

Wilder Commons. Continued Planning and Zoning Commission Meeting

Summary of April 8th Public Hearing

At the April 8, hearing, the Planning Commission received the staff report, the applicants response and comments, comments of the Country Club Villas and The Village HOA's and comments and questions from the public. The public hearing was then closed. After considerable discussion by Commission a motion was made and approved to continue the meeting to 6:30 PM on April 24th in order for the staff and applicant to clarify some of the issues and attempt to resolve their differences.

On April 11, 2014, the applicant's team and the Town staff met. The meeting was very productive and all of us feel we have resolved virtually all of our differences with the exception of the width and purpose of the Jurgelonis access easement

Plan and Plat Revisions

The introductory and descriptive sections of the original staff report **(Sections I-VII)** have not changed and are not repeated in this report. There are two plan revisions that should be noted:

1. The applicant is now proposing that the streets be public and therefore, if and when accepted, would be maintained by the Town. The right of way and pavement widths would be :

Main Loop Road:	50' R-O-W, 34' Pavement Width.
North Road:	42' R_O_W, 30' Minimum Pavement Width.
South Access (Jugelonis)	50' R-O-W,

2. Lots 8-16 would be restricted to a single story with a height maximum of 30'. Lots 1-7 would permit two stories with a height maximum of 35'.

VIII. Revised Findings

A. Jurgelonis Access

It is the staff position that a 50 foot access is an essential aspect of the development of the Wilder Commons property. It does not need to be a fully developed, paved, 50 foot access at this time. Rather, we support the notion promoted by the some P&Z members that the plan allow that right to be reserved for future use.

We believe there is an important opportunity to be considered in combination with the Jurgelonis property. The sentiments expressed at the P&Z hearing included desires for an enclave feel, connected to the town, but not increasing cut-through traffic, a cart/bike/pedestrian access without bothering neighbors, the safety concern with the

Platte Canyon left turns, and relocation of power poles. If Wilder and Jurgelonis are connected, or at the least planned to be connected, then at some point in the future the Platte Canyon Access can be modified to a right turn only and the major access would be from Middlefield Rd. This could allow both properties to develop with all the stated benefits and none of the detriments brought into town by Platte Canyon. The easement needs sufficient width to accommodate vehicular, cart, bicycle and pedestrian use as well as utilities. The staff is concerned that a restriction on vehicular access will continue a questionable practice of isolating the Town's neighborhoods, a practice that violates the spirit of the Master Plan which emphasizes continuity.

The applicant does not object to an easement that would allow cart/bicycle/pedestrian/emergency access and utilities. The objection is to the full vehicular access for the following reasons.

Traffic

Members of the public and some P&Z members spoke in opposition of a through street connecting Middlefield and Platte Canyon through Wilder Commons. The applicant opposes full traffic access to both Platte Canyon and Middlefield Rd (i.e. a through street). A through street between Middlefield and Platte Canyon, now or in the future, will create cut through traffic and does not fit with the "enclave" feel desired for this development. Initial access from Platte Canyon Dr. later abandoned in favor of access to Middlefield results in an inefficient design and loss of valuable real estate.

Planning and Timing

The applicant has been unsuccessful to date in attempts to purchase the Jurgelonis property and therefore does not control the timing of that development. If the applicant owned the Jurgelonis property prior to committing resources to the final plat for Wilder Commons, they would agree with Town staff that exclusive vehicular access from Middlefield Rd would be preferable to the Platte Canyon access. But Applicant does not own the Jurgelonis property at this time and therefore needs to have a plan that can move forward with the Wilder Commons development independent of the "what-ifs" associated with the potential development of the Jurgelonis property.

B. North Street

By our standards (Arapahoe County Criteria), any road serving more than 2 homes is considered a street. It can be a private street or public street, but in any case it's a street and must be designed as street not a driveway. This means concrete or asphalt, fire department standards, utility standards (Denver Water pavement), and reasonable Town standards for width.

Considering the purpose, function, and alignment of the North Road, the staff would recommend a 42 foot width and the minimum ROW width of 30'.

C. Platte Canyon Access

1. It appears that the point of access onto Platte Canyon could be widened to allow for the exclusive left turn lane and the plan and plat should be revised accordingly.
2. CDOT has the authority to close, or modify an access when it is determined that the access or a specific turn movement is unsafe or hazardous. A citation from CDOT's code should be included as a Special Note on the plan and plat.

D. Set- Backs.

The front set-backs as shown on the Developments Stipulations Chart (Sheet 1 of the Preliminary Plan) were misleading. The Chart has been revised to show the front set-backs as measured from the back of pan.

E. Parking.

There was some concern expressed by P&Z about the on-street parking. There will be a minimum of two off-street spaces per unit (typically a 2 car garage) plus 10 on-street spaces in designated areas. The designated areas for on-street parking will be shown on the plan.

F. Screening.

The landscape plan has been revised to show a six foot vinyl privacy fence along the north and south boundaries. The plan will not show a fence or wall on the east boundary as recommended by the Country Club Villas HOA. Both the staff and the applicant prefer a planted screen rather than an additional wall. Adding an additional wall could create drainage problems as well as creating a "no man's land" area between the walls that would collect trash and inhibit maintenance access.

The major concern expressed by the Villa's HOA was the impact on the owner of Lot 5 in the Villas. The applicant has committed to meet with that property owner to discuss the advantages of a planted screen. This east boundary issue may not be resolved until after the Board of Trustees acts on the preliminary plan.

G. Drainage.

It is in the Town's best interest to manage Drainageway D stormwater passing through the Wilder Commons in cooperation with UDFCD. The Town has a long history of successful cooperation with UDFCD in cost sharing open channel projects where UDFCD ultimately accepts maintenance responsibility in perpetuity. The Planning Commission cannot

resolve drainage issues. What the Planning Commission should have is an understanding of the municipal impacts and assurances that the drainage problems will be addressed.

As proposed, the major drainage system through the site, a 42" storm sewer and ultimately a 4' X 4' box culvert, are paid entirely by the Town without developer or UDFCD assistance. There are currently no budgeted funds for these storm sewer improvement and it is unclear how the work will be completed. One possible solution is the developer funds the internal storm sewer improvements and the Town delays funding the 4' X 4' box culvert until upstream properties (in Littleton and Arapahoe County) develop.

At the Wilder Commons Team meeting with Town staff on April 11th it was agreed that the drainage issues are resolvable but will require additional studies and meetings prior to the submittal of the Final Development Plan.

IX. Recommendations

As stated in the original staff report, the approval of the Preliminary Development Plan and Plat is the first step in a two-step process. No building permits can be issued until the Final Development Plan and Final Plat have been approved by the Board of Trustees. The approval of the preliminary plat and plan does, in practice, "lock-in" the proposed use and certain development standards including, the maximum density, maximum height, minimum setbacks, number of access points and street standards. Items such as detailed architecture, landscaping, drainage plans and exact easement dimensions and purpose can be modified at the time of final plan and plat approval.

The staff is recommending approval of the Preliminary Development Plan and Preliminary Subdivision Plat subject to conditions.

- A. Prior to the submittal of the Final Development Plan/Final Plat the applicant will make the minor revisions, errors, omissions and clarifications as specified in the staff Long Letter.**
- B. Site drainage and drainage improvements shall be designed to comply with UD&FC standards and the Town (Arapahoe County) standards. Compliance with these standards shall be determined by the Town Engineer.**
- C. Revise the Plan and Plat as follows:**

Preliminary Development Plan

- Sheet 1:**
- a. Revise the Development Stipulations Chart to show the front yard set-backs from back of pan. Also revise the total number of parking spaces to 42 minimum.**

b. Add the following Special Note:

Modification or Restriction of an Approved Access

The State Highway Access Code, Section 2.6 permits the modification or restriction of an approved access as follows:

(7) The Department or issuing authority may, when necessary for the improved safety and operation of the roadway, rebuild, modify, remove, or relocate any access, or redesign the highway including any auxiliary lane and allowable turning movement. The permittee and or current property owner will be notified of the change. Changes in roadway median design that may affect turning movements normally will not require a license modification hearing as an access permit confers no private rights to the permittee regarding the control of highway design or traffic operation even when that design affects access turning movements.

(8) Action pursuant to the Code initiated by the local authority or Department against an existing legal access either to revoke, suspend, limit, reconstruct, relocate or modify the access may be accomplished pursuant to either the Administrative Procedure Act, article 4 of title 24, C.R.S., or the government powers of eminent domain.

Sheet 2: **a. Revise Tract B (drainage easement portion) dimensions as have been agreed by UD&FCD and Town Engineer.**

b. Assign a new Tract number to the portion of Tract C that would provide access to the Jugelonis property. Increase the width to 50'. Add "Street R-O-W" as a purpose. *(The applicant does not agree with this recommendation)*

c. Show the North street pavement width at 30' minimum.

Sheet 3: **a. Revise as specified for sheet 2.**

b. Revise Water Quality Pond to meet UDFC volume requirements, if necessary.

c. Change note concerning Zone X to reference documentation.

Sheet 4: a. Revise as specified for sheet 2.

b. Prior to submittal of the Final Plan/Plat, the off-site water and sewer easements must be obtained.

Sheet 5: a. Resolve screening or fencing issue for east boundary.

b. Provide specifications as to type and height of walls along north and south boundaries and include typical illustrations.

Preliminary Plat

Sheet 1: Revise Tract Summary Chart to show a new tract for the Jurgelonis access easement and show the modifications of size, purpose and maintenance responsibility.

PROPOSED MOTION

Move to approve the Wilder Commons Preliminary Plan and Preliminary Plat subject to the conditions specified in Section IX, Paragraphs A, B and C of this report.