b>	The FLUP identifies the Turnberry site as a Residential-Medium development. The vacation request is being made in order to include the subject property as part of the proposed redevelopment of Turnberry Filing #5 in alignment with the FLUP.	

<u>Section</u>	<u>Goal</u>	<u>Description</u>
Safety and Wellness	SW 2a	<b><u>Pedestrian Improvements:</u></b> Pursue strategies to create a visually-appealing and safe pedestrian experience. Prioritize pedestrian improvement in areas that will have the greatest benefit (e.g. near schools or commercial areas).
<b><u>Analysis:</u></b>	As a part of the development of Turnberry, the entire site will be improved with detached sidewalks and tree-lawns, trails, and a private park to enhance the pedestrian experience. Without this vacation, Peoria Street is narrow roadway, without sidewalks, and would not encourage active pedestrian activity.	

## Development Review Team Recommendation

Based upon the analysis above, the Development Review Team believes that the application meets the criteria for a Vacation of Right of Way set forth in the Land Development Code and recommends that the Planning Commission forward the Vacation of Right of Way 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 Vacation of Right of Way for this 1767 foot section of Peoria Street, and contained in case **V-89-21** meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the **Vacation of Right of Way**.

## 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 Vacation of Right of Way for this 1767-foot section of Peoria Street contained in case V-89-21 meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Vacation of Right of Way subject to the following conditions:

*Insert Condition(s)*

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

I move that the Planning Commission enter a finding that the requested Vacation of Right of Way for this 1767-foot section of Peoria Street contained in case V-89-21 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 Vacation of Right of Way

#### ***To continue the case:***

I move that the Planning Commission continue the requested Vacation of Right of Way for this 1767 foot section of Peoria Street contained in case V-89-21 to a future Planning Commission agenda.