

# COUNCIL COMMUNICATION

<b>Meeting Date:</b> August 27, 2019	<b>Agenda Item:</b>	<b>Agenda Location:</b> Public Hearings	<b>Goal(s):</b>	<b>Legal Review:</b>	<input checked="" type="checkbox"/> 1 <sup>st</sup> Reading <input type="checkbox"/> 2 <sup>nd</sup> Reading
<p><b>Subject:</b> A public hearing regarding a Zoning Amendment and Conceptual Site Plan for property generally located south of East 156<sup>th</sup> Avenue between Holly Street and Monaco Street (Westwood).</p> <ol style="list-style-type: none"> <li>1. An ordinance approving a Zoning Amendment for approximately 62 acres of land generally located south of East 156<sup>th</sup> Avenue between Holly Street and Monaco Street to reconfigure the Single-Family Detached and Parks and Open Space designations.</li> <li>2. A resolution approving a Conceptual Site Plan for single-family detached residential development on property generally located south of East 156<sup>th</sup> Avenue between Holly Street and Monaco Street.</li> </ol>					
<b>Recommended by:</b> Jeff Coder <b>Presenter(s):</b> Grant Penland, Planning Director			<b>Approved by:</b> Kevin S. Woods		<b>Ordinance previously introduced by:</b> <hr style="width: 100%;"/>

**SYNOPSIS:**

Zoning Amendment:

The current zoning designation for the property is Single-Family Detached (SFD) and Parks and Open Space (POS). The applicant is proposing a minor adjustment to the SFD and POS boundaries based on the anticipated site plan and lot layout.

Conceptual Site Plan:

The applicant is requesting approval of a Conceptual Site Plan (CSP) to allow for the development of 167 SFD homes and related site improvements.

**RECOMMENDATION:**

Staff recommends Alternative No. 1, to approve the Zoning Amendment and CSP.

**BUDGET/STAFF IMPLICATIONS:**

None.

**ALTERNATIVES:**

1. Approve the Zoning Amendment and CSP.
2. Deny the Zoning Amendment and CSP.
3. Revise the Zoning Amendment and/or CSP in response to specific Council direction.
4. Continue the public hearing.

**BACKGROUND (ANALYSIS/NEXT STEPS/HISTORY):** (includes previous City Council action)

The Westwood project is a proposed 62-acre SFD development south of East 156<sup>th</sup> Avenue between Holly Street and Monaco Street. The CSP proposes 167 SFD homes for a density of 2.68 dwelling units per acre. Approximately 5.5 acres of parks and open space areas are also proposed along with required public improvements including roadways, water and sewer utilities, stormwater detention and landscaping.

The development will utilize two access points, one on Holly Street and one on Monaco Street. Holly Street and Monaco Street will be improved by the developer along the project's frontage according to arterial and collector roadway standards, respectively. Bike lanes and detached sidewalks are proposed as part of the required right-of-way improvements.

East 154<sup>th</sup> Avenue will serve as a collector street within the site and will feature detached sidewalks, a landscaped tree lawn, and bike lanes. Traffic calming measures are also proposed to enhance vehicle and pedestrian safety within the development.

A CSP for a similar development was approved by the City in 2009 concurrent with the annexation and zoning of the property. The project was not constructed and the CSP expired in 2012.

**Zoning Amendment**

The proposed zoning amendment complies with the following criteria for a zoning amendment:

1. *Growth and other development factors in the community support changing the zoning.*

The purpose of the Zoning Amendment is to adjust the boundary line between the parks and open space area and the SFD homes. The change results in substantially the same area of SFD and POS land and will facilitate a single-family residential development, which was anticipated when the property was originally zoned.

2. *The change in zoning represents orderly development of the City and there are, or are planned to be, adequate services and infrastructure to support the proposed zoning change and existing uses in the area.*

There are adequate existing or planned services to support the proposed development. Water, sewer, storm water, and transportation infrastructure will be constructed to serve the development. Improvements to the perimeter roadways, including Holly Street, Monaco Street, and E. 156<sup>th</sup> Avenue, are proposed as part of the public improvements.

3. *The change in zoning provides for an appropriate land use of the property.*

The proposed adjustment to the SFD/POS boundaries will maintain allowance for SFD homes which were anticipated when the property was originally zoned. SFD development is appropriate in this location as other residential development is anticipated in the surrounding areas and is consistent with the City's vision for the area.

4. *The change in zoning is in substantial conformance with the goals and policies of the Comprehensive Plan and other adopted plans and policies of the City.*

The proposed zoning amendment does not change the land uses for the property as the development is intended to remain SFD and POS, which is in conformance with the Comprehensive Plan future land use designation of “Residential Low.” The request supports applicable Comprehensive Plan policies, including the following:

5.4.1: Ensure the design and development standards for residential development in Thornton contribute to the long-term stability and desirability of its neighborhoods.

5. *The proposed zoning is sensitive to and compatible with the existing and planned use and development of adjacent properties.*

The proposed zoning amendment retains the SFD and POS designations that promote cohesiveness with surrounding future land use designations and zoning designations, where future residential development is also anticipated. The proposed zoning amendment promotes the ideals of orderly community growth and integration of the development to surrounding areas.

### **Conceptual Site Plan**

The CSP proposes the development of 167 SFD homes for a density of 2.68 dwelling units per acre. Required public improvements will be provided with the development including roadway infrastructure, water and sewer extensions, storm water detention, parks and open space, and landscaping.

The development will utilize two access points, one on Holly Street and one on Monaco Street. East 154<sup>th</sup> Avenue will serve as a collector roadway within the site and will feature detached sidewalks, bike lanes, and traffic calming measures for increased vehicular and pedestrian safety.

A 5.5-acre park (Tract B) is proposed at the northwest portion of the site and will be landscaped and improved in accordance with City Code requirements. A regional trail is proposed adjacent to the Signal Ditch which runs along the northwest property boundary. Sidewalk connections will be provided to the trail at appropriate locations for pedestrian access. Additional open space is provided in Tract G and Tract F which will be improved with trails, landscaping and recreational amenities.

There are three existing oil and gas wells on the property, one of which has been plugged and abandoned and will be placed in a 50' x 100' tract (Tract I). The other two wells will be plugged and abandoned prior to construction, one of which will be placed in another 50' x 100' tract (Tract C). The third well will be placed in the proposed detention tract in the southeast corner of the site (Tract H). In the event the wells are not plugged and abandoned, they will be required to comply with current Code requirements pertaining to active wells.

**Landscaping:** The project's interior landscaping and exterior streetscape will act to enhance views from adjacent roadways and adjacent properties. A 25-foot landscape buffer is provided along Holly Street in accordance with City Code requirements for arterial roadways. The conceptual landscape plan provides a variety of plant materials and will comply with the requirements of the City Code. The final landscape plan and design will be reviewed through a Minor Development Permit (MDP).

**Water and Sewer:** Water and sewer utilities will be constructed in the perimeter streets to serve the development. The developer is responsible for extending all necessary water and sewer lines within the site.

**Traffic and Circulation:** A Traffic Impact Study was reviewed by Development Engineering and the City Traffic Engineer demonstrating that the existing and proposed traffic improvements are adequate to serve the development. The development will utilize two access points, one on Holly Street and one on Monaco Street. The developer will construct Holly Street and Monaco Street improvements according to arterial and collector roadway standards, respectively, along the project's frontage as required per City Code. East 154<sup>th</sup> Avenue will serve as a collector street within the site and will feature a detached sidewalk and bike lanes. Traffic calming measures are also proposed to enhance vehicle and pedestrian safety within the development.

**Drainage:** A preliminary drainage report was submitted to the City and reviewed by Development Engineering. On-site flows will be directed to a detention pond in the south east corner of the site. The flows will be detained and treated for water quality, then released under Monaco Street and into the Todd Creek Tributary 2 drainageway.

**Public Land Dedication:** In accordance with the Annexation Agreement, Public Land Dedication (PLD) will be satisfied through park/open space areas. The Annexation Agreement requires 5.05 acres to be dedicated and the CSP shows 5.51 acres of park/open space areas which will be improved in accordance with City Code requirements.

**Fencing:** A solid masonry fence will be provided along Holly Street. Open-rail fencing will be provided adjacent to parks and open space areas. The final fencing plan will be submitted with the MDP and will be in conformance with the CSP and the City Code.

**CSP Evaluation Criteria:**

1. *The proposed project is consistent with the Comprehensive Plan and all requirements of Chapter 18 of the City Code.*

The proposed CSP is consistent with the following goals and objectives contained in the Comprehensive Plan:

5.4.1: Ensure the design and development standards for residential development in Thornton contribute to the long-term stability and desirability of its neighborhoods.

The proposed project is also in compliance with the SFD zoning development standards and all applicable requirements of Chapter 18 of the City Code.

2. *The proposed project is consistent with the current zoning on the property.*

The proposed project is in compliance with the SFD zoning designation. The proposed SFD homes are uses permitted by right in the SFD zoning district.

3. *The CSP is in compliance with all applicable use, development and design standards set forth in the City Code.*

The proposed CSP is in compliance with all applicable use, development and design standards including access, internal circulation, pedestrian connectivity, landscape buffers, setbacks, park and open spaces, and related site design requirements.

4. *Adequate facilities and services exist or are planned by the project to serve the development.*

Facilities and services exist or will be provided by the developer to serve the project including public roadway and traffic improvements, water and sewer facilities, storm water detention, and sidewalks.

5. *Compatibility with the surrounding area is demonstrated by proposed improvements, including screening and buffering that has been provided to minimize impacts to adjacent uses.*

The proposed development is compatible with adjacent uses by the proposed improvements, including landscape buffers, fencing, building setbacks, sidewalks, and open spaces.

**PUBLIC NOTICE AND RESPONSE:**

Public Notification: A public notice of the hearing was published on the City's official website on August 8, 2019 and at City Hall, the Margaret W. Carpenter Recreation Center, and the Thornton Active Adult Center on August 12, 2019. All property owners within at least 1,500 feet of this site were sent notice of the public hearing ten days prior to August 27, 2019. Notification of the City Council hearing was posted on the property for at least ten days prior to the August 27, 2019, public hearing.

Public Response: A neighborhood meeting was held on July 8, 2019, to present and discuss the proposed Zoning Amendment and CSP. Five area residents and property owners attended the meeting.

The applicant provided a thorough presentation covering the various elements of the CSP and public improvements. Questions were asked pertaining to roadway improvements, detention/storm water runoff, sewer and water line connections, existing oil and gas operations, and fencing along the southern boundary of the site. Other concerns included noise, light, air quality, traffic, and general impacts to the area due to increased density.

More general concerns were expressed regarding the various impacts and challenges of future development in the northern part of Thornton.

**HISTORY:**

The property was annexed into the City on October 13, 2009, by Ordinance No. 3113 and subsequently zoned SFA and POS by Ordinance No. 3114.

A CSP for the Westwood residential development, comprised of 156 single-family lots, was approved by City Council on September 22, 2009. The development did not materialize and the CSP expired in September of 2012.

INTRODUCED BY: \_\_\_\_\_

AN ORDINANCE APPROVING A ZONING AMENDMENT FOR APPROXIMATELY 62 ACRES OF LAND GENERALLY LOCATED SOUTH OF EAST 156<sup>TH</sup> AVENUE BETWEEN HOLLY STREET AND MONACO STREET TO RECONFIGURE THE SINGLE-FAMILY DETACHED AND PARKS AND OPEN SPACE DESIGNATIONS (WESTWOOD).

WHEREAS, Westwood Holdings, LLC is the applicant (Applicant) and Nicholas and Deborah Chiovitti are the owners (Owner) of certain real property (Property) within the City described in Exhibit A attached hereto and incorporated herein by reference; and

WHEREAS, the Property is currently zoned Single-Family Detached (SFD) and Parks and Open Space (POS); and

WHEREAS, the Owner has submitted to the City an application to reconfigure the SFD and POS boundaries; and

WHEREAS, the proposed application is consistent with the goals and desires of the City, provides for orderly growth within the City, and provides for a beneficial and efficient use of the Property; and

WHEREAS, the aforesaid request and all supporting documents are hereby incorporated as if fully set forth herein; and

WHEREAS, the application is a matter of public record in the custody of the City Development Department, and is available for public inspection during business hours of the City; and

WHEREAS, on August 27, 2019, the City Council conducted a public hearing on said application, pursuant to the procedural and notice requirements of the City Charter and Chapter 18 of the Thornton City Code. The Council considered the evidence presented in support of and in opposition to the application; the applicable zoning requirements; the City's Comprehensive Plan; and staff recommendations; and have considered the record and given appropriate weight to the evidence.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF THORNTON, COLORADO, AS FOLLOWS:

1. That it is found that the Owner and the City have complied with the provisions of Section 18-41 of the Thornton City Code pertaining to zoning applications.
2. The City Council finds that the Application meets the criteria in Section 18-41 of the Thornton City Code for Zoning Amendments as follows:
  - a. Growth and other development factors in the community support

changing the zoning.

- b. The change in zoning represents orderly development of the City and there are, or are planned to be, adequate services and infrastructure to support the proposed zoning change and existing uses in the area.
  - c. The change in zoning provides for an appropriate use of the Property.
  - d. The change in zoning is in substantial conformance with the goals and policies of the Comprehensive Plan and other adopted plans and policies of the City.
  - e. The proposed zoning is sensitive to and compatible with the existing and planned use and development of adjacent properties.
3. The Westwood application to amend the zoning boundaries for the SFD and POS designations is hereby approved with the following conditions:
- a. Approval of the Application does not waive any additional requirements of the development as established with the Subdivision Plat, Developer's Agreement, or any Development Permit associated with the Property.
  - b. At the time of submitting a request for a Development Permit, the Owner shall provide a landscape plan that is consistent with the City's water-wise landscape regulations which emphasizes the use of drought-tolerant materials.
  - c. Prior to the development of the Property, a Subdivision Plat shall be recorded to create developable lots and grant easements necessary to serve the development.
  - d. Public Land Dedication shall be satisfied as outlined with the approved Conceptual Site Plan. Timing of the improvements shall be determined in the Developer's Agreement required for the development.
4. The conditions in this ordinance shall run with the land and be binding upon the Owner, its successors and assigns.
5. This ordinance shall take effect upon final passage.

INTRODUCED, READ, PASSED on first reading, ordered posted in full, and title ordered published by the City Council of the City of Thornton, Colorado, on \_\_\_\_\_, 2019.

PASSED AND ADOPTED on second and final reading on \_\_\_\_\_, 2019.

CITY OF THORNTON, COLORADO

\_\_\_\_\_  
Heidi K. Williams, Mayor

ATTEST:

\_\_\_\_\_  
Kristen N. Rosenbaum, City Clerk

THIS ORDINANCE IS ON FILE IN THE CITY CLERK'S OFFICE FOR PUBLIC INSPECTION.

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
Luis A. Corchado, City Attorney

PUBLICATION:

Posted at City Hall, Margaret W. Carpenter Recreation Center, and Thornton Active Adult Center after first and second readings.

Published on the City's official website after first reading on \_\_\_\_\_, 2019, and after second and final reading on \_\_\_\_\_, 2019.