

**ARAPAHOE COUNTY PLANNING COMMISSION
PUBLIC HEARING
June 18, 2024
6:30 P.M.**

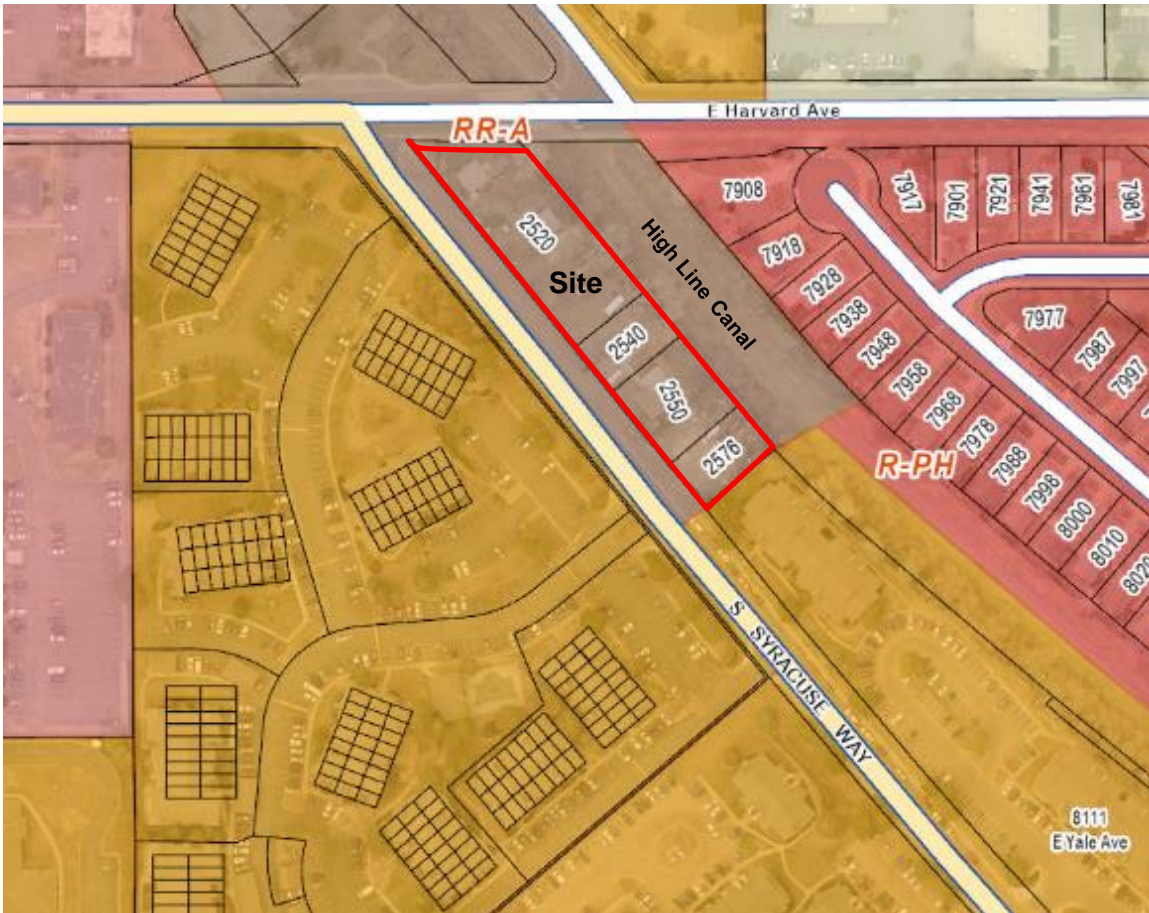
SUBJECT: SDPZ21-006 – TRAILSIDE TOWNHOMES

MOLLY ORKILD-LARSON, PRINCIPAL PLANNER

JUNE 10, 2024

LOCATION:

The subject property consists of four parcels located at 2520, 2540, 2550, and 2576 S. Syracuse Way. This property is in Commissioner District No. 4 and zoned RR-A, Rural Residential A.



Vicinity and Zoning Map

ADJACENT SUBDIVISIONS, ZONING, AND LAND USES

North:	Single-family Residential, zoned RR-A
South:	Multi-family, zoned MU
East:	High Line Canal, Single-family, zoned R-PH
West:	Multi-family, zoned MU

PROPOSAL AND REQUEST

The applicant seeks approval to rezone four parcels from RR-A to Planned Unit Development (PUD) to build a three-story townhome development.

BACKGROUND

Two of the four existing parcels contain single-family residences with garages. These properties were originally zoned A-2, Agricultural-2 in 1961, with single-family residential with agricultural activities as their primary uses. In 2018, this zone district's name changed to RR-A, Rural Residential A as part of the code's update. Under the existing code, this zone district's primary use is single-family detached residential along with limited non-commercial agricultural uses (including small agricultural animals or fowl for the private use of the residents only).

In 2005, the Four-Square Mile Sub-Area Plan was created and identified the land use category for these properties as Multi-Family, shifting the use of these properties from rural residential housing to higher-density residential.

This application is being processed through the two-step Planned Unit Development review process since it meets the eligibility criteria regarding project location, property size, land use, density, and height.

ANALYSIS OF A REZONING APPLICATION

Staff review of this application included a comparison of the proposal to 1) applicable policies and goals outlined in the Comprehensive Plan; 2) a review of pertinent zoning regulations; and 3) an analysis of referral comments.

1. The Comprehensive Plan

Comprehensive Plan (Comp Plan): The subject parcel is located within the Four-Square Mile Sub-Area Plan, which identifies this site as Multi-Family (MF). The primary uses in this designation are multi-family residential structures including apartments, cooperatives, and condominium dwelling units with shared or designated on-site parking, open space, and recreation facilities for residents. Secondary uses include neighborhood commercial centers; parks and recreation facilities; schools; both public and private; and places of worship. Development density is from 13 to 25 dwelling units per gross acre. The project's proposed density is 19.35 du/ac which aligns with the MF designation.

The application complies with the Comp Plan as follows:

Policy GM 1.1 – Direct Growth to the Urban Area.

The proposed development is within the Urban Area.

Policy GM 1.2 – Encourage Infill Development and Redevelopment

The proposed application is in the Urban Area and has access to existing public facilities.

Goal PFS 1 – Ensure an Adequate Water Supply in Terms of Quantity and Quality for Existing and Future Development.

The Cherry Creek Valley Water and Sanitation District states that this project is within their service area and can serve the property if the fees are paid.

Policy PFS 4.3 - Require Adequate Wastewater Treatment

The Cherry Creek Valley Water and Sanitation District states that this project is within their service area and can serve the property if the fees are paid.

Goal PFS 6 – Ensure the Adequacy of Electric, Natural Gas, Telephone, Cable and Internet Utilities in Existing and New Development.

The proposed development is in an Urban Area and has access to all the utilities mentioned above.

Goal PFS 7 – Ensure Existing and New Development Have Adequate Police and Fire Protection.

The proposed development is served by the South Metro Fire Rescue District and the Arapahoe County Sheriff.

2. Land Development Code Review

Chapter 5-3.3, PUD of the LDC, provides approval criteria for all PUD applications. In addition to those criteria, a PUD rezoning (GDP or SDP) must also meet all the applicable criteria in Sections 5-3.3.F.1 and 5-3.3.F.3.

5-3.3.F.1

a. *It generally conforms to the Arapahoe County Comprehensive Plan; and*

As described in the previous section, the proposed development generally conforms to the Arapahoe County Comprehensive Plan and Four-Square Mile Sub-Area Plan.

b. *It complies with the standards for conventional rezoning pursuant to Section 5-3.2.A; and*

5-3.2.B.1 Recognize the limitations of existing and planned infrastructure, by thoroughly examining the availability and capability of water, sewer, drainage, and transportation systems to serve present and future land uses.

The Cherry Creek Valley Water and Sanitation District has stated that this project is within their district and will be served after paying their fees.

The site is accessed from S. Syracuse Way. The surrounding streets can support development on this site.

5-3.2.B.2 Assure compatibility between the proposed development, surrounding land uses, and the natural environment.

This application is similar to the existing developments in the area which consists of three-story multi-family residential. These developments are situated to the south and west of the site. The High Line Canal and pedestrian trail provide a natural buffer between the subject property and the single-family residential to the east.

5-3.2.B.3 Allow for the efficient and adequate provision of public services. Applicable public services include, but are not limited to, police, fire, school, park, and libraries.

The South Metro Fire Rescue Fire Protection District, Cherry Creek School District, and Arapahoe County Sherriff will serve the proposal. The site is adjacent to the High Line Canal providing a recreational trail for future homeowners.

The school district is requesting a cash-in-lieu fee of \$61,396.33 which the applicant is willing to pay. The cash-in-lieu fee is required at the time of platting the property and will be addressed during this review.

5-3.2.B.4 Enhance convenience for the present and future residents of Arapahoe County by ensuring that appropriate supporting activities, such as employment, housing, leisure time, and retail centers are in close proximity to one another.

The proposed development is located near supporting activities such as retail centers, employment, and recreation (High Line Canal).

5-3.2.B.5 Ensure that public health and safety is adequately protected against natural and man-made hazards which include, but are not limited to, traffic noise, water pollution, airport hazards, and flooding.

No man-made or natural hazards were evident through this review.

5-3.2.B.6 Provide for accessibility within the proposed development and between the development and existing adjacent uses. Adequate on-site interior traffic circulation, public transit, pedestrian avenues, parking, and thoroughfare connections are all factors to be examined when determining the accessibility of a site.

Vehicles can access the proposed development from S. Syracuse Way. Sidewalks within the development connect to a sidewalk system connecting to S. Syracuse Way, E. Harvard and E. Yale Avenues.

5-3.2. B.7 Minimize disruption to existing physiographic features, including vegetation, streams, lakes, soil types, and other relevant topographical elements.

No significant physiographic features currently exist on the subject property.

5-3.2.B.8 Ensure that the amenities provided adequately enhance the quality of life in the area, by creating a comfortable and aesthetically enjoyable environment through conventions such as the preservation of mountain views, the creation of landscaped open areas, and the establishment of recreational activities.

This development has a 35% open space requirement. The applicant is proposing 38% open space. This development is proposing similar building heights to those that are in the area.

5-3.2. B.9 Enhance the useable open spaces in Arapahoe County and provide sufficient unobstructed open space and recreational area to accommodate a project's residents and employees.

The proposal includes a 35% minimum open space requirement, the applicant is proposing 38% open space.

5-3.2. B.10 Ensure the application complies with the requirements of this Resolution and the Arapahoe County Comprehensive Plan.

The application complies with the LDC and the Arapahoe County Comprehensive Plan.

- c. It represents an improvement in quality over the strict application of the otherwise applicable zone district or development standards in this LDC, including but not limited to open space and access; environmental protection; vegetative preservation; efficiency in transportation systems and connectivity; alternative transportation options; improvements in utilities and services; or innovative housing or employment centers; and*

This application proposes redeveloping an infill property which typically has more constraints. The proposal includes housing diversity by adding townhomes to an area with apartments, pedestrian connections, access to employment, and retail services that can be adequately served by utilities and services. The applicant is proposing a rain garden with grasses and perennials which will be more visually attractive.

- d. *It is consistent with the purpose of the Planned Unit Development District as stated in Section 5-3.3.A of this LDC; and*

The proposal results in the establishment of new PUD zoning that is generally consistent with the surrounding development and appears to satisfy the Arapahoe County Zoning Regulations and procedures as stated in Section 5-3.3.A of the LDC.

- e. *Any modifications to the standards and requirements of this LDC are warranted by the layout and design of the site, amenities incorporated into the development plan, or by the need to protect or avoid unique site features; and*

The proposed modifications to the standards and requirements to the dimensional standards (height, setbacks) of the LDC are warranted to provide a mixture of residential in the area. The proposed development encourages pedestrian recreation through sidewalk connectivity to the High Line Canal and landscape interest with the proposed rain gardens.

- f. *The proposed plan meets the applicable standards of this LDC unless varied by the PUD.*

The proposed plan meets applicable standards.

5-3.3.F.3

In addition to meeting the approval criteria for all PUD applications (5-3.3. F.1), an SDP in the three-step process must also comply with the development standards and requirements of the approved GDP for the site (5-3.3. F.3).

The proposed SDP meets PUD development standards by meeting the landscape requirement and promoting connectivity and compatibility.

3. Referral Comments

Comments received during the referral process are summarized in the chart attached to this report. Any late responses will be conveyed verbally at the public hearing.

PUBLIC COMMENT & NEIGHBORHOOD OUTREACH

No public comment was received on this application.

Two neighborhood meetings occurred for this project on September 13, 2021 (surrounding neighbors) and October 7, 2021 (Four-Square Mile Neighborhood Group). The comments they received from both meetings are as follows:

- The area is very dark and there is crime in the area.
Response – The development will have lighting on the elevations and a perimeter fence.
- There are various pests in the area.

Response – Once land is cleared, this will remove the available nesting areas for rodents and snakes, however with the canal and trail nearby, wildlife will always be present.

- There are people camping under the bridge.

Response – The applicant went under the bridge to inspect the area and found no campers and no sign of ongoing camping; however, the applicant hopes that investments in the area will help with this situation.

- The Hunter’s Run Apartments has drainage issues.

Response – The proposed development must have adequate drainage, or it will not receive approval from the County. Drainage issues of adjacent developments are not being addressed in the application.

- The existing trees are in poor condition.

Response – The existing trees on-site will be removed during construction. The dead, damaged, and dying trees located on the High Line Canal parcel will be removed by Open Spaces.

- The existing home on the north side of the property needs to be condemned.

Response – This house will be demolished when County approvals have been received. All existing septic fields will also be removed.

- Prefer the use of individual trash cans and not to have dumpsters on-site.

Response – Each unit will have its own trash and recycling bins that will be stored in the garages.

- Want to see snow storage areas.

Response – The property is small and not much snow will need to be stored on-site. However, snow can be stored on the north and south ends of the driveway.

- The proposed decks on the units are liked.

Response - Noted.

- Want more articulation on the proposed buildings.

Response – The elevation plans will use architectural techniques to achieve more interest by including siding details, material types, and paint colors.

- Want open fencing along the High Line Canal.

Response: A six-foot black wrought iron fence is proposed around the perimeter of the development.

STAFF FINDINGS

Staff has reviewed the plans, supporting documentation, referral comments, and external agency input in response to this application. Based upon a review of applicable policies and goals in the Comprehensive Plan, review of the development regulations, and analysis of referral comments, our findings include:

1. The proposed SDPZ21-006, Trailside Townhomes Specific Development Plan with Zoning generally conforms to the Arapahoe County Comprehensive Plan and Four-Square Mile Sub-Area Plan.
2. The proposed SDPZ21-006, Trailside Townhomes Specific Development Plan with Zoning meets the Arapahoe County Zoning Regulations and procedures, including those stated in Sections 5-3.3. F.1 and 5-3.3. F.3 of the Land Development Code.
3. The proposed SDPZ21-006, Trailside Townhomes, complies with the General Submittal Requirements contained in Section 2-2.2 enumerated in the Arapahoe County Development Application Manual.

STAFF RECOMMENDATION

Considering the findings and other information provided herein, staff recommends approval of Case No. SDPZ21-006 Trailside Townhomes, with conditions of approval:

1. Prior to the signature of the final copy of these plans, the applicant will address all Public Works and Development Staff comments.
2. Prior to the signing of the Administrative Site Plan, the existing water well on-site shall be either covered by a court-approved augmentation plan or plugged and abandoned.
3. Prior to the signing of the Administrative Site Plan, all existing septic systems shall be abandoned and removed from the subject property.
4. If the construction of the east retaining wall spread footer along the High Line Canal property impacts and encroaches on County property, the developer shall pay the County \$250.00 per linear foot for encroachment impacts to County property. Payment shall be made before any Building Permits are issued.

CONCURRENCE

The Public Works and Development Planning and Engineering Services Divisions have reviewed the application, and the Arapahoe County Public Works and Development Department is recommending approval of this case.

PLANNING COMMISSION DRAFT MOTIONS

Conditional Recommendation to Approve

In the case of SDPZ21-006, Trailside Townhomes, I have reviewed the staff report, including all exhibits and attachments, and have listened to the applicant’s presentation and the public comment as presented at the hearing and hereby move to recommend approval of this application based on the findings in the staff report, subject to the following conditions:

1. Prior to the signature of the final copy of these plans, the applicant will address all Public Works and Development Staff comments.

2. Prior to the signing of the Administrative Site Plan, the existing well on-site shall be either covered by a court-approved augmentation plan or plugged and abandoned.
3. Prior to the signing of the Administrative Site Plan, all existing septic systems shall be abandoned and removed from the subject property.
4. If the construction of the east retaining wall spread footer along the High Line Canal property impacts and encroaches on County property, the developer shall pay the County \$250.00 per linear foot for encroachment impacts to County property. Payment shall be made before any Building Permits are issued.

Recommendation to Deny

In the case of SDPZ21-006, Trailside Townhomes, I have reviewed the staff report, including all exhibits and attachments, and have listened to the applicant's presentation and the public comment as presented at the hearing and hereby move to recommend denial of this application based on the following findings:

1. *State new findings in support of denial as part of the motion.*

Continue to Date Certain:

In the case of SDPZ21-006, Trailside Townhomes, I move to continue the hearing to [*date certain*], 6:30 p.m., to obtain additional information and to further consider the information presented.

Engineering Staff Report
Referral Comments/Applicants Responses
Exhibits