

COUNCIL COMMUNICATION

Meeting Date: September 22, 2009	1 st Reading <u> X </u> 2 nd Reading <u> </u>	Legal Review:	Agenda Location: Public Hearing	Agenda Item: 9A-4
Subject: AN ORDINANCE APPROVING THE ZONING OF 57.99 ACRES TO SINGLE-FAMILY DETACHED AND 5.64 ACRES TO PARKS AND OPEN SPACE AND A RESOLUTION APPROVING A CONCEPTUAL SITE PLAN FOR 62.36 ACRES OF PROPERTY LOCATED NORTH OF EAST 152 ND AVENUE BETWEEN HOLLY STREET AND MONACO STREET FOR SINGLE-FAMILY DETACHED AND PARKS USES (WESTWOOD ZONING AND CONCEPTUAL SITE PLAN).				
Prepared by: Jay Ruchti Reviewed by: Chris Molison		Approved by: Jack Ethredge Presented by: Greg Thompson Current Planning Manager		Ordinance previously introduced By: _____

KEY CONSIDERATIONS:

- Annexation of the site is also concurrently proposed.
- This requested zoning is in conformance with State Law which requires that lands annexed into the City be zoned within 90 days of the effective date of the annexation ordinance.
- The applicant is proposing to zone 57.99 acres of the site to Single-Family Detached (SFD) and 5.64 acres of the site to Parks and Open Space (POS).
- Zoning the site to SFD and POS will benefit the community by providing an attractive development for the present and future residents of Thornton and makes the City a desirable place to live.
- One hundred and fifty-six single-family detached dwelling units, a neighborhood park and open space are proposed for the site.
- The proposed SFD and POS parcels are consistent with the overall direction, intent and policies of the City’s development standards.
- A minimum 25-foot wide landscape setback is proposed adjacent to Monaco Street and Holly Street. This coupled with the amount of landscaped parkland and open space associated with the site will enhance the area.
- Traffic calming measures have been incorporated into the subdivision to improve traffic circulation through the subdivision.
- The Developer will be required to make improvements to Holly Street and Monaco Street adjacent to the property and provide full movement access into the site from Holly Street and Monaco Street.
- The Developer will be responsible for extending all necessary water and sewer lines from off-site as needed to serve the property.
- Public Land Dedication (PLD) required for the proposed development is in compliance with the City of Thornton Development Code. The Developer is required to dedicate 4.48 acres of land for parks and open space with this development. They are constructing and improving a neighborhood park adjacent to the Signal Ditch, Tract H parkland, and a regional trail connection totaling approximately 9.5 acres. Credit for PLD is restricted to 5.05 acres; only partial credit is given to Tract H because it is encumbered by an oil well site. The PLD will include the construction and landscaping of these areas.

BUDGET/STAFF IMPLICATIONS:

- None.

RECOMMENDATION:

Staff recommends approval of the requested zoning and Conceptual Site Plan (CSP) for the property. Staff's recommendation is based on the following findings:

- The proposed SFD and POS zoning and CSP will benefit and assist in fulfilling the City's need for quality residential neighborhoods. This request complies with the Comprehensive Plan land use designation of Residential-Low Density and is consistent with the overall direction, intent and policies of the City's Development Standards of having a compatible development to adjacent existing and proposed residential subdivisions.
- The proposed development meets or exceeds the minimum design standards of Chapter 18 of the Thornton City Code and related site design requirements.
- The proposed project will provide a neighborhood park for residents of the development and residents of the surrounding area. The park will connect via pedestrian corridors to future residential developments, thereby adding to a comprehensive trail system as proposed by the Comprehensive Plan.
- The proposed CSP provides for the orderly and planned development of the site.

CITY DEVELOPMENT ANALYSIS:

Zoning: The proposed project will zone 63.63 acres of property; 57.99 acres to SFD zoning and 5.64 acres of a proposed neighborhood park to POS. The SFD zoning district will allow for the development of 156 single-family homes at 2.5 DU/acre. The proposed residential development is a use by-right in the SFD zoning district and will not result in any significant adverse impacts to the neighborhood.

The proposed zoning district is compatible with present and proposed development in this area, and will not have a significant, adverse effect on the surrounding area.

The proposed SFD zoning is compatible with surrounding proposed developments in the area. Future development in adjacent Stonehocker Farms and Parterre subdivisions is planned for residential development. The Future Land Use Map shows residential low density anticipated as well.

The proposed zoning district is consistent with the public health, safety and welfare, as well as efficiency and economy in the use of land and its resources.

The proposed zoning will not adversely impact the public health, safety, or welfare. This development will provide the City with a well-planned residential community designed around park and open space areas in an area anticipated for residential uses.

Comprehensive Plan: The proposed zoning is consistent with the overall direction, intent, policies and goals of the City's Comprehensive Plan to:

5.4 Develop Quality Neighborhoods.

This residential development results in the creation of a well-designed, attractive neighborhood that conveys a sense of neighborhood identity, and serves as building blocks in creating a well-planned, livable community, contributing to residents' quality of life. Additionally, the proposed design includes efficient pedestrian access through the neighborhood which connects to a future regional trail system to the north and provides the construction and improvement of a quality park and open space for the residents.

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.

Westwood proposes this opportunity by providing single-family detached housing that is integrated with useable open space and parks. The subdivision has been designed to provide pedestrian access to these public spaces including a connection to a regional trail system, and enhanced streetscape design contributing to its desirability.

5.5.4 Ensure that all new residential neighborhoods are adequately served by quality community and neighborhood scale commercial centers at appropriate locations.

Westwood is strategically located north of East 152nd Avenue between Holly Street and Monaco Street providing access to existing commercial areas in Homestead Hills Shopping Center southwest of the site and the proposed commercial areas adjacent to East 128th Avenue and Quebec Street to the south of the site.

7.2.1 Preserve environmentally sensitive areas.

The parks and open space areas proposed with this development including the construction of a neighborhood park adjacent to the Signal Creek drainage way create unique amenities for the residents of this development. The Developer is proposing to improve these areas to the City's standards. The oil well site located on Tract H will be screened and landscaped per Thornton's requirements.

Zoning and Land Use: The proposed SFD and POS Zoning and CSP meet or exceed all standards specified in Chapter 18 of the Thornton City Code.

Public Improvements: All public improvements will be completed by the Developer in order to serve this site, and will include improving roadways and utilities adjacent to the site. The roadways adjacent to this project are Holly Street and Monaco Street. The road improvements will include two full-movement accesses into the site, one from Monaco and one from Holly. The scope and timing of improvements will be determined during the subdivision process.

The Developer has implemented traffic calming design improvements throughout the subdivision in accordance with City standards. A traffic calming circle is proposed to be located within the east-west major collector north of the park.

Drainage: The Developer will incorporate on-site detention. All on-site drainage will be conveyed to an on-site detention pond located in the southeast corner of the site. The scope of these improvements will be determined during the subdivision process.

Water and Sewer: Water and sewer is not readily available to the site. The development will be responsible for extending all necessary water and sewer lines from off-site as needed to serve the property. The nearest water lines are located approximately one mile from the development. The Developer will be responsible for extending all necessary water and sewer lines to and through the site.

Traffic and Circulation: A Traffic Impact Analysis was reviewed by the Development Engineering Division. The Developer will be responsible for improvements to Holly Street and Monaco Street including the construction of an eight-foot wide detached sidewalk along Holly Street and a six-foot detached sidewalk along Monaco Street. The Developer is also responsible for providing a cash-in-lieu fee for the pedestrian crossing at Holly Street as required by the City and one-half of the cost of installing a median on Holly Street; fees to be paid to the City at time of subdivision.

The configuration of the internal roadways with the installation of traffic calming measures and the use of a connected street network offers multiple, viable route options, and creates a safer environment for the residents of this subdivision.

Landscaping: Landscaping and related site improvements will be installed in conformance with the proposed CSP. The site features a unified landscape design theme throughout and includes a landscaped tree lawn adjacent to the major east-west roadway through the site (E. 154th Avenue). The amount of landscaped open space and parkland exceeds the minimum requirement by Code.

All landscape plans will be prepared in accordance with the City's landscape regulations, which emphasize the use of drought-tolerant plant materials. The final landscape design for the development will be subject to administrative review and approval through a Minor Development Permit (MDP). The HOA is to maintain the right-of-way landscaping and all landscaped tracts including the neighborhood park.

Public Land Dedication: The PLD requirement for this site is being satisfied by the development of a neighborhood park and open space. The Developer is constructing and improving a neighborhood park adjacent to the Signal Ditch, improving Tract H parkland to the City's standards with limited credit for PLD because of the oil/gas well location. Twenty-four percent of the site will be landscaped open space or parkland, conserving open areas for the community.

PUBLIC NOTICE AND RESPONSE:

Public Notification: All residents within at least 1,500 feet of this site were sent notice of the public hearing ten days prior to September 22, 2009. A public notice of the hearing was advertised in

the Northglenn -Thornton Sentinel on September 10, 2009. Notification of the City Council hearing was posted on the property for ten days prior to the September 22, 2009 public hearing.

A community meeting was held on July 8, 2009, to present and discuss the proposed SFD and POS zoning districts with surrounding residents. Three citizens attended the meeting. The residents in attendance did not oppose the proposed development. Issues that were raised included timing of construction, discussion on how utilities are provided to the subdivision, type of residential development and increased traffic concerns. The Applicant answered all questions regarding their development.

HISTORY:

- On July 28, 2009, City Council adopted a Resolution acknowledging the petition of annexation and establishing September 22, 2009, as the date of public hearing for the proposed annexation.

INTRODUCED BY: _____

AN ORDINANCE APPROVING THE ZONING OF 57.99 ACRES TO SINGLE-FAMILY DETACHED AND 5.64 ACRES TO PARKS AND OPEN SPACE FOR PROPERTY LOCATED NORTH OF EAST 152ND AVENUE BETWEEN HOLLY STREET AND MONACO STREET (WESTWOOD ZONING).

WHEREAS, Nicholas and Deborah Chiovitti are the developers and owners ("Owners") of certain real property ("Property") within the City of Thornton ("City"), described in Exhibit "A" attached hereto and incorporated herein by reference; and

WHEREAS, the Property is currently being annexed and an application has been submitted to zone most of the property to Single-Family Detached (SFD) and a portion to Parks and Open Space (POS); and

WHEREAS, the Owners have submitted to the City an application for consideration of the Westwood zoning; and

WHEREAS, the proposed zoning 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 zoning application and all supporting documents are hereby incorporated as if fully set forth herein; and

WHEREAS, the application for zoning 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, the development is in compliance with the policies and goals of the City's Comprehensive Plan; and

WHEREAS, on September 22, 2009, the City Council of the City of Thornton conducted a public hearing on said application, pursuant to the procedural and notice requirements of Chapter 18 of the Thornton City Code, and the Council having considered the evidence presented in support of and in opposition to the application, the applicable zoning, the City's Comprehensive Plan, and staff recommendations and so having 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 proposed SFD and POS zoning districts meet the Thornton City Code criteria in Section 18-102 as follows:

- A. The proposed zoning is compatible with present and proposed development in the area and will not have a significant, adverse effect on the surrounding area.
 - B. The proposed zoning districts are consistent with the public health, safety and welfare, as well as efficiency and economy in the use of land and its resources.
 - C. The proposed zoning districts will permit certain land uses similar to land uses already existing in the area.
 - D. The proposed zoning districts are consistent with the overall direction, intent and policies of the City's Comprehensive Plan.
 - E. The proposed zoning districts provide an effective innovative design.
2. The Council finds that the application for the SFD zoning and POS zoning and amending the Official Zoning Map has been considered in accordance with the provisions of Chapter 18 of the Thornton City Code.
3. The Westwood zoning to Single-Family Detached and Parks and Open Space is hereby approved subject to the following conditions:
- A. Approval of the zoning does not waive any additional requirements of the development as established by the Annexation, the Subdivision Plat, Developer's Agreement, or any Minor Development Permit associated with the Property.
 - B. When the Minor Development Permit is submitted for the Parks and Open Space, the Owner shall provide a landscape plan that is consistent with the City's water-wise landscape regulations which emphasize the use of drought-tolerant materials.
 - C. The Owners shall install all public improvements that are required to serve the Property including, but not limited to, streets, utilities, drainage improvements, street lights, curb, gutter, sidewalks and right-of-way landscape. Timing of said improvements will be determined at the time of the Developer's Agreement associated with the Subdivision Plat.
 - D. This development shall have two points of access and a looped water system to allow proper fire protection during construction and development.
 - E. This development shall complete all appropriate drainage work necessary to serve the development as determined by the Development Engineering Division of the City. Timing of said improvements will be determined at the time of the Developer's Agreement.
 - F. This Property shall meet the grading requirements of Section 18-803(a) (2) of the Code. The grading plans shall be reviewed at the time of Subdivision Plat.

- G. The Owners shall install all public improvements that are required to serve the Property. Details and timing of those improvements, and all off-site easements will be determined with the Subdivision Plat.
 - H. All public improvements are to be designed and constructed to the City of Thornton Standards and Specifications for the Design and Construction of Public Improvements.
4. Land use approvals and building permits for the development described herein shall be subject to requirements including, but not limited to, the payment of impact fees and development charges, concurrency management requirements, design standards, moratoriums, building permit limitations and other land use and development requirements in effect at the time that such proposed development applies for a building permit.
 5. The conditions set forth in this Ordinance shall run with the land and be binding upon the Owners and their successors and assigns.
 6. The Ordinance shall take effect on the date of 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 _____, 2009.

PASSED AND ADOPTED on second and final reading on _____, 2009.

CITY OF THORNTON, COLORADO

Erik Hansen, Mayor

ATTEST:

Nancy A. Vincent, City Clerk

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

APPROVED AS TO LEGAL FORM:

Margaret Emerich, City Attorney

PUBLICATION:

Posted in six (6) public places after first and second readings.

Published in the Northglenn-Thornton Sentinel after first reading on _____, 2009,
and after second and final reading on _____, 2009.

RESOLUTION

A RESOLUTION APPROVING A CONCEPTUAL SITE PLAN (CSP) FOR APPROXIMATELY 62.36 ACRES OF PROPERTY LOCATED NORTH OF EAST 152ND AVENUE BETWEEN HOLLY STREET AND MONACO STREET (WESTWOOD CONCEPTUAL SITE PLAN).

WHEREAS, Nicholas and Deborah Chiovitti are the developers and owners ("Owners") of certain real property ("Property") within the City of Thornton ("City"), described in Exhibit "A" attached hereto and incorporated herein by reference; and

WHEREAS, the Owners have submitted to the City an application for consideration of the Westwood Conceptual Site Plan (CSP); and

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

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

WHEREAS, on September 22, 2009, the City Council conducted a public hearing and reviewed said application pursuant to the procedural and notice requirements of the City Charter and Chapter 18 of the Thornton City Code, and the Council having considered the evidence presented in support of and in opposition to the application, the applicable zoning, the City's Comprehensive Plan, and staff recommendations and so having considered the record and given appropriate weight to the evidence.

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

1. The City Council finds that the CSP has been submitted in compliance with the provisions of Chapter 18 of the Thornton City Code:
 - (a) The development is consistent with the regulations of the Code.
 - (b) The CSP promotes orderly land development.
2. The City Council finds that the proposed CSP is consistent with the overall direction, intent and policies of the City's Comprehensive Plan. The Comprehensive Plan designation for the property is Residential Low. In order to achieve a well planned community, the Plan calls for coordinating growth over time expecting that a proposed development be consistent with

the overall direction, intent and policies of the Comprehensive Plan. The Comprehensive Plan's applicable goals and policies are as follows:

- (a) Provide for a choice of quality housing types for all of Thornton's residents in appropriate locations throughout the community.
 - (b) Encourage residential development patterns that are compatible and can be served in a cost-effective manner.
 - (c) Require that new residential development results in the creation of well-designed, attractive neighborhoods that convey a sense of neighborhood identity, serve as building blocks in creating a well-planned, livable community, and contribute to residents' quality of life.
 - (d) Ensure that development is designed to remain an asset to the community over time.
3. The City Council finds that this CSP is compatible with the present and proposed development in the immediate area.
 4. The City Council finds that it is appropriate to allow development under the regulations existing at the time of application for the CSP.
 5. The Westwood CSP is hereby approved subject to the following conditions:
 - (a) Approval of the CSP does not waive any additional requirements of the development as established with Subdivision Plat, Developer's Agreement, or any Development Permit (DP) associated with the Property.
 - (b) The Owners will install all public improvements that are required to serve the Property including, but not limited to, streets, utilities, drainage improvements, street lights, curb, gutter, sidewalks and right-of-way landscaping. Timing of said improvements will be determined at the time of the Developer's Agreement.
 - (c) All phases of this development must have two points of access and a looped water system to allow proper fire protection during construction and development.
 - (d) This development shall complete all appropriate drainage work necessary to serve the development as determined by the Development Engineering Division of the City. Timing of said improvements will be determined at time of the Developer's Agreement.
 - (e) This Property shall meet the grading requirements of Section 18-803(a) (2) of the Code. The grading plans shall be reviewed through a Developer's Agreement.
 - (f) The Owners shall install all public improvements that are required to serve the Property. Details and timing of those improvements

and all off-site easements will be determined with the Subdivision Plat.

- (g) All public improvements are to be designed and constructed to the City of Thornton Standards and Specifications for the Design and Construction of Public Improvements.

- 6. All land use approvals and building permits for the Property described herein shall be subject to requirements including, but not limited to, the payment of impact fees and development charges, concurrency management requirements, design standards, moratoriums, and other land use and development requirements in effect at the time that such proposed development applies for a building permit.

- 7. The conditions set forth in this Resolution shall run with the land and be binding upon the Owners and their successors and assigns.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Thornton, Colorado, on _____, 2009.

CITY OF THORNTON, COLORADO

Erik Hansen, Mayor

ATTEST:

Nancy A. Vincent, City Clerk