

COUNCIL COMMUNICATION

Meeting Date: February 23, 2010	1 st Reading <u> X </u> 2 nd Reading <u> </u>	Legal Review:	Work Plan #	Agenda Location: Public Hearing	Agenda Item: 9B 1-3
<p>Subject: A PUBLIC HEARING CONCERNING COMPREHENSIVE PLAN AMENDMENT, REZONING, AND CONCEPTUAL SITE PLAN APPLICATIONS FOR THE DEVELOPMENT OF A 227-UNIT APARTMENT PROJECT FOR PROPERTY LOCATED NORTHEAST OF E. 120TH AVENUE AND QUEBEC STREET (KING RANCH MULTIFAMILY)</p> <p>1) A RESOLUTION APPROVING A COMPREHENSIVE PLAN AMENDMENT TO CHANGE THE DESIGNATION OF THE PROPERTY FROM COMMERCIAL TO RESIDENTIAL HIGH AND AMENDING THE FUTURE LAND USE MAP.</p> <p>2) AN ORDINANCE APPROVING THE REZONING OF APPROXIMATELY 15.23 ACRES FROM COMMUNITY RETAIL TO MULTIFAMILY AND AMENDING THE ZONING MAP.</p> <p>3) A RESOLUTION APPROVING A CONCEPTUAL SITE PLAN FOR APPROXIMATELY 12.63 ACRES.</p>					
Prepared by: Mike Mallon Reviewed by: Chris Molison		Approved by: Jack Ethredge Presented by: Greg Thompson Current Planning Manager		Ordinance previously introduced by: _____	

KEY CONSIDERATIONS:

- The Public Hearing was opened on February 9, 2010 and continued to February 23, 2010, so that the property could be posted according to City Code.

1) Comprehensive Plan Amendment

- The Comprehensive Plan Land Use designation for this property is Commercial and was based on the existing zoning of Community Retail. Due to changing economic and development conditions of the surrounding area, the applicant is requesting approval of an amendment to the Comprehensive Plan Future Land Use Map changing this property from Commercial to Residential High.
- The changing conditions in the area include the approval of numerous commercial developments within a short distance of the property and the inability of the applicant to acquire the Herman property (immediately to the south of this site at the corner). As a result, the property is no longer feasible for commercial uses and is more conducive to residential uses.

2) Zoning

- The applicant is proposing to rezone 15.23 acres of vacant property that is located northeast of E. 120th Avenue and Quebec Street from Community Retail (CR) to Multifamily (MF).
- The property was originally zoned CR as part of the annexation of the King Ranch Subdivision in 2003, which was done by the same applicant. That project, which is north and east of this site, consists of 283 single-family detached homes and a city park.
- The CR zoning of the property at the time of annexation was based on the assumption that the applicant would be able to acquire the property directly south of the vacant site that is located on the corner of E. 120th Avenue and Quebec Street.
- The proposed rezoning is in response to changing economic and development conditions of the surrounding area.

- This proposal is consistent with several of the goals and policies of the Comprehensive Plan.

3) Conceptual Site Plan

- The Conceptual Site Plan (CSP) for the 12.63-acres site proposes 227 residential units that are arranged in eight, three-story apartment buildings at a density of 18 dwelling units per acre (DU/ac).
- The Developer is providing 46.8% on-site landscaping exceeding the minimum 20% required and providing enhanced landscaped buffers along Quebec Street and Roslyn Street. Overall, the CSP provides 6 acres of common landscape area.
- The three-story apartment buildings are positioned towards the center of the site, with parking and landscaping along the exterior perimeter to provide greater separation between the apartment buildings and adjacent single-family detached homes. The nearest single-family detached home in the King Ranch Subdivision is located approximately 130 feet away from the closest apartment building.
- The architecture for the apartment buildings is a prairie-style design that creates the appearance of large single-family homes and utilizes the same roof pitches and building materials as the adjacent single-family detached homes.
- The site design provides two points of access. A full-movement access is proposed on the north side of the property on E. 122nd Avenue. A ¾-movement access is proposed along the western side of the property on Quebec Street.
- The Traffic Impact Study anticipates a decrease in additional traffic from this site with the development of this residential project, as compared to the traffic associated with a Community Retail scale commercial development.

BUDGET/STAFF IMPLICATIONS:

- None.

RECOMMENDATION:

Staff Recommendation: Staff recommends approval of the requested Comprehensive Plan amendment, rezoning to MF and the CSP for the King Ranch Multifamily development. Staff's recommendation is based on the following findings:

- The proposed Comprehensive Plan Amendment and rezoning are in response to the changing economic and development conditions in the area that makes commercial development unfeasible for the site. Therefore, its transition to residential zoning is appropriate.
- The proposed CSP provides for the orderly and planned development of the site.
- The proposed development will provide a diversity of housing options for Thornton residents in the area, which is predominantly single-family detached.
- The proposed apartments will provide a buffer for the single-family homes from the noise and lights associated with Quebec Street and are a good transition of land uses from a major arterial street and single-family homes.
- The proposed site plan, landscaping, and building architecture are of a high-quality design that is compatible with the surrounding single-family homes in King Ranch and other surrounding development.

CITY DEVELOPMENT ANALYSIS:

Comprehensive Plan: The Comprehensive Plan designation for the property is Commercial and was based on the existing zoning of the property. The proposed change from Commercial to Residential High for the property is in response to changes in the market conditions of the surrounding area. The Comprehensive Plan recognizes that amendments to the Future Land Use Map to accommodate current market conditions may occur. According to the Comprehensive Plan, the City Council may approve a proposed Comprehensive Plan amendment based on the following criteria:

1. *There has been a change in the area or in the conditions on which the current designation was based which warrants the amendment.*

The Commercial designation was based on the existing zoning of the land as Community Retail. Since the time of the zoning of the property, there have been other commercial development projects approved along Quebec Street, thus reducing the demand for commercial uses in the area. In addition, the applicant has been unable to acquire the property immediately to the south and does not have direct access to the intersection of E. 120th and Quebec Street. As a result of these two changed conditions, the property is no longer viable for commercial uses.

2. *The density and intensity of the proposed Comprehensive Plan amendment is sensitive to the existing land uses and is compatible with the existing adjacent land use designations.*

The proposed amendment to Residential High allows for the development of multifamily residential uses that have a density and intensity that is sensitive to existing land uses. The property is located adjacent to a major arterial street and will provide a physical buffer for the adjacent single-family detached homes from the noise and lights associated with the street. The higher density residential will also provide a transition in intensity of land use from the street to the single-family homes and is a less intense land use than the existing Commercial designation and Community Retail Zoning, which would allow for the development of a large shopping center.

3. *The amendment will provide for orderly physical growth of the City and foster safe, convenient and walkable neighborhoods and shopping districts.*

The amendment to Residential High will provide greater diversity of housing options in the area and provide for orderly physical growth as the Quebec Street corridor continues to develop. The residential land use will help support the other commercial developments. The proposed site plan provides pedestrian connections to Quebec Street and to the adjacent single-family homes.

4. *There are or are planned to be adequate transportation, recreation, utility and other facilities to accommodate the uses and densities permitted by the proposed Comprehensive Plan designation.*

Adequate transportation and utility services are already in place surrounding the site. The adjacent streets were designed to accommodate commercial land uses on the site and the residential use will result in less traffic than a commercial project. Adequate water and sewer infrastructure already exists for the property. The recreation needs will be met through on-site amenities provided to the multifamily residents including a pool, clubhouse, tot lot, pavilion and garden.

5. The proposed change is in substantial conformance with the core plan goals, major strategies or key policies as discussed below.

5.4 Develop Quality Neighborhoods with Diversity of Housing Choices

The proposed development will provide a needed housing type in a part of the City that is underserved for multifamily units. Only 4% of the housing units in Ward 3 are in multifamily units, compared with 18% as an average for the City. As the northeastern part of the City continues to develop, a variety of housing options will be needed to accommodate new residents and to support commercial developments.

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

The proposed development meets or exceeds the City Code requirements for multifamily projects. The three-story buildings will be compatible with existing and currently under construction single-family detached residential to the north and east and the townhomes proposed to the west.

5.4.2 Ensure Thornton has a full range of housing choices so residents can remain in Thornton as their housing needs change over time.

Existing residential products in the vicinity are mostly comprised of single-family detached homes. The proposed multifamily units will provide further variety of housing choices by offering upscale residential units in an attractive apartment community.

Zoning: The proposed project will rezone 15.23 acres of existing Community Retail to Multifamily zoning to allow for the development of a multifamily residential community. The requested rezoning will allow a maximum of 18 DUs/ac which is what the applicant is requesting.

Land Use: The proposed MF zoning and CSP meet or exceed all standards specified in Chapter 18 of the Thornton City Code, except those specifically identified.

This proposal meets the following Thornton City Code criteria for change in zoning:

- *The proposed change in zoning to MF is in response to changing conditions of the surrounding area which makes the change appropriate.*

At the time of annexation and original zoning of the property, the CR zoning designation was requested by the applicant based upon the assumption that they could acquire the Herman property immediately to the south of this site and thus, the property would have direct access to the corner of E. 120th Avenue and Quebec Street. However, repeated attempts to acquire the property by the applicant have failed, and according to the applicant, the owner of the Herman

Property has no intention of selling at this time or in the future. Without direct access to the corner, the applicant has been unable to obtain any interest for retail development.

Since the date of the annexation and zoning of the property, a number of developments have been approved by the City along the Quebec Street corridor that have commercial land uses. Within a two-mile radius of the property, there are currently over 130 acres of commercially-zoned properties, including the Quebec Riverdale Walmart, Quebec Plaza Walgreens, Quebec Highlands, Amber Creek, Creekside Village, and Mayfield, all of which have direct access to the corners of the intersections of their sites (See attached map titled "Commercial Land along the Quebec Street Corridor"). As a result, the developments that have come online after the King Ranch annexation and zoning are more attractive to retail developers or businesses.

- *The proposed MF zoning district is consistent with the overall direction, intent and policies of the Comprehensive Plan.*

The development of multifamily housing on this property will provide more diverse housing options for Thornton residents in an area of the City that is underserved for apartments. The closest multifamily development is approximately two miles away, at the corner of Colorado Boulevard and E. 120th Avenue, and there is only one other MF zoned property within two miles of the King Ranch MF site located at the corner of Yosemite Street and E. 136th Avenue.

- *The proposed MF 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 MF zoning will be compatible with the adjacent zoning and will not result in any significant adverse impacts. The MF zoning will provide a physical, visual, and transitional buffer between the single-family homes in King Ranch and Quebec Street, which at future build out is anticipated to be a six-lane major arterial roadway, and will also be compatible with the townhome buildings across Quebec Street in the Aspen Reserve development. The development of apartments rather than a commercial shopping center, which would be allowed under the CR Zoning District, will result in less traffic and noise and thus, is a lesser intense land use that is more compatible with the adjacent single-family homes.

- *The proposed MF 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 MF zoning will not adversely impact the public health, safety, or welfare. The site is surrounded by adequate, existing roadway and utility infrastructure, and therefore, its development will be an efficient use of land. City Fire and Police services currently serve the site.

Conceptual Site Plan: The proposed development consists of eight, three-story apartment buildings, detached parking garages, and on-site amenities consist of a clubhouse, pool, BBQ pavilion, flower garden, tot lot, and community bus shelter. The general design of the site consists of two main internal private drives in the center of the site. The proposed buildings are located towards the center of the site, with surface parking and landscaping along the perimeter. The primary accesses to the site will be from E. 122nd Avenue and Quebec Street. The development

includes 455 on-site parking spaces, which meets City Code requirements. There are 409 parking spaces provided for the residents and 46 spaces provided as guest spaces. All residential buildings within the development are separated from each other by a minimum of 30 feet. On-site pedestrian walks will connect to existing sidewalks along Quebec Street, E. 122nd Avenue and Roslyn Street, which will connect to the regional trail to the south of the property.

Conceptual Architecture: The proposal involves a unique, prairie-style design, featuring four-sided architecture which utilizes a variety of sloped roof elements and building projections providing visual appeal, breaks up the mass, and reduces the box-like effect of the buildings. The use of projections, recesses and overhangs on the buildings provide a pedestrian scale and an overall attractive appearance for the buildings and area. The architecture for the proposed buildings is in compliance with Chapter 18 of the City Code. The clubhouse for the development is sited at the north side of the property, adjacent to the E. 122nd Avenue entrance to the development for easy access for residents and visitors.

The exterior materials for the buildings will be similar to those used in the King Ranch Subdivision and consist of brick, hardboard siding, and asphalt shingles. A consistent color scheme will be used throughout the complex and incorporates similar earthtone colors that are used throughout the King Ranch Subdivision. The specific architectural design details for the buildings will be subject to review and approval through the Development Permit process.

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 scope and timing of improvements will be determined during the subdivision process.

Drainage: The Developer will incorporate on-site detention with a private storm system installed throughout the site. All on-site drainage will be conveyed to the proposed on-site detention pond located in the southeastern corner of the site. The scope of these improvements will be determined during the subdivision process.

Water and Sewer: Water and sewer are available to the site. 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 Development Engineering. The proposed development is not anticipated to have a significant impact on the adjacent roadway system with the completion of improvements required by the City and anticipates a reduced traffic count compared to a commercial shopping center. There are only two access points into the site from adjacent roadways; a full movement access at E. 122nd Avenue and a $\frac{3}{4}$ access at Quebec Street. There is no direct street connection between the site and the single-family homes and there will be no cut-through traffic from the apartment residents through the single-family homes.

Landscaping: Landscaping and related site improvements will be installed in conformance with the proposed CSP. The site will have a minimum landscape area of 46%. The proposed site plan contains an enhanced landscape buffer along Quebec Street and 25-foot landscape buffers along the Quebec Street and E. 122nd Avenue. The landscape setback along Roslyn Street is 40 feet for approximately 75% of the perimeter; however, the buffer is reduced in a small portion of the

perimeter to 10 feet to accommodate parking and drive aisles. The landscaping in this reduced buffer area is enhanced with more plant material to compensate for the reduced setback.

The applicant is proposing a six-foot high, wrought iron style, metal fence along the right-of-way of Roslyn Street and along the southern property boundary. The fence will be owned and maintained by the apartment development. No other fencing is proposed for the development. The applicant wants to maintain the open feel of the site.

All landscape plans shall be prepared in accordance with the City's landscape regulations, which emphasize the use of water wise plant materials. The proposed landscape design details for the development will be subject to review and approval through the Development Permit process.

Public Land Dedication: The PLD requirements for this site will be satisfied through the provision of private, on-site amenities for the residents of the apartment community that include:

- An approximately 3,750 square-foot clubhouse.
- An approximately 1,250 square-foot swimming pool.
- An approximately 5,400 square-foot patio area surrounding the pool with BBQ and picnic areas.
- The development is providing additional, private amenities as Subdivision Quality Enhancements, including:
 - An approximately 2,100 square-foot tot lot;
 - A 900 square-foot pavilion area with BBQ, picnic tables, and benches;
 - A 900 square-foot flower garden; and
 - A community bus stop shelter.

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 February 23, 2010. A public notice of the hearing was advertised in the Northglenn-Thornton Sentinel on January 28, 2010. Notification of the City Council hearing was posted on the property for ten days prior to the February 23, 2010 public hearing.

Public Response: Two community meetings were held for this development. The following is a brief summary of the concerns raised by residents in the area in response to the project at the meetings.

The first community meeting was held February 2, 2009. Approximately 40 residents attended the meeting.

Below is a list of the concerns raised:

1. The project will increase vehicle traffic in the area.
2. The proposed project will be low-income housing and bring undesirable residents to the area.
3. The project will reduce property values.
4. The developer needs to reduce the number of units and make all buildings two story.

5. The project will increase crime in the area.
6. The proposed building heights are too tall.
7. The proposed building materials and colors will not be compatible with the King Ranch single-family homes.
8. The proposed detention pond in the southeast corner of the site will be dangerous for the children in the neighborhood when water is present in the pond.
9. The proposed development does not fit in with the rural character of the area.

The Developer answered questions, and discussed the proposed development with the citizens. The residents were in opposition to the development of the site, concerned mainly that the project would result in a general increase of traffic on E. 122nd Avenue and reduce property values of the residential neighborhood of King Ranch.

The Developer explained that there will be a general increase in traffic in the area, but less than if the site was developed as currently zoned and that these impacts were marginal when you consider that Quebec Street will see vehicular travel demand increase in the future. The Developer did not agree that the project would impact existing property values.

Some residents were in support of the project because of the good design and the fact that they did not want commercial land uses adjacent to their homes.

A second community meeting was held on March 3, 2009, to discuss changes to the proposed site plan and building architecture in response to the first community meeting. Approximately 40 residents attended the second meeting.

The Developer discussed the revisions to the development that included reducing the building heights on all of the residential buildings, lowering the roof pitches on the buildings to match the single-family homes, using building materials and colors that are similar to those approved for the single-family homes, and installing a wrought-iron style fence along Roslyn Street to eliminate safety concerns with the detention pond. The residents maintained their opposition to the multifamily use and were concerned with reduction in property values and they did not want the apartments to be low-income or Section 8 housing. The Developer explained that these will be high quality apartment units.

Many residents were positive regarding the site design, building architecture and the overall appearance of the project; however, they did not want apartments on the property. Some residents voiced again their support for the project because of the good design and the fact that they did not want commercial land uses adjacent to their homes.

Since the second community meeting was held, a number of citizens have sent emails to the City voicing their concerns about the proposed applications. These emails are attached to this communication.

HISTORY:

- The property was annexed into the City of Thornton on August 10, 2004 by Ordinance No. 2837, and zoned Single-Family Detached (SFD), Parks and Open Space (POS) and CR.

RESOLUTION

A RESOLUTION APPROVING A CONCEPTUAL SITE PLAN FOR APPROXIMATELY 12.63 ACRES LOCATED NORTHEAST OF E. 120TH AVENUE AND QUEBEC STREET (KING RANCH MULTIFAMILY).

WHEREAS, Snavelly Development Company is the owner ("Owner") and developer 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 Owner has submitted to the City an application for consideration of the King Ranch Multifamily Conceptual Site Plan (CSP); and

WHEREAS, the aforesaid application is a matter of public record in the custody of the City Development Department, and are 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 February 23, 2010, 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 Commercial and was based on the existing zoning of the property. The approval of other commercial development projects along Quebec Street and the inability of the applicant to acquire the property immediately to the south have resulted

in the property not being viable for commercial land uses. The proposed change from Commercial to Residential High for the property is in response to changes in the market conditions and meets the criteria specified in Section 9.2 of the Comprehensive Plan for Plan Amendments. The proposed development is in harmony with the Comprehensive Plan goals and policies as discussed below:

5.4 Develop Quality Neighborhoods with Diversity of Housing Choices.

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

5.4.2 Ensure Thornton has a full range of housing choices so residents can remain in Thornton as their housing needs change 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 King Ranch Multifamily 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. 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. The Owner shall install all public improvements that are required to serve the subject Property and adjacent properties 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.
 - D. The Owner shall provide cash-in-lieu for installing one traffic signal unless signals are warranted with the proposed development, in which case the Owner shall install them at the time of construction of the proposed development.
 - E. 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.
 - F. 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.

- G. 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.
 - H. The Owner 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.
 - I. 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.
 - J. Approval of the CSP is contingent upon approval of the rezoning ordinance.
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 Owner, its successors and assigns.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Thornton, Colorado, on _____, 2010.

CITY OF THORNTON, COLORADO

Erik Hansen, Mayor

ATTEST:

Nancy A. Vincent, City Clerk