

ANALYSIS OF THE FINAL PLAT APPLICATION

Staff review of this application included a comparison of the proposal to: 1) the approved Copperleaf Preliminary Development Plan; 2) applicable policies and goals outlined in the Comprehensive Plan; 3) review of pertinent Land Development Code regulations; and 4) analysis of referral comments.

1. The approved Copperleaf Preliminary Development Plan

The Final Plat and associated Final Development Plan, FDP21-005 complies with stipulations as stated in Z13-003 Copperleaf Preliminary Development Plan, as amended. The PDP includes density maximums for different use areas. This use area allows 175 more residential units and the applicant proposes 175 residential units. If this Final Plat and associated Final Development Plan are approved, no additional residential units in this use area can be permitted without a zoning change. Accordingly, as submitted in this replat and the related FDP, these applications comply with the existing zoning in the PDP, but the proposed density of this project, if approved, will prohibit any more residential units in this Copperleaf use area under the existing zoning.

2. The Comprehensive Plan / Sub Area Plan (if applicable)

The subject parcel is designated as Multi-family in the Arapahoe County Comprehensive Plan. The Multi-family designation is anticipated to “contain residences with shared parking access and other facilities within buildings or complexes” and “generally emphasize convenient connections to work, commercial centers and leisure-time areas.” This application complies with the Arapahoe County Comprehensive Plan as follows:

Policy NL 4.1 – Promote a Diversity of Housing Types

This Final Plat application and associated Final Development Plan, FDP21-005 propose multi-family units near the combination of common-lot single-family homes and townhomes, fee-simple paired homes, and the existing single-family detached homes on fee simple lots south of the site. If approved this combination constitutes a diversity of housing in the Copperleaf Towne Centre area. In this regard, this proposal is aligned with Policy NL 4.1 – Promote a Diversity of Housing Types as set forth in the Comprehensive Plan.

Policy GM 3.1 – Direct Future Development to Areas with Low Risks from Natural and Man-made Hazards

The proposal is located within areas of low risk natural and man-made hazards.

GOAL PSF 1 – Ensure an Adequate Water Supply in Terms of Quantity and Quality for Existing and Future Development

This proposal will be served by East Cherry Creek Valley Water and Sanitation District. The applicant is working with the District to address outstanding technical comments, see the attached referral comment letter dated July 1, 2022, and email dated July 19, 2022. Staff is recommending a condition of approval requiring the applicant submit a letter from East Cherry Creek Water and Sanitation District indicating the District has adequate resources and capability to serve the site, and proposed development prior to signature of the Final Plat.

Policy PFS 4.3 - Require Adequate Wastewater Treatment

This proposal will be served by East Cherry Creek Valley Water and Sanitation District. Staff is recommending a condition of approval to ensure all technical issues are resolved and the District is willing and capable to serve the site and proposed development, as mentioned above.

GOAL PFS 7 – Ensure Existing and New Development have Adequate Police and Fire Protection Utilities in Existing and New Development

The proposal as submitted can be served by existing public and emergency services as evidenced by referral agency responses.

GOAL PFS 9 – Ensure that the Educational Needs of Existing and New Developments Are Met

Vista Elementary School, Sky Vista Middle School, and Eaglecrest High School are located within about a mile of the site. Cherry Creek School District provided information indicating the school district can provide education needs for this development. The letter from the district is attached to this report.

Policy NL 1.3 - Encourage Higher Density Development in New Neighborhoods within the Urban Area

The proposed density is 24.48 dwelling units per acre. The maximum allowable density per the PDP for this parcel is 30 dwelling units per acre. Surrounding residential development in Copperleaf varies from approximately 6 to 28 dwelling units per acre.

3. Land Development Code Review

Chapter 5, Section 5-6.3 of the Land Development Code provides the review and approval criteria for Final Plats. A Final Plat may be approved upon the finding by the Board that the application meets the following criteria:

A. The Applicant has provided evidence that provision has been made for a public water supply system, and if other methods of water supply are proposed, adequate evidence that a water supply is sufficient in terms of quantity, quality and dependability for the type of subdivision proposed [Section 30-28-133(6)(a) C.R.S.];

B. The Applicant has provided evidence that provision has been made for a public sewage disposal system, and, if other methods of sewage disposal are proposed, adequate evidence that such system shall comply with State and local laws and regulations [Section 30-28-133(6)(b) C.R.S.]; and .

The developer and property owner reports that water, sewer, and storm drainage utilities are present either on site or directly adjacent to the property and can be extended into the site. The applicant is working with East Cherry Creek Valley Water and Sanitation District to address outstanding technical comments, see the attached referral comment dated July 1,

2022, and email dated July 19, 2022. Staff is recommending a condition of approval requiring the applicant submit a letter from East Cherry Creek Water and Sanitation District indicating the District has adequate resources and capability to serve the site and proposed development to the County prior to signature of the Final Plat.

C. The Applicant has provided evidence to show that all areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the subdivider and that the proposed uses of these areas are compatible with such conditions. [Section 30-28-133 (6) (c) C.R.S.]

Colorado Geological Survey (CGS) provided a referral response indicating no objection to approval of this application. CGS is requesting the applicant provide an updated geotechnical plan to review the proposed grades and modify the report, if necessary. The applicant has agreed to provide an updated geotechnical report once the grading plans, including finished floor elevations have been finalized for review by CGS.

D. The application is in compliance with all applicable zoning regulations governing the property as adopted by the Board of County Commissioners.

The proposed final plat is zoned MU-PUD, Use Area M, Parcel M-2/Towne Centre 2. This zoning was approved with the original Copperleaf Preliminary Development Plan (PDP), and most recently amended with PDP Amendment AA21-008. This proposal does not present any conflicts with the underlying zoning documents, which were reviewed and approved by the Board of County Commissioners and the Planning Commission. However, the proposal, if approved, will cap any additional residential units in this use area under the existing MU-PUD zoning as established by the PDP.

E. The application is in compliance with the Mineral Resource Areas in the Regulations for Areas of Special Interest as adopted in the Arapahoe County Zoning Regulations.

The application is in compliance with the Arapahoe County Zoning Regulations regarding Mineral Resource Areas as defined within the 2018 Comprehensive Plan.

F. For property zoned for residential uses, written evidence must be presented to show that the applicable school district can adequately serve the student population expected to be generated from the development. The Board may deny a subdivision request for which the evidence shows that the applicable school district cannot adequately serve the student population generated by the development.

Cherry Creek School District provided information indicating the school district can provide education needs for this development. The letter from the district is attached to this report.

4. Referral Comments

Comments received during the referral process are summarized in the chart attached this report. Any late responses will be conveyed verbally at the public hearing. Staff is recommending one condition of approval to address outstanding items.

STAFF FINDINGS

Staff has reviewed the plans, supporting documentation, referral comments, and citizen input in response to this application. Based upon 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 PF21-007, Copperleaf #30 Final Plat generally conforms to the Arapahoe County Comprehensive Plan.
2. The proposed PF21-007, Copperleaf #30 Final Plat meets the Arapahoe County Zoning Regulations and procedures, including those stated in Chapter 5, Section 5-6.3 of the Land Development Code.
3. The proposed PF21-007, Copperleaf #30 Final Plat is in conformance with the Preliminary Plat and Preliminary Development Plan and subsequent amendments, approved by the Board of County Commissioners.

STAFF RECOMMENDATION

Considering the findings and other information provided herein, Staff recommends approval of Case No. PF21-007, Copperleaf #30 Final Plat subject to the following conditions of approval:

1. Prior to signature of the final copy of these plans the applicant must address Public Works and Development Staff comments and concerns.
2. This approval is contingent upon Board of County Commissioners approval of the associated Caliber at Copperleaf Vacation of Easements case, VAC22-003.
3. The applicant shall submit a letter from East Cherry Creek Valley Water and Sanitation District indicating the District can, will and has the resources to serve the site prior to the signature of the Final Plat.

Alternatives

The Board of County Commissioners has three alternatives that include the following:

1. Approve the application for the proposed Final Plat with recommended conditions of approval.
2. Approve the application for the proposed Final Plat with alternate conditions of approval
3. Continue the application to a time and date certain for more information.
4. Deny the application for the proposed Final Plat (requires findings that support such denial).

CONCURRENCE

The Public Works and Development Planning and Engineering Services Divisions have reviewed the application, and the Arapahoe County Public Works Department is recommending approval of this case. Arapahoe County Planning Commission does not review Final Plat applications.