



Legislation Text

File #: ID-362-19, Version: 1

Department of Community Development

Reference: Escarcega Subdivision Zone Change

To: Members of City Council

Through: Holly Prather, AICP, Community Development Director
Marv Falconburg, Acting City Manager

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Date Prepared: October 10, 2019

PURPOSE

The zone change application before the City Council is for approximately 3.823 acres, generally located at the northeast corner of the intersection of Bromley Lane and E. 148th Avenue ("Property"). Currently, the Property has a zoning designation of Platte River Ranch Planned Unit Development (PUD). Lisa Gard is the applicant and the owner is Armando and Sadie Escarcega. The Applicant is requesting a zone change to Rural Estate (RE).

STRATEGIC FOCUS AREA

Recognizable and Well-Planned Community

BACKGROUND

The Property was annexed as a part of a larger annexation in this area in 1987 known as the West Bromley Lakes Annexation. The property was then zoned as part of the Platte River Ranch Planned Unit Development (PUD) on December 1, 1998 as a residential parcel. A later amendment to the PUD only indicated all platted residential lots as residential and this property, while outside the boundaries of that PUD Amendment, was indicated as Open Space. The property has never been platted or owned by the Home Owner's Association or City and Platte River Ranch has already given above and beyond the required amount of Open Space, namely the Ken Mitchell Lakes area. The Platte River Ranch Planned Unit Development has specific residential regulations that make building a single house on a large lot difficult, even if a PUD amendment was proposed to clearly indicate the residential nature of the property. The property owner would like to construct a single house on the 3.823 acre lot using the Rural Estate (RE) setbacks due to the lot size being well over the minimum lot size of 20,000 square feet.

Surrounding Land Use(s):

| | Land Use(s) | Zoning | Annexation Status |
|--------------|--------------|------------------------|-------------------|
| North | Residential | Platte River Ranch PUD | City |
| South | Residential | Adams County A-1 | Adams County |
| East | Agricultural | Adams County A-1 | Adams County |
| West | Residential | Platte River Ranch PUD | City |

CRITERIA BY WHICH COUNCIL MUST CONSIDER THE ITEM / STAFF ANALYSIS

When considering this zone change, the City Council should use the criteria outlined in the *Land Use and Development Code*, Section 17-8-80 (5). These criteria include, but are not limited to, whether the rezoning is consistent with the Comprehensive Plan and other master plans of the City; whether the rezoning complies with the requirements of the Land Use and Development Code and with the zone district; whether the rezoning provides consistency with the purpose and intent of the Land Use and Development Code; and whether the rezoning provides compatibility with surrounding areas, is harmonious with the character of the neighborhood and is not detrimental to the immediate area, the future development of the area, or the health, safety, or welfare of the inhabitants of the City. As the rezoning is reviewed, it is important to refer back to the criteria in Section 17-8-80 (5) to ensure consistency in review.

Comprehensive Plan:

The future land use portion of *Be Brighton*, the Comprehensive Plan, has designated this area as appropriate for Parks-Open Space as the PUD plans were used in making this portion of the map. Since further investigation indicates that it was not intended on being used for parks or open space, then a “clean-up” map amendment would be appropriate at a future time.

Additionally, Principle 8: Promote Redevelopment of Outdated or Incompatible Land Uses and Building applies under Policy 8.1, Encourage Redevelopment of Strategic Areas and Promote Infill Development. The current lot is vacant and the allowance of a single family residence on a large lot will provide a logical transition between the agricultural uses to the east and the suburban single family uses to the north and west.

Land Use and Development Code:

Section 17-16-20 (a) states: The RE District is intended for low density, single-family residential uses with large lot areas and large homes.

The City Council in making its decision shall use the following criteria (Section 17-8-80 (5)):

- a.) Complies with the Comprehensive Plan and other master plans of the City;
The rezoning will comply with the residential nature of the vicinity and the adjacent agricultural use indicated in the Comprehensive Plan.
- b.) Complies with the requirements of the Land Use and Development Code and with the zone district;
The subject property is in compliance with the Land Use and Development Code, and it meets the requirements for the RE zone district.
- c.) Provides consistency with the purpose and intent of the Land Use and Development Code;
The rezoning of this property will facilitate orderly growth and expansion of the City. It will allow for the property owner to construct a single family residence on the property.
- d.) Provides compatibility with surrounding areas, is harmonious with the character of the neighborhood and is not detrimental to the immediate area, the future development of the area, or the health, safety, or welfare of the inhabitants of the City;
The zoning designation of RE allows the lot to be developed as a transitional use between the suburban single family from the north and west to the agricultural and low density uses to the east and south.

Development Review Committee (DRC) Review:

The Development Review Committee (DRC) and referral agencies have reviewed the zone change request and all comments have been resolved. A complete list of comments and the agencies who made them are available upon request.

PUBLIC NOTICE AND INQUIRY

As required, mailings were sent to all property owners within 300' of the proposed zone change. These mailings were sent on November 9, 2019, and included a letter describing the proposed zoning, as well as the time and place for the

public hearing. Also included with the letter was a map of the subject area. Along with the public mailings, a public hearing sign was posted on November 9, 2019 adjacent to Bromley Lane on the Property, and a notice was published in the *Brighton Standard Blade* on November 13, 2019.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission heard the request on October 24, 2019 and recommended approval (see the attached Resolution #19-09).

SUMMARY OF FINDINGS AND STAFF RECOMMENDATION

Staff finds that the proposal meets the review criteria found in Section 17-8-80 of the *Land Use and Development Code*, and therefore recommends approval of this zone change for the Property to Rural Estate (RE).

A draft ordinance has been provided to the Council should it decide to proceed with the application as presented.

OPTIONS FOR COUNCIL CONSIDERATION

The City Council has four options when reviewing this zone change application. City Council may:

- 1.) Approve the ordinance as drafted;
- 2.) Approve the ordinance with specific changes;
- 3.) Deny the ordinance with specific findings to justify the denial; or
- 4.) Continue the item to be heard at a later, specified date.

ATTACHMENTS

- Ordinance (DRAFT)
- Copy of the Planning Commission Resolution
- Aerial Map
- Applicant's Zone Change Map
- Neighboring Property Owner Notification
- Addresses of Property Owners Notified
- Buffer Map of Mailing Area
- Newspaper Notice
- Newspaper Publication Proof