

COUNCIL COMMUNICATION

Meeting Date: September 10, 2019	Agenda Item:	Agenda Location: Action Item	Goal(s):	Legal Review:	<input type="checkbox"/> 1 st Reading <input checked="" type="checkbox"/> 2 nd Reading
Subject: An ordinance approving a Zoning Amendment for approximately 62 acres of land generally located south of East 156 th Avenue between Holly Street and Monaco Street to reconfigure the Single-Family Detached and Parks and Open Space designations.					
Recommended by: Jeff Coder			Approved by: Kevin S. Woods		Ordinance previously introduced by: _____
Presenter(s): Grant Penland, Planning Director					

SYNOPSIS:

On August 27, 2019, City Council voted unanimously to approve the Zoning Amendment for Westwood, subject to additional conditions discussed at the hearing. During the hearing, the Applicant agreed to the amendment of the ordinance to include additional conditions to address: fencing to mitigate impacts on the neighboring property, landscaping issues on Tract I, and mitigation from any oil and gas operations on the site.

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.

The Zoning Amendment would facilitate a proposed residential development on approximately 62 acres of land located south of E. 156th Avenue between Holly Street and Monaco Street.

RECOMMENDATION:

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

BUDGET/STAFF IMPLICATIONS:

None.

ALTERNATIVES:

1. Approve the Zoning Amendment.
2. Deny the Zoning Amendment.
3. Revise the Zoning Amendment in response to specific Council direction.

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

The Westwood project is a proposed 62-acre SFD development south of East 156th 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.

COUNCIL COMMUNICATION

PAGE 2

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, stormwater, and transportation infrastructure will be constructed to serve the development. Improvements to the perimeter roadways, including Holly Street, Monaco Street, and E. 156th 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.

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

COUNCIL COMMUNICATION

PAGE 3

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/stormwater 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 SFD 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: Tade

AN ORDINANCE APPROVING A ZONING AMENDMENT FOR APPROXIMATELY 62 ACRES OF LAND GENERALLY LOCATED SOUTH OF EAST 156TH 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 (DA), or any Development Permit (DP) associated with the Property.
 - b. At the time of submitting a request for a DP, 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 DA required for the development.
 - e. The Applicant shall install a six-foot solid privacy fence along the entire southern boundary of the Property, unless an alternative fence style is agreed upon by the Developer and the abutting property owner. All fencing shall be subject to City review and approval through the Minor Development Permit (MDP) process.
 - f. The Applicant shall provide landscaping within Tract I, identified on the CSP, which meets the intent of developing a natural setting that is compatible with adjacent landscaping through the use of irrigated utility turf, native grasses, planting beds, rocks, open rail fencing, and

other plant material as approved through the MDP process.

g. Prior to issuance of the first building permit for the Property, the Applicant shall provide to the City documentation confirming abandonment of existing wells and removal of associated equipment, along with the removal of all existing flowlines on the Property in accordance with Colorado Oil and Gas Conservation Commission (COGCC) requirements. Documentation shall also be provided by the Applicant to the City that the COGCC granted approval of a closure report, with such report verifying that no known contamination exists on the Property after removal of such oil and gas facilities.

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 August 27, 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 August 28, 2019, and after second and final reading on _____, 2019.