AGENDA ITEM: Final Subdivision Plat (FP) for Rock Creek Ranch Filing No. 25 (Case Nos. FP-2020-01)

MEETING DATE: June 8, 2020 (June 22, 2020)

PRESENTED BY: Steven Williams, Town Planning and Building Manager
Matt Magley, Town Manager

PRESENTED FOR: Action

Item: Case No. FP-2020-01

Owner/Applicant: Dennis Cavallari, Steelwave Acquisitions LLC, (Owner Representative/Applicant)

Location: East of South 88th St., north of Hodgson-Harris Reservoir and south and west of US 36 HWY, southeast of where the US 36 HWY and South 88th St. intersect.

Request: Final Subdivision Plat (FP-2020-01) to create one 15.45-acre development lot (Lot 1, Block 1) and three tracts of land (A-C) totally 7.33 acres. This Plat would also dedicate 0.97 acres of right-of-way for the expansion and development of S. 88th Street.

This request is one aspect of a three-part application, which also includes a Subdivision Plat and Final Plat Site Plan

BACKGROUND:
In 1987 Rock Creek Ranch was incorporated into the Town of Superior and the Rock Creek Ranch Planned Unit Development (PUD) was adopted to govern projected growth of this area. The subject property, which is commonly referred to as the Zaharias Property, was designated for Regional Activity and Employment (RAC) uses as this area was envisioned to develop with higher intensity commercial uses due to its proximity to the US 36 HWY and S. 88th St. No connection from S. 88th St. to US 36 has been constructed, and the Zaharias property currently remains both unplatted and undeveloped.
As illustrated by the Vicinity Map below, the subject property is bordered by residential development (within Rock Creek Ranch) to the west and south, and is bounded by the US 36 HWY to the north and east and the Hodgson-Harris Reservoir to the southeast. Development within this area is largely defined by residential land uses, with single-family detached homes largely characterizing development to the west. Multi-family residential developments, however, have also occurred to the northwest within the Lanterns development and to the southeast within the Saddlebrooke subdivision. This property is unique in that it is predominantly adjacent to unincorporated Boulder County lands, which lie to the immediately to the north, east and south of this site. The City of Louisville also lies north of the US 36 HWY.

In addition to the platting application outlined in this cover memo, the applicant has also requested that this property be rezoned from Regional Activity and Employment Center (RAC) to Residential R-2A zoning and has submitted a Final Plat Site Plan to develop Lot 1, Block 1 with 22 apartment buildings (180 units) in addition to a clubhouse and leasing center. The specifics of both the rezoning and development requests are outlined separate cover memos. This application has been divided into three separate memos to aide in the sequencing of the application components as well as in the preparation of the associated documents. Platting the parcel first, for example, allows for the ROW dedication to occur first, and narrows the rezoning and FPSP applications to Lot 1, and Tracts A-C.

VICINITY MAP:

PROPOSAL SUMMARY:
Representatives of Steelwave Acquisitions, LLC have applied for a Final Subdivision Plat (FP) for a 23.742-acre property in Rock Creek Ranch known as the Zaharias Property.
The proposed FP (Plat) would divide this 23.742 acres into:

- One 15.447-acre development lot (Lot 1, Block 1);
- One publicly dedicated tract of land (Tract A) at 3.79 acres for use as open space;
- Two privately owned tracts of land for use as open space and storm detention; with Tract B consisting of 0.747 acres and Tract C covering 2.792 acres.
- 0.966 acres of publicly dedicated right-of-way (ROW) along the eastern edge of S. 88th St.

Staff’s cover memo for Steelwave’s FPSP details how the applicant proposes to improve Lot 1, Block 1 with 180 apartments along with the associated private streets, public and private utilities, as well as landscaping and site improvements.

**PROJECT NARRATIVE**

The applicant has provided a comprehensive project narrative for their overall proposal, which includes summaries for each of the three application types involved – the Final Plat (replat), the rezoning request, and the Final Plat Site Plan. Section A of this narrative details the platting aspects of the proposal. In addition to the primary aspects of this proposal that are bulleted above, this narrative also discusses the Verra Reservoir and the easements that are proposed to be platted to serve the associated development.

The Verra Reservoir, which lies within Tract C, is encumbered by wetlands and serves as a regional drainage way. The applicant’s narrative clarifies that a purchase and sales agreement has been reached with the current drainage easement owner, which will transfer this easement to the developer should their development proposal be granted. Staff has worked with several review agencies, including Mile High Flood District (MHFD) and the Colorado Department of Transportation (CDOT), to coordinate the appropriate direction for the drainage and wetlands that impact both the Zaharias property and adjacent CDOT property to the north and east.

The plat project narrative also addresses three types of easements related to developing this property with 22 apartment building and associated access roads and utilities. To begin, several utility easements are required to extend utility services through the property. Along primary access routes through Lot 1, these easements reach 37’ in width to accommodate the various, water, storm sewer, and sanitary service lines required, while also meeting the Town’s separation requirements. The applicant’s narrative also outlines the various elements of the design, such as water meters and electrical transformers, that their utility easements have been designed to accommodate. Emergency access easements at 30’ widths are also proposed to accommodate emergency responders needs. The Rocky Mountain Fire Department served as a referral for this proposal and has confirmed the adequacy of this design.

Lastly, this narrative clarifies the public access easements that are proposed for this site. Such easements include 8’-wide public easements that correspond with the trail that will encircle this property, as well as access to the parking area that has be included as part of a Hodgson-Harris trailhead. Along the east side of 88th Street, the applicant is also proposing an additional 3’-wide
easement to accommodate the Town’s request for a 10-wide, regional multi-modal trail. The Town is coordinating the design and construction of S. 88th Street as part of a separate development project in 2020 and has worked with the applicant to coordinate both private and public construction details. The 3’ easement along the east side of S. 88th St. will afford a full 10’ trail width, with 7’ occurring within the ROW.

**FINAL SUBDIVISION PLAT (ROCK CREEK RANCH FILING 25)**
The Final Subdivision Plat for Rock Creek Ranch Filing 25 contains seven plat sheets, which are summarized below. The proposed plat sheets include the pertinent information required for a Major Subdivision as stipulated by Section 16-8-50 of the Municipal Code, including title, legend, matchlines and such other information as line and curve tables. Major Subdivisions require both a Preliminary and a Final Plat per Town Code. The intent of a Preliminary Plat is to allow a property owner to illustrate how a subdivision is proposed to be divided and arranged prior to having final design details regarding how the property will develop. In this case, the applicant has elected to propose both their Final Plat and Final Plat Site Plan details upfront. The Town allows Preliminary and Final Plats to be considered concurrently. Rather than present Planning Commission and the Board with two plats that differ only in title, the Town allows the applicant to simply title proposed plat as both preliminary and final. The Plat title will be updated before approved documents are recorded to reflect that only a Final Plat is recorded.

**Plat Sheet 1 (Cover Sheet)**
The Cover Sheet includes the standard information, including a title block, vicinity map, sheet index, basis of bearings statement, and written legal description. The Certificate of Ownership clarifies that both Tract A and a portion of ROW associated with S. 88th Street will be dedicated to the Town/public. This dedication statement also references the various easements the plat will establish. An Ownership and Maintenance table is also provided to help clarify future ownership and maintenance responsibilities. This table also elucidates how the 23.742 acres associated with this property are proposed to be divided into one developable lot, three tracts of land, and the S. 88th St. ROW dedication. Three Certificates of Ownership are also included on this plat sheet along with Certificates for the Surveyor, Town Clerk, Town Board, Planning Commission and Boulder County Clerk and Recorder.

**Plat Sheet 2**
Plat Sheet 2 clarifies how the subject property is proposed to be divided into one development lot and three tracts of land. Tract A is proposed along the southern portion of the site and covers 3.790 acres along the Hodgson-Harris Reservoir. Tract B is located in the southeastern corner of the Zaharias parcel. It is proposed at 0.747 acres and will serve as a water quality pond for the proposed development. Tract C is sited on the northeastern edge of the subject parcel, along the US 36 HWY. This tract is encumbered by a drainage easement associated with the Verra Reservoir, as well as wetlands. The applicant has reached an agreement with the easement owners to purchase the drainage easement, and this agreement will be executed should the associated development proposal be approved. Lot 1, Block 1, at 15.447 acres, accounts for the
remainder of the parcel. It is immediately adjacent to S. 88th St. and will be separated from Boulder County’ Hodgson-Harris Reservoir by Tract A, while Tracts B and C will further separate this development lot from the US 36 HWY.

This plan sheet also clarifies the ROW dedication area associated with S. 88th St. The boundary between the Zaharias parcel and S. 88th St. currently jogs by 10’ at roughly the midpoint of this shared property line. The proposed ROW dedication will eliminate this jog and create a consistent ROW width of 102’ for S. 88th St. The width of the dedicated area is 37’ along the northern half of Zaharias western property line and 27’ along the southern half.

This plan sheet also reflects the area north of the Zaharias parcel that will be dedicated to the Town of Superior from CDOT. The Town’s Public Works Department is coordinating this aspect of the application as it relates to broader S. 88th St. improvements currently underway and CDOT has related their willingness to transfer this property to Superior. It is reflected here because this area will also serve as the northern access point to the Zaharias development should the associated apartment development be approved. This access point is preferred by the Town as it will allow the entrance to Zaharias to align with the intersection of Promenade Drive and S. 88th St. and enable the Town to construct a full movement intersection in this location.

**Plat Sheet 3**
Plat Sheet 3 illustrates all of the various easements proposed for this development and easier understood as a collection of the easements individually illustrated on plat sheets 4-6 and described below.

**Plat Sheet 4**
Plat Sheet 4 primarily illustrates where a 30’-wide emergency and service access are proposed for this site. The extent of this easement is reflected with hatched lines. The proposed easement location/path coincides with the primary access routes that will extend through this development, which are illustrated on the site plans for the associated development application. This easement also aligns with the Emergency Access diagrams included with the applicants FPSP proposal (FPSP Sheets 6-8) and the commercial service access plans provided on FPSP Sheets 9-11. As illustrated, both emergency and service access (as well as private vehicular access) will extend from S. 88th St. to Lot 1 in two locations, one along the northern edge of the property and one along the southern edge.

As alluded to above, the northern access to this development is dependent on a parcel of land currently owned by CDOT. CDOT initially granted the applicant an access easement for this area, but because the Town is currently coordinating broader improvements for S. 88th St., CDOT agreed to transfer this area to the Town. Because this area is currently within unincorporated Boulder County, this property will also need to be annexed into Superior.
Although these aspects are being coordinated by the Town, they will need to be completed before development of this property reaches the point where both accesses are required. The first step in this process is to receive the land from CDOT, which is currently in process and expected to take a few months. Staff anticipates acquiring ownership of this area before development of the Zaharias property occurs should this application be approved.

**Plat Sheet 5**

Plat Sheet 5 illustrates the utility easements proposed. These easements generally relate to primary utility lines, which the Town maintains. The path of these easements, which include water, sanitary sewer, and storm sewer generally follow the same routes as the emergency and service access easements described above. This overlapping utility easement, however, is wider by 7’ than the access easement, and the additional width is necessary to accommodate utility separation requirements.

These easements have been coordinated with the utility design sheets included in the FPSP portion of this application, which illustrates that 12” water lines are proposed to extend from S. 88th St. in two locations, from the northern drive access and north of Building #1 near the southern portion of the site. The proposed 8” sanitary sewer connection is proposed to from 88th St. through the parking area proposed in the southwestern corner of Tract A. As illustrated in the FPSP utility design plans, this sanitary line would cross the western half of the proposed trail/reservoir parking then extend due north within the primary private access drive that parallels S. 88th St. This development’s primary stormwater outfall is also aligned to cross Tract A and fall within the easement that has been designed to overlap the trail/reservoir parking just east of S. 88th St. This storm line, however, will extend under the ROW and outfall into the existing regional detention area that lies west of S. 88th St. Other, more minor, easements illustrated on this plat sheet relate to water line extensions from the main 10’ water line to the meter pits that are owned and maintained by the Town.

**Plat Sheet 6**

Plat Sheet 6 illustrates where public access easements have been afforded over this property. As illustrated on the FPSP sheets, an 8’-wide sidewalk is proposed to wrap around this development, extending east from S. 88th St. just north of the proposed trail/reservoir parking area within Tract A. The trail continues along the northern edge of Tract A before tying into Tract B west of the detention pond designed for this tract, then loops northwest back to S. 88th St. through the southeastern edge of Tract C, connecting again with S. 88th St. just north of the vehicle entrance that is designed to align with Promenade Drive to the west. Plat Sheet 6 shows this easement up to the point where offsite improvements within the CDOT property to the north begin.

In addition to this 8’ pedestrian trail, public access easements are also proposed for the trail/reservoir parking area and to expand the width of the sidewalk planned for the east side of S.
88\textsuperscript{th} St., which is envisioned to be a 10’ wide regional trail that provides a US 36 trail connection on the south side of US 36. Lastly, a public access easement has also been applied over the southern vehicular drive to this property, affording the public with access to the trail/reservoir parking lot that lies immediately to the south.

**Plat Sheet 7**
Plat Sheet 7 includes all of the line and curve data information for the proposed plat, clarifying the dimensions of the proposed lot, tracts and easements.

**Rock Creek Ranch PUD Criteria**
The Rock Creek Ranch PUD governs this property and addresses several development criteria that relate to this proposal. In most instances, zoning requirements relate to the PUD/rezoning proposal, and design requirements are most appropriately applied to the FPSP/development application. One criterion, however, relates more specifically to this plat as one of the two required vehicle access drives requires the acquisition of off-site property, which is currently owned by CDOT.

Section 2.2.C.8 of the Rock Creek Ranch performance criteria clarifies the requirements when private streets are proposed, noting that a minimum of two points of access from public streets are required. As outlined above, the applicant is proposing two points of access, both originating from S. 88\textsuperscript{th} St. The applicant and the Town have coordinated a land dedication from CDOT for the northern access. Because the geometry associated with this dedication expanded as part of the Town’s S. 88\textsuperscript{th} St. project to include ROW, this dedicated, which is reflected as Parcel 39-EX on Sheet 2 of this plat, will be dedicated from CDOT to the Town. This area of land is reflected on plat sheet 2 of this application for context, but the reference notes that this land exchange will occur by separate instrument. (CDOT is not part of this plat application, so this land exchange will be coordinated separately). Although this access is off-site, it is still required for this application to be compliant. The applicant will continue to work with the Town to coordinate both on- and off-site improvements as well as their construction schedule for private improvements, which rely on S. 88\textsuperscript{th} Street for access.

**STAFF ANALYSIS OF FINAL PLAT (SUBDIVISION) REVIEW:**
**Superior Municipal Code: Subdivisions**

Section 16-8-10 (a) clarifies that it is the policy of the Town to subject the subdivision and subsequent development of land to the control of the Town pursuant to the Comprehensive Plan, Capital Improvement Program and all other rules, regulations and policies the Town may adopt for the orderly, planned, efficient and economical development of the Town.

Section 16-8-10 (b) further clarifies that subdivisions shall meet the following requirements:

1. To be subdivided, land shall be of such character that it can be used safely for development purposes without unnecessary danger to health or peril of fire, flood or other menace.
2. Land may not be subdivided until proper provision has been made for paving, drainage, water, wastewater, public utilities, capital improvements, parks,
recreation facilities and rights-of-way for streets, transportation facilities and improvements, except as specifically provided by this Chapter.

(3) No subdivision shall be created that does not create a legal lot in the zone district in which it is located, unless a lot smaller than a legal lot in the zone district is acquired by a public entity.

(4) No building shall be erected on any property unless the property is part of a subdivision approved in accordance with this Chapter or prior subdivision regulations of the Town, or by agreement with the Town.

(5) No person shall sell, exchange or offer for recordation land required to be subdivided under this Chapter, or offer for recordation any deed conveying a parcel of land, unless a subdivision plat has been approved and recorded in accordance with this Chapter.

(6) Subdivisions shall include evidence that provision has been made for electrical and natural gas facilities, easements and rights of access necessary to the subdivision.

(7) Subdivision plats for entire subdivision or filing thereof may be phased by the applicant if the phasing sequence is disclosed and identified on a map or the development schedule for the development.

**Staff Analysis of Subdivision Plat**

Staff finds this proposed Subdivision Plat is complete and will be consistent with the Rock Creek Ranch PUD once the associated rezoning proposal is subsequently approved. Staff also finds the proposal will be consistent with Town’s Comprehensive Plan, all other Town ordinances and regulations, as well as the seven requirements listed above. More specifically, this application was referred to the Rocky Mountain Fire District and determined to meet emergency access standards required by Criterion #1. As noted above, one of the two points of access to the proposed property is being coordinated as part of the Town’s S. 88th St. improvement project, which is currently underway. Each of these two access drives from S. 88th St. are required to serve a development of this size. The applicant understands and has acknowledged that their construction phasing will need to be coordinated with the Town’s S. 88th St. project and that the Town will control construction sequencing as necessary through the required building and grading permitting processes.

This plat is accompanied by a FPSP that illustrates how Criterion #2 is proposed to be met. As detailed above, this plat has been coordinated with the FPSP details and the Town’s S. 88th St. improvement project to ensure that sufficient ROW and easements are afforded for utilities and public access. No new public streets are proposed, but S. 88th St. will be widened to accommodate the Town’s improvement plans. The public utility needs for the proposed development will originate from S. 88th St. The applicant has also agreed to both improve Tract A with public parking and a public trail along the northern edge of the Hodgson-Harris Reservoir and dedicate this area to the Town as public open space. No additional capital or public improvement needs were identified through the course of this review.
There is no minimum lot size within the Rock Creek Ranch PUD, so Criterion #3 is not directly applicable, but the proposed parcel size of 15.44 acres has been evaluated in relation to the development proposal, and no concerns or development site constraints have been identified. The proposed development parcel (Lot 1, Block 1) will be part of a platted subdivision should this plat be approved, which will allow building permits on this parcel and satisfy Criterion #4. An approval of this subdivision review will also allow the Lot 1, Block 1 and the associated tracts (A-C) to be transferred, satisfying Criterion #5.

The three applications related to this proposal were referred to Xcel to ensure that gas and electrical services were available and properly designed. Xcel completed their review of the proposal and did not identify any concerns. Lastly, Criteria #7 applies as this subdivision/Rock Creek Ranch Filing 25 is part of the larger Rock Creek Ranch development that has developed in phases. No individual phasing within Filing 25, however, is proposed.

In general, staff is supportive of the proposed subdivision. Staff acknowledges that additional coordination will be required to ensure that the Town’s improvement project of S. 88th St. and this proposal are appropriately sequenced. In general, sequencing relates to the development (FPSP) aspect of the property and not the subdivision proposal. Staff also acknowledges that subdivisions generally dictate densities as well as the distribution and arrangement of open spaces and access drives. In this instance, one lot is proposed for all 180 multi-family units proposed, do it does not have any impact on density. Staff, however, finds the amount and location of proposed open space to be consistent with both the Rock Creek Ranch PUD and the Town’s Comprehensive Plan.

**PLANNING COMMISSION RECOMMENDATION:**

On May 19, 2020 a virtual public hearing was held by Planning Commission to consider Final Subdivision Plat (FP) for Rock Creek Ranch Filing No. 25 to subdivide the Zaharias property into one 15.45-acre development lot and three tracts (A-C) of land (Case Nos. FP-2020-01). At this hearing, Planning Commissioners received a presentation from staff, considered a presentation by the applicant, and received public comment. Neither PC comment, nor public comment focused much on the platting aspect of this development proposal. Discussion focused primarily on the rezoning and FPSP development facets of this application, which are discussed in detail through the associated staff memos. The May 19, 2020 PC meeting was continued to June 2, 2020. At this meeting, PC voted to approve the proposed plat per staff’s recommended decisions.

**STAFF RECOMMENDATION:**

Approve the Resolution for a Subdivision Plat for Rock Creek Ranch Filing 25 (Case No. FP-2020-01) per the conditions outlined below. Action on the Final Plat needs to occur before the associated rezoning and Final Plat Site Plan applications.
A. Applicant shall make minor technical and redline corrections to plans as identified by Town Staff.
B. The proposed plat (FP-2020-01) must be adopted and become effective before either the proposed rezoning (RZN-2020-01) or Final Plat Site Plan (FPSP-2020-01) can be formally signed into effect by the Town.

ATTACHMENTS:
- TB Resolution
- Project Narrative
- Final Plat Submittal
- PC Resolution