

Planned Development Rezoning Staff Report

DATE: MAY 4, 2017

TO: DOUGLAS COUNTY PLANNING COMMISSION

FROM: JOE FOWLER, AICP, CHIEF PLANNER *JF*
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SUBJECT: FRANKTOWN VILLAGE PLANNED DEVELOPMENT – REZONING
FRANKTOWN VILLAGE PLANNED DEVELOPMENT – WATER APPEAL

PROJECT FILES: ZR2012-008
ZR2014-003-WS

OWNERS REPRESENTATIVES:

RUSS BERGET
FTCO2, LLC
7505 VILLAGE SQUARE DRIVE
SUITE 200
CASTLE PINES, CO 80108

WALLACE E. CARROLL
FRANKTOWN DEVELOPMENT
COMPANY, LLC AND
FTCO, LLC
7505 VILLAGE SQUARE DRIVE
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CASTLE PINES, CO 80108

REPRESENTATIVE:

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DENVER, CO 80202

PLANNING COMMISSION HEARING:

May 15, 2017 @ 7:00 p.m.

BOARD OF COUNTY COMMISSIONERS HEARING:

TO BE SCHEDULED

I. EXECUTIVE SUMMARY

There are two land use requests before the Planning Commission.

Planned Development Rezoning

This application seeks to rezone 106.9 acres of land from RR – Rural Residential and East Franktown Planned Development (EFPD) to Franktown Village Planned Development (FVPD). The FVPD would establish a maximum of 286 residential dwelling units; up to 180,000 square feet of business, office and commercial uses; and open space, parks, and right-of-way. The proposed FVPD is located to the south and east of the intersection of State Highways 83 and 86.

Water Appeal

Development of off-site groundwater is proposed by this application to supplement the use of groundwater from within the boundaries of the PD. Use of off-site water requires that the off-site land area be rezoned to Open Space Conservation (OSC) zone district or preserved under a conservation easement (CE). Under Section 1809A.03.1 of the Douglas County Zoning Resolution (DCZR), rezoning to OSC district or establishing a CE is required at the time of the rezoning approval. The applicant proposes to defer the timing of rezoning to OSC zone district or establishment of an open space conservation easement (OSCE) until the first phase of subdivision review. The appeal request regulations are provided in Section 1810A of the DCZR.

The 178.5-acre off-site area is located one-mile to the east of the FVPD. Approximately 106 acres is located to the southwest of the intersection of Tanglewood Road and Burning Tree Drive while 72.5 acres of the site is located to the southeast of the same intersection. The site is undeveloped and zoned RR. For the purposes of this staff report, the site is referred to as the “Off-site Carroll Parcel.”

Both the FVPD and the Off-site Carroll Parcel are located within the Franktown Rural Community Subarea as described within the 2035 Douglas County Comprehensive Master Plan (CMP). More specifically, the FVPD site is located within the Franktown Village Area (FVA), (CMP Map 4.3). The FVA is further divided onto Community Center, Community Residential, and Transition Planning Areas. The CMP establishes goals, policies and objectives for all of these identified areas.

II. REQUEST

A. Request

The applicants have submitted two related land use requests:

- 1) A proposed rezoning of 106.9 acres of land from RR-Rural Residential and PD-Planned Development to Franktown Village Planned Development (FVPD).
- 2) An appeal to a provision of Section 1809A.03.1 of the DCZR to defer the rezoning to Open Space Conservation Zone District or the placement of a conservation easement on off-site lands proposed as a source of water supply for the FVPD until approval of the first FVPD preliminary plan.

B. Process

Water Appeal

An appeal to the water supply standards of Section 18A, Water Supply Overlay District, is described in DCZR Section 1810A. Section 1810A.06 states: “At a public hearing, the Planning Commission shall evaluate the application, based on the technical data, the water consultant’s opinion, site specific data, the water demand standards, the staff

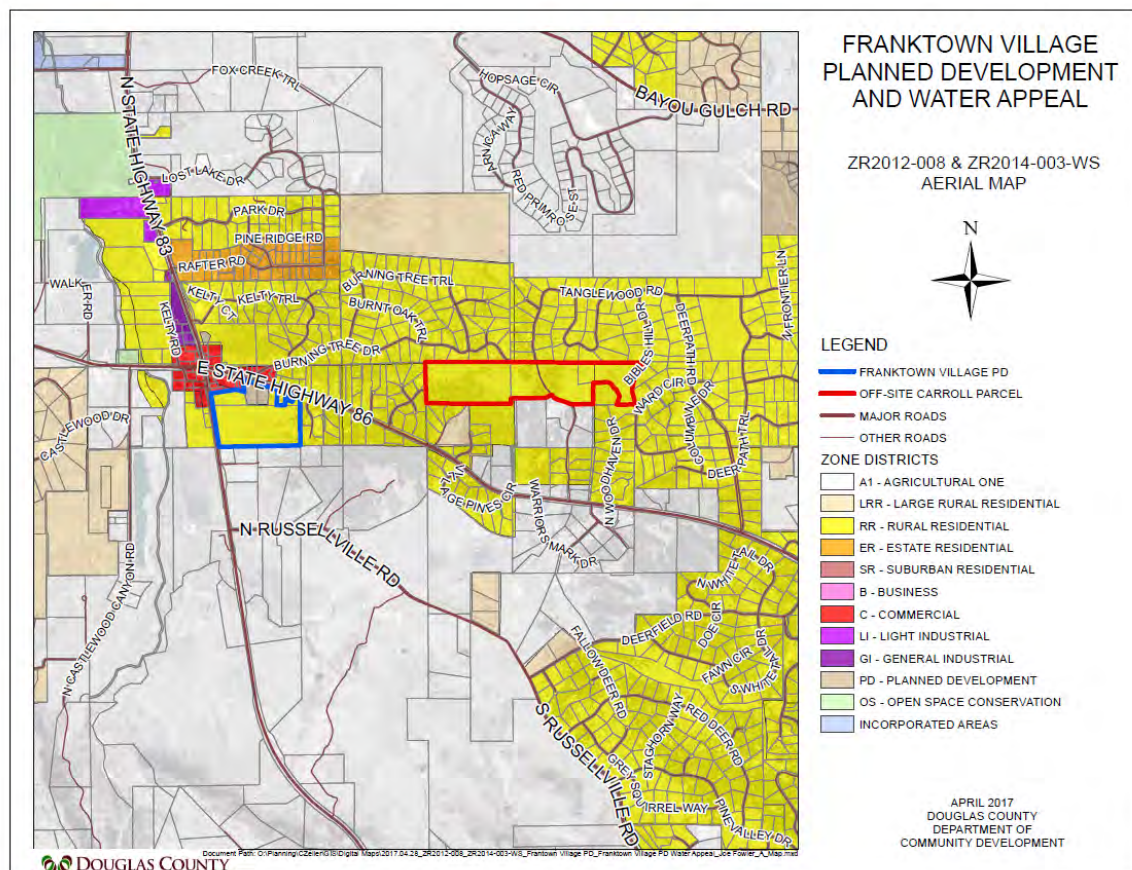
report and public testimony, and shall make a recommendation to approve, conditionally approve, or deny the appeal.”

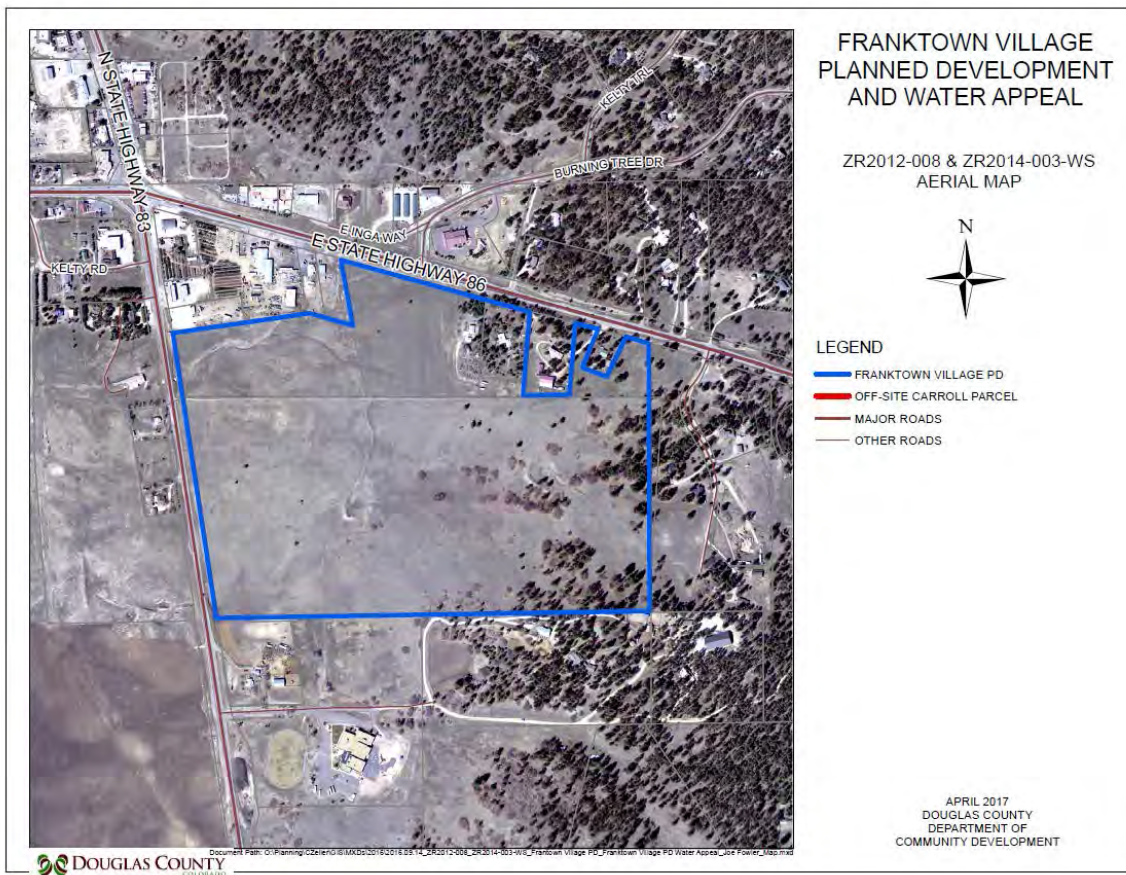
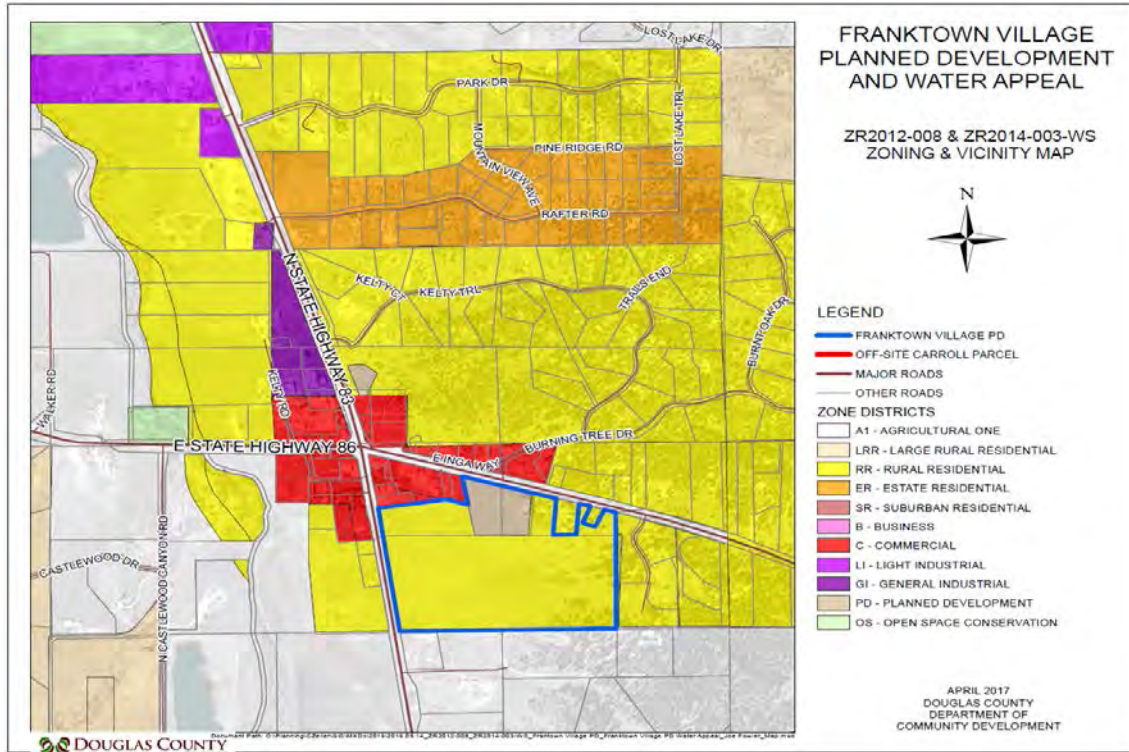
PD Rezoning

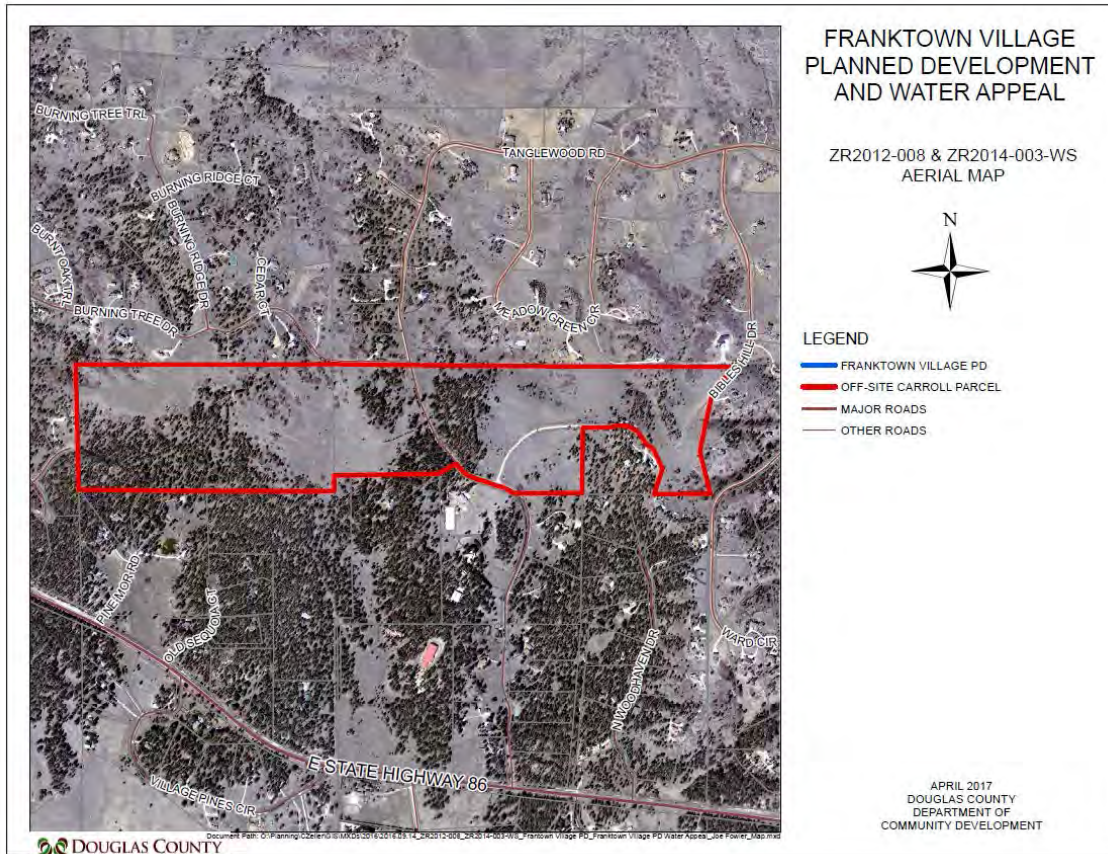
A PD Rezoning application is processed pursuant to Section 15 of the Douglas County Zoning Resolution (DCZR). Per DCZR Section 1505.06, “The Planning Commission shall evaluate the rezoning request, staff report, referral agency comments, applicant responses, and public comment and testimony, and make a recommendation to the Board to approve, approve with conditions, continue, table for further study, or deny the rezoning request.

C. Location

The FVPD site is located generally to the southeast of the intersection of State Highway 86 and State Highway 83, but is separated from the intersection by existing commercial properties. The Off-site Carroll Parcel is located approximately one-mile to the east of the FVPD. More specifically, it is located to the southwest and southeast of the intersection of Tanglewood Road and Burning Tree Drive, and extending eastward to Bible Hills Drive and westward to the Timber Pointe subdivision. The following maps show the zoning of the parcels as well as an aerial view.







D. Project Description

The FVPD proposal includes residential, non-residential, open space, and community uses on a 106.9 acre site. Central water and sanitation facilities are proposed. The development proposes 16.8 acres of mixed-use business and commercial planning areas (PA) in 1 and 2. These are located in the northwest portion of the site. PA 2 features a Town Center Plaza (TCP) which will feature a plaza area, wide sidewalks, and buildings located directly adjacent to the sidewalk. The concept proposes a traditional style, small town streetscape intended to function as the commercial center of the community.

Proposed PAs 1 and 2 encompass the existing East Franktown Planned Development (EFPD), approved by Douglas County in 1985. The EFPD allows commercial and business uses, contingent upon the availability of central water and sanitation. Using a similar floor-area ratio (F.A.R.) of 0.24 (developable square footage to land area) as is proposed in the FVPD, the EFPD would allow for approximately 120,000 square feet of business and commercial uses. The FVPD rezoning proposes to add 60,000 square feet to the estimated but undeveloped 120,000 square feet allowed in the EFPD, for a maximum of 180,000 square feet.

Planning Areas 3 through 9-c are located to the south, southeast, and east of PA 1 and PA 2, and are designated for residential use. Additional uses include a 4.3-acre neighborhood park within PA 11. PA 12 will include a drainageway and open space and

PA 10 will support open space and water treatment facilities. The PD proposes the development of a larger community park within a portion of the Franktown Elementary School site, just south of the FVPD boundary at Street C, as further discussed below.

The residential planning areas within FVPD allow for a maximum of 286 residences. Up to 100 of the residential units within Planning Areas 3, 4, and 5 may be developed as single-family or single-family attached residences such as duplex, triplex, and townhomes. Planning Areas 13a, 13b, 13c, 14a, and 14b abut State Highways 83 and 86 and are designated for open space.

III. CONTEXT

A. Background

The FVPD is located within the CMP-defined Franktown Village Area (FVA). This area includes a variety of commercial and business uses. As shown on the Zoning Map, above, the Commercial zone district extends about a half-mile east to west on Highway 86 from its intersection with Highway 83. The Commercial zoning extends about one quarter mile north to south from the same intersection, with General Industrial zoning located west of State Highway 83 within the northern portion of the FVA. Rural Residential zoning generally surrounds the Commercial zone district area.

The Highway 83 and 86 crossroads area was zoned in 1955 to include Business, Residential and Industrial. Portions of this original area and additional properties were zoned to Rural Residential, Commercial, Light Industrial, and Planned Development during the 1980s. This application includes the area described as the EFPD and proposes its rezoning to FVPD. The EFPD was approved in 1986.

The “Franktown Area Master Plan” was approved in 1989. The 1989 plan anticipated future availability of central water and sewer and suggested additional business and residential development in its “Future Business Growth” and “Transition Areas.” The Future Business Growth Area encompassed approximately the western half of the proposed FVPD.

In 2000, Douglas County approved the Franktown Business Area Metropolitan District (FBAMD). Its authorized powers include sanitary sewage collection and transmission, water supply, traffic and safety controls, street improvements and operation, and maintenance of parks. The proposed FVPD is located within the District’s boundaries. The District will implement its authorized powers to provide facilities and services to the FVPD.

In 2005, the Planning Commission approved the Franktown Subarea Plan as a component of the CMP. This document was integrated within Section 4, Rural Communities, of the CMP as part of the 2008 update process. The goals, objectives, and

policies in the 2035 Comprehensive Master Plan provide a basis for land use review within the Franktown Rural Community.

B. Adjacent Land Uses and Zoning

	Zoning	Use
North	Rural Residential (RR) Commercial (C)	Single Family Residential, convenience store, liquor store, landscaping supply, mini storage, and veterinary clinic
East	Rural Residential (RR)	Single Family Residential
South	Agricultural One (A-1)	Single Family Residential and Franktown Elementary School
West	Rural Residential (RR) Commercial (C)	Single Family Residential

IV. PHYSICAL SITE CHARACTERISTICS

A. Site Characteristics and Constraints

The site is generally gently sloped with areas of moderate slopes on the southern portion of the site. Native and non-native grass species predominate. A drainageway traverses the site from the east to the west, eventually carrying flows from the site to Cherry Creek to the west. Mature conifers are found in the eastern portion of the site and along the north and south sides of the property. A smaller drainageway enters the site at its northwest extent from a culvert under State Highway 86.

B. Access

The site abuts both Highway 83 and 86. The plan proposes one access point on State Highway 86, aligning with Burning Tree Drive. Access is proposed in two locations on State Highway 83. The PD identifies several collector-level streets. Street A is oriented northeast to southwest. Streets D and C will provide future access to abutting properties. Street D, proposed as the “Town Center Plaza,” provides for future connection to existing Commercial zoning and businesses to the north. Street C provides access to Franktown Elementary School on the south.

A Traffic Impact Analysis (TIA) submitted by LSC Transportation Consultants, Inc., dated June 20, 2012, describes existing and proposed roadway demands. Douglas County Engineering Services and the Colorado Department of Transportation have reviewed the traffic demands and impacts described in the study as well as recommended site access improvements.

The FVPD requires submittal of new TIAs at the time of future subdivision applications, allowing additional and updated traffic impacts to be assessed for required road improvements. Douglas County Engineering Services indicated no objection to the

Planned Development rezoning. An additional referral response letter from CDOT was received on September 26, 2016, outside of the referral response period, and is provided as information only pursuant to Douglas County Zoning Resolution (DCZR) Section 1505.04.

C. Soils and Geology

Colorado Geological Survey (CGS) reviewed the rezoning application and indicated no concerns regarding the development. A detailed geotechnical conditions report for the site will be reviewed by the CGS at the time of Preliminary Plan.

D. Drainage and Erosion

Onsite storm water drainage and detention systems will be designed in conjunction with future land use applications. The applicant has committed to the provision of storm water structures and facilities in accordance with the Douglas County Storm Drainage Design and Technical Criteria Manual.

E. Floodplain

There is no 100-year floodplain on the property. Engineering Services will review any modifications to the drainageways as part of a future land use applications.

F. Wildlife

Colorado Parks and Wildlife (CPW) noted that the impact of development includes loss and fragmentation of wildlife habitat. They note that wildlife habitat bordering human development is more heavily impacted than areas interior to open space. CPW recommended jurisdictional collaboration to maintain wildlife habitat in as whole a state as possible. CPW offered specific recommendations:

- An integrated weed management plan to control invasive weeds for the purpose of reducing their impacts to native plants and wildlife.
- Protection of potential raptor and burrowing owl nests through buffers and evaluation of the site for burrowing owls.
- Adverse wildlife and human interactions should be managed through educational efforts including management of pets and pet food, avoidance of feeding of wildlife, and securing of garbage except for pick-up days.

The FVPD includes a commitment for the provision of a raptor and burrowing owl study at the time of subdivision application. Animal movement corridors will be supported within open spaces and drainageways and in the no-build areas on the east and south edge of the site. The PA 12 open space will support east-west movement through the site. Approximately 155 acres within the 178.5-acre Off-Site Carroll Parcel is proposed for protection through either a conservation easement or by rezoning to Open Space Conservation zone district that will support additional wildlife habitat.

V. PROVISION OF SERVICES

A. Schools

The application was referred to the Douglas County School District (DCSD). Based on the proposed number of residential units, the School District identified a land dedication requirement of 4.5 acres and a capital mitigation fee of \$1,937 per residential unit. Fulfillment of these obligations is provided as commitments within the PD.

The owners of the FVPD and the School District are in negotiations to finalize a Memorandum of Understanding (MOU) proposing an initial agreement by which:

1. School land dedication requirements (including “cash-in-lieu” or “improvements-in-lieu” of land) are intended to be met in part through development of a community park in the northern portion of the Franktown Elementary School (FES) site.
2. The capital mitigation fees are intended to be met in part through provision of water and sewer facilities to the school site.

To the extent that costs of the proposed physical improvements do not exceed the land dedication and capital mitigation fee requirements, additional fees will remain due. Construction and maintenance costs for the community park will be the responsibility of the FBAMD.

The MOU states an intention for a formal, binding agreement to be completed prior to the first phase of subdivision review. The School District indicated that it is satisfied with land dedication and capital mitigation fee requirements in the commitments. The MOU under review by the DCSD is attached to this staff report.

The third proposed condition of approval requires that the MOU shall be executed prior to approval of the FVPD by the Board of County Commissioners.

B. Fire Protection and Sheriff Services

The Franktown Fire Protection District (FFPD) provides fire service to the site. The FFPD provided comments advising the applicants that commercial and multi-family buildings will need to meet the adopted fire code and that water systems shall meet the International Fire Code based on proposed construction materials and techniques.

The Douglas County Wildfire Mitigation Specialist indicated that further review based on identified road and future subdivision design is necessary to determine the need for a wildfire mitigation plan. Subdivision applications within forested portions of the FVPD will be referred to the Wildfire Mitigation Specialist.

The Douglas County Sheriff’s Office did not provide a response to the land use referral request.

C. Water

Proposed Water Supply

Water supply for the FVPD will be developed by FBAMD through the use of groundwater. Groundwater is proposed to be withdrawn from beneath the FVPD and the Off-site Carroll Parcel. The application provides that the water supply will be drawn from the Denver, Arapahoe, and Laramie-Fox Hills aquifers. The Upper and Lower Dawson aquifers were not included within the calculation of available water to serve the site. Use of the Denver, Arapahoe, and Laramie Fox Hill aquifers for the water supply plan is provided as Commitment 1(b) of the FVPD, which states:

The owner commits that only the Denver, Arapahoe and Laramie-Fox Hill aquifer waters shall be part of the water supply plan for the Project and for any subsequent land use applications as submitted to Douglas County as required by Section 18A of the Douglas County Zoning Resolution, as amended.

The application describes development of water rights owned by FBAMD both from within the boundaries of FVPD and from land located outside the PD's boundaries. The proposed Off-site Carroll Parcel is located approximately one-mile to the east of the FVPD, in the vicinity of Burning Tree Drive and Tanglewood Road, as shown on the FVPD and Water Appeal map, above.

The development of water supply resources from an off-site location within the Central Basin Water Supply Zone is allowed under Douglas County Zoning Resolution (DCZR) Section 1809A.03.1, subject to establishment of a perpetual conservation easement or a rezoning to Open Space Conservation (OSC) District. The applicants are appealing these regulations, as discussed further under "Water Supply Standards Appeal," below.

Section 18A requires a Declaration of Restrictive Covenants (DRC) be recorded against the property reserving all Denver Basin aquifers in perpetuity for the benefit of future landowners within the development. The second proposed condition of approval requires that the applicant provide an executed copy of the DRCs prior to the Board of County Commissioners hearing.

The application was referred to the Colorado Division of Water Resources (DWR) and to Lytle Water Solutions (LWS), the County's water consultant. The water supply plan is described in a report entitled "Franktown Village Planned Development Supply and Demand Analysis, Kennedy Jenks Consultants, April 6, 2017" ("Supply and Demand Analysis"). The Supply and Demand Analysis in its Appendix C determines that the water rights under the entirety of both the FVPD and the Off-Site Carroll Parcel exceed the projected demand. The report states that water rights under a 155-acre portion of the 178.5-acre Off-Site Carroll Parcel (aka "Carroll Parcel A") are sufficient to meet the required water supply. It is the applicants' intent to provide either a conservation easement or OSC zone district for 155 acres within Carroll Parcel A.

LWS reviewed the application under the provisions of DCZR Section 18A, inclusive of the adopted water demand standards. In its letter of April 21, 2017, LWS indicates that the proposed development plan has an adequate water supply to meet projected demands based on the combined water supply underlying 1) the FVPD ("Village Parcel") and 2) 178.5 acres of the Off-Site Carroll Parcel ("Carroll Parcel A"), subject to the approval of the related water appeal.

The Division of Water Resources (DWR), in a letter dated May 1, 2017, assessed the revised Water Supply and Demand Report application, inclusive of the water supply associated with the Off-site Carroll Parcel and the Court Decree for previously non-adjudicated water rights associated with a 13.64 acre parcel within the boundaries of the FVPD. The Division of Water Resources found that under Section 30-28-136(1)(h)(I), C.R.S., the proposed water supply will not cause material injury to decreed water rights and that the proposed development has demonstrated an adequate supply.

Water Supply Standards Appeal

The proposed water supply appeal is to a requirement of DCZR 1809A.03.1 which provides that a water supply may be obtained from: 1) aquifers underlying the subject land and/or 2) from land that has been rezoned to Open Space Conservation District or has been made subject to a perpetual open space conservation easement (OSCE).

The regulations provide that development of off-site water supplies require the off-site land area to be protected by establishment of OSC zoning or an OSCE. Such designation is to occur prior to approval of the rezoning request. The applicant's appeal, in its letter of May 2, 2016, seeks to defer the timing of OSC zoning or the OSCE on the Off-site Carroll Parcel until the first phase of subdivision review.

An initial water supply appeal was submitted by the applicants in March 2014 and was reviewed through the referral process. It was determined necessary to modify and clarify the water appeal. A second, revised water appeal was referred on June 6, 2016. The materials related to the original water appeal and the revised water appeal are listed in the Appendix.

The applicants' argument in support of the appeal request is summarized as follows:

- The Board of County Commissioners determines the adequacy of the water supply at the time of Preliminary Plan or Minor Development (subdivision review).
- Establishment of OSC zoning or an OSCE prior to the determination of adequacy of water rights results in detrimental impacts to its property rights.
- The Board could find that the water supply is inadequate at the time of subdivision review, or the application could be modified by the applicant to

establish a lower demand. As a result, the water supply underlying the required OSC zoning or OSCE would not align with the requested land use.

The water appeal request for deferment of rezoning the Off-site Carroll Parcel to OSC district zoning or establishing a conservation easement until the first phase of subdivision review as requested by the applicant aligns with the timing of the Board of County Commissioners' determination of adequacy of water supply for a proposed development at Preliminary Plan or Minor Development as established in DCZR 1802A.

Commitment I(1) of the FVPD states: "Prior to approval of the first preliminary plan or minor development (subdivision) by Douglas County the owner shall demonstrate compliance with Douglas County Zoning Resolution 1809A.03.1 through the establishment of 1) an Open Space Conservation District zoning or 2) a perpetual open space conservation easement, and as further described within Section 1809A.03.1, on a portion of the Off-site Carroll Parcel further described in Section V(2) of this FVPD."

D. Sanitation

A sanitary sewer line is proposed to be completed from the FVPD to the Pinery Water and Wastewater District (PWWD) treatment plant. PWWD provided a "will serve" letter for provision of wastewater treatment at the time of the initial submittal of the application.

VI. AMENITIES

A. Parks and Trails

Based on the proposed uses within the PD, 12.9 acres of park land dedication is required. Consistent with DCSR Section 1003, fulfillment of parks commitments can be met through a combination of land dedications, improvements, and cash-in-lieu of land. Parks and trails land dedications are proposed to be met in part through provision of a neighborhood community park in Planning Area 11, the local trail system, and potential improvements in the Town Center Plaza area.

As discussed in Section V(A) above, park facilities are also anticipated to be provided through the development of a joint use community park on the Franktown Elementary School site. The school park would be available to the general public through an executed perpetual use easement in favor of Douglas County, as required by the PD. Some limitations on public use will be established to allow its use by students for school purposes. As noted previously, submittal of an executed MOU is addressed within the third recommended condition of approval, below.

B. Open Space

Open space will be preserved in the PA 11 neighborhood park, within the "no-build" areas within Planning Areas 8, 9b, and 9c, and within the trail corridor and natural drainageway in PA 12. Open space planning areas along Highways 83 and 86 will allow

plantings of native trees and shrubs to visually soften the community edge and provide separation of uses from the highways. Detention facilities are also located within PA 13a and 13c.

VII. PUBLIC NOTICE AND INPUT

A. Public Notice

Notifications of application in process were mailed to abutting landowners in May 2014 and September 2016. DCZR Section 1511 requires notice of the PD rezoning public hearing to be mailed to abutting property owners, published in the local newspaper and posted on the property. The DCZR requires that notice of the water appeal hearing to be published in the local newspaper and posted on the property.

B. Public Input

Public input was received on the application. Comments received as a result of referral of the application to nearby homeowner's associations included statements or questions as follow:

- Request that use of the Upper and Lower Dawson aquifers be prohibited by the FVPD document
- Opposition to transportation of groundwater out of Franktown to Pinery Water and Wastewater
- Concern about adverse impacts to the Upper and Lower Dawson aquifers and impact to existing wells
- Requested reduction in number of residential units to the least possible level to maintain rural character, based on a thorough cost analysis
- That community scale be addressed by limiting building heights to two stories
- Design guidelines should be adopted to maintain the rural character as part of the application and should not be not amended without a public meeting
- Request for County staff to review site plans and single-family detached against Design Guidelines
- Who will pay for DCSD park and when will it be completed?
- Adequate fire breaks and hydrants should be sited
- Opposition to Water Appeal because it supports higher density
- Citizen concerns were not reflected in the approved 2004 Franktown Subarea Master Plan
- Increased traffic volumes will negatively impact safety; highway improvements are needed
- Franktown Elementary is too small to accommodate increased demands. New schools will be required and increase taxes.
- USGS well-monitoring study results should be considered before additional development is approved
- THK Fiscal Impact Analysis not credible and has major deficiencies

Individual citizen's provided similar comments to those above. Additional concerns included:

- Clean-up of Franktown eye-sores supported
- Proposed development does not meet definitions of "rural"
- Concerns about 100-years as timeframe for aquifer depletion and impacts to property owners
- Urban density is proposed; existing urban areas are nearby
- Renderings provided within application materials not enforceable
- Potential increase in crime
- Views and night-sky impacted
- Noise pollution
- Shopping and services already available
- Concern about development failure
- The density transition is too abrupt
- Does not meet requirements of adopted Franktown Subarea Plan
- Increased water demands for proposed parks
- Request to understand impacts to adjoining commercial properties
- Rural lifestyle preferred
- Wildlife impacts

VIII. STAFF ANALYSIS

Water Appeal

DCZR Section 1810A.07 provides the criteria for evaluation of an appeal request, as discussed below:

1810A.07(1) The request will not be detrimental to the health, safety, or welfare of the present or future inhabitants of the County.

Staff comment: *The appeal request will not be detrimental to the health safety and welfare of the present or future inhabitants of the County. The requirements of DCZR 1809A.03 will be implemented concurrently with the Board's determination of adequacy of the water supply, which is at the time of the first phase of subdivision review for the FVPD.*

1810A.07(2) For appeals to the minimum water standards set forth in Section 1804A or to the water supply standards set forth in Sections 1805A through 1809A, the application provides for a water supply that is sufficient in terms of quantity, quality, and dependability.

Staff comment: *An appeal to the minimum water standards set forth in Section 1804A is not requested. The request seeks an appeal to the water supply standard as addressed within Section 1809A.03. The proposed water supply plan appears to meet the adopted standards of Section 18A. A full determination of the adequacy of the water supply will be made for the proposed development at the time of Preliminary Plan or Minor Development (subdivision).*

1810A.07(3) For appeals to the timing of determining the adequacy of the water supply, the application identifies the stage at which the determination of adequacy shall be made.

Staff comment: The appeal does not request a modification to the timing of determining the adequacy of the water supply. The determination of adequacy of the water supply will be made in accordance with Section 18A of the DCZR.

PD Rezoning

Section 1503 of the DCZR, the Planning Commission is to consider the following criteria when making its recommendation on a planned development rezoning to the Board.

1503.01 Whether the application is in compliance with the requirements of this Resolution and the Douglas County Comprehensive Master Plan.

Staff comment: The application complies with the requirements of the Zoning Resolution. The application is consistent with the Douglas County Comprehensive Master Plan that establishes goals and objectives applicable to development in the County. The sometimes competing policies of the CMP must be balanced through the public review process to achieve the larger vision of the community.

The CMP defines three primary land use designations with the Franktown Rural Community: Area A and A/B Transition, Area B, and the Franktown Village Area (FVA). The FVPD is within the FVA. The FVA generally provides for both development and redevelopment within the FVA-defined Community Center and Community Residential Districts, based upon the provision of central water and wastewater. The FVPD Planning Areas 1 and 2 correspond to the Community Center District and remaining planning areas are within the Community Residential District.

Franktown Rural Community Objectives 4-1F, 4-1G, and 4-1H lay out the higher level vision for the FVA that supports a viable, economically healthy Village Area that maintains existing character and scale, and supports new development. The PD has established a mix of land uses and development standards to implement these objectives.

Central water and wastewater services would enable the development of vacant properties and expansion or redevelopment of existing businesses. Currently within the Franktown crossroads area, the expansion of buildings and changes of use that increase well-water demand or septage flows are generally not allowed under the Zoning Resolution. The dependence on individual wells and septic systems currently limits the development potential for business owners.

To demonstrate consistency with Policy 4-1H.2, the applicant provided an Amended Comprehensive Plan Analysis ("Analysis"), dated April 19, 2017, that estimates demands for water and sewer service and build-out of projected residential and non-residential uses within the FVA within a twenty year timeframe. The Analysis shows revenue derived from

development tap fees, general obligation bonds and developer contributions to cover its water and wastewater system costs. Construction, financing and management of these infrastructure improvements will occur under the auspices of the Franktown Business Area Metropolitan District, a Title 32 Special District that is authorized to issue debt to develop, own and manage infrastructure.

The applicants' projected growth rate for identified properties within the FVA, inclusive of the FVPD, is reflected in the General Obligation Bonds spreadsheet. The growth in assessed valuation includes properties identified in the "Development Scenario" and reflects the Policy 4-1H.2 concept of "taking into account the future build-out of other properties in the FVA." The report demonstrates a scenario by which revenues to the District will cover water and sewer infrastructure costs. Based on the applicants' Development Scenario SFE calculations, FVPD will support 286 of the 312 residential SFEs within the FVA, equivalent to 92% of the total residential SFEs and support 27 of the 161 total FVA non-residential SFEs (17% of the nonresidential SFEs).

FVPD would bring a necessary residential base to the FVA comprised of the proposed land uses, patterns, amenities and standards established in the FVPD. The residential base will support commercial and business uses and play a significant role in financing central water and wastewater infrastructure. The FBAMD is responsible for acting in a prudent manner to protect the fiduciary interests of its residents and property owners in the exercise of its authorized powers, including financing infrastructure within the District.

The Development Scenario is adequate to demonstrate sufficient revenues for infrastructure costs, but it is anticipated a more complex approach would form the basis for an actual FBAMD infrastructure finance plan.

Franktown Rural Community policies address elements of successful community design as referenced under CMP Objective 4-1G. The PD demonstrates consistency with the objective by committing to the community design elements below.

- The application proposes a Town Center Plaza (TCP) on Street D, defined by a central green space and a traditional small-town development pattern in which buildings directly abut the pedestrian sidewalk. Outdoor dining opportunities will be supported by wide sidewalks. Community gatherings and events are anticipated within the plaza area. Commercial and attached residential buildings are limited to two stories. The PD also limits single-use businesses to a maximum of 20,000 square feet.*
- The alignment of Street D provides for its future extension to the north. This potential extension will support cohesive pedestrian and automobile circulation within the larger southeast quadrant of the crossroads area.*
- Commitments for streetscape plantings and hardscape improvements are established and will be developed through the subdivision review process.*

- *Adoption of design guidelines by the developer will establish a framework for site architecture and design. Commitment I(2) of the PD requires identifies inclusion of design standards within the CC&Rs that address specific FVA policies.*

The application demonstrates land use compatibility through the use of landscape and open space buffers and a tree preservation plan. Lot sizes transition from higher densities near the Town Center commercial area to lower density lot sizes along the eastern and southern edges of the PD. Within the Community Residential Transition area, larger lot sizes and no-build zones along with careful placement of lot lines will support use of vegetation and topography to support screening of residential uses. Minimum one-acre lots are required along the edge of PA 9c abutting adjacent large lots. Proposed land uses within the Transition District are consistent with those allowed in the Rural Residential and A-1 zone districts.

Open space planning areas along Highways 83 and 86 will be landscaped with native and low-water demand trees and shrubs to soften and screen off-site views. Interior tracts will be landscaped to strengthen streetscapes, and create a unifying element and identity for the PD. These design elements will be further developed and reviewed during subsequent develop review processes.

1503.02 Whether the application is in compliance with all applicable statutory provisions.

Staff comment: *The application complies with applicable provisions of the Colorado Revised Statutes.*

1503.03 Whether there has been a substantial change in the character of the neighborhood, since the land was last zoned.

Staff comment: *There has been a substantial change in the character of the Franktown area since the land was last zoned. Since 1985, 293 residential lots have been approved within new residential sdevelopments, and 702 total residential units have been built within the Franktown Rural Community. New residential developments include Legacy Pines and High Prairie International Polo Club rural site plans. Legacy Pines East was rezoned to LRR and Timber Pointe was rezoned to RR. Residential development activity within the Town of Castle Rock is located within two miles of the site. Douglas County preserved the 1,244 acre Hidden Mesa Open Space, rezoning it to OSC - Open Space Conservation in 2011.*

1503.04 Whether the application demonstrates public facilities and services necessary to accommodate the proposed development will be available concurrently with the impacts of such development.

Staff comment: *The application demonstrates that water services will be available based upon the implementation of existing FVPD commitments, recommended conditions of approval, and required additional review under Section 18A of the Douglas County Zoning Resolution. The Pinery Water and Wastewater District has provided a letter committing to*

provision of wastewater treatment. Franktown Fire Protection District has identified requirements for development of the site and has not indicated an inability to serve the site. The Douglas County School District has indicated support for the application subject to PD commitments regarding land dedication and payment of capital mitigation fees, or alternate satisfaction of these requirements through development of a joint use park and provision of water and wastewater improvements and services.

1503.05 Whether the roadway capacity necessary to maintain the adopted roadway level of service for the proposed development will be available concurrently with the impacts of such development.

Staff comment: *Commitment I(3) establishes that the Owners are responsible to design and construct all necessary on-site and off-site roadway improvements and to dedicate all necessary right-of-way. The timing of design and construction of roadway improvements shall be determined at the time of final plat in accordance with applicable CDOT and Douglas County standards, based upon traffic impact studies submitted through the subdivision review process. Road improvements to Highways 83 and 86 identified within the submitted TIA and include intersection improvements, signalization, and turn lanes. Douglas County Engineering Services indicated no objection to the Planned Development rezoning as proposed, and will review Traffic Impact Analyses as they are submitted to identify necessary traffic mitigation.*

1503.06 Whether the proposed zoning is compatible with surrounding land uses.

Staff comment: *The subject parcel abuts large lot residential properties primarily on its eastern and southern boundaries as well as two large lot residential properties on its northern boundary. Franktown Elementary School abuts the site on the south. Existing commercial zoning abuts the site on its north and northwest. Additional large lot properties are located to the west, across Highway 83. The FVPD supports land use compatibility, with transitional lot sizes, “no-build” areas along portions of the PD boundary to further protect vegetation and habitat and to provide separation to residential improvements, and commitments for tree preservation. Screening along Highways 83 and 86 will be provided by plantings of native shrubs and trees.*

1503.07 Whether the subject land is suitable for the intended use and is compatible with the natural environment.

Staff comment: *The site is suitable for the intended use and is compatible with the natural environment. The site is gently to moderately sloped and characterized by native grasses. Mature stands of pine occur on the eastern portion of the site and will be subject to a tree preservation plan. No geotechnical constraints were noted by Colorado Geologic Survey. The site is not classified as high value wildlife habitat or migration corridor as shown on CMP Wildlife Resources Map.*

1503.08 Whether the proposed Development Plan complies with the general requirements in 1502 herein.

Staff comment: The development plan complies with the general requirements in Section 1502 which are common considerations in all planned developments to provide uniform administrative procedures. The FVPD will bind the owners to the approved plan.

1503.09 Whether the planned development provides for unified development control under a unified plan.

Staff comment: The owners, successors, and assigns of the planned development are bound by the terms of the development plan which will provide for unified control.

1503.10 Whether the application is in conformance with Section 18A, Water Supply – Overlay District, herein.

Staff comment: The water supply for the subject land will be developed from the Denver, Arapahoe and Laramie-Fox Hills aquifers. The application has been reviewed under the provisions of DCZR Section 18A. Based upon approval of the related Water Appeal, the application meets the requirement of DCZR 18A applicable to the rezoning phase of land use review. If the related water appeal is denied, this criterion cannot be met and the rezoning may not be approved.

IX. STAFF ASSESSMENT

Water Appeal

Staff evaluated the applicant's water appeal request to defer the timing of establishment of OSC zoning or the CE on the Off-site Carroll Parcel until the first phase of subdivision review. The request will not be detrimental to the health safety and welfare of the present or future inhabitants of the County. The requirements of DCZR 1809A.03 will be implemented concurrently with the Board's determination of adequacy of the water supply, at the time of the first phase of subdivision review within FVPD. This action is based upon Section I(1) of the FVPD which reads:

"Prior to approval of the first preliminary plan or minor development (subdivision) by Douglas County the owner shall demonstrate compliance with Douglas County Zoning Resolution 1809A.03.1 through the establishment of 1) an Open Space Conservation District zoning or 2) a perpetual open space conservation easement, and as further described within Section 1809A.03.1, on a portion the Off-site Parcels further described in Section V(2) of this FVPD."

There are no staff-proposed conditions of approval related to the water appeal.

Rezoning Request

Staff evaluated the request to rezone an approximately 109 acres of land from Rural Residential (RR) and Planned Development (PD) to Planned Development (PD). The rezoning request is consistent with the Franktown Village Area policies of the CMP and the approval criteria outlined in the staff report.

Individual goals, objectives and policies of the CMP are not, themselves, approval criteria. The diversity of community values, applicable laws and regulations, private property rights, and unique characteristics of each application may be considered when balancing the goals, objectives and policies of the CMP when reviewing land use applications.

If the Planning Commission finds the water appeal to meet the water appeal criteria and the Planned Development rezoning application to meet the approval criteria, it may recommend approval of each.

The following four (4) conditions are recommended for inclusion for an approval of the Planned Development rezoning:

1. Prior to approval of this Franktown Village Planned Development rezoning, the Section 18A water appeal entitled "Franktown Village PD Water Appeal," Project No. ZR2014-008-WS shall be approved by the Douglas County Board County Commissioners. In the event that the Franktown Village Water Appeal is not approved, the Franktown Village Planned Development shall not be approved.
2. Prior to the Board of County Commissioners approval of this application, the applicant shall submit a signed and notarized Declaration of Restrictive Covenants for the FVPD parcels, the Franktown Development Parcel (West), and Franktown Development Parcel (East).
3. Prior to the Board of County Commissioners approval of this application, the applicant shall submit to Douglas County an executed copy of the Memorandum of Understanding between the Douglas County School District and Franktown Development LLC, FTDO, LLC, Wallace Carroll, Chris Leever, and Christopher Erskine.
4. Prior to recordation, all minor technical corrections to the FVPD document will be made to the satisfaction of Douglas County.

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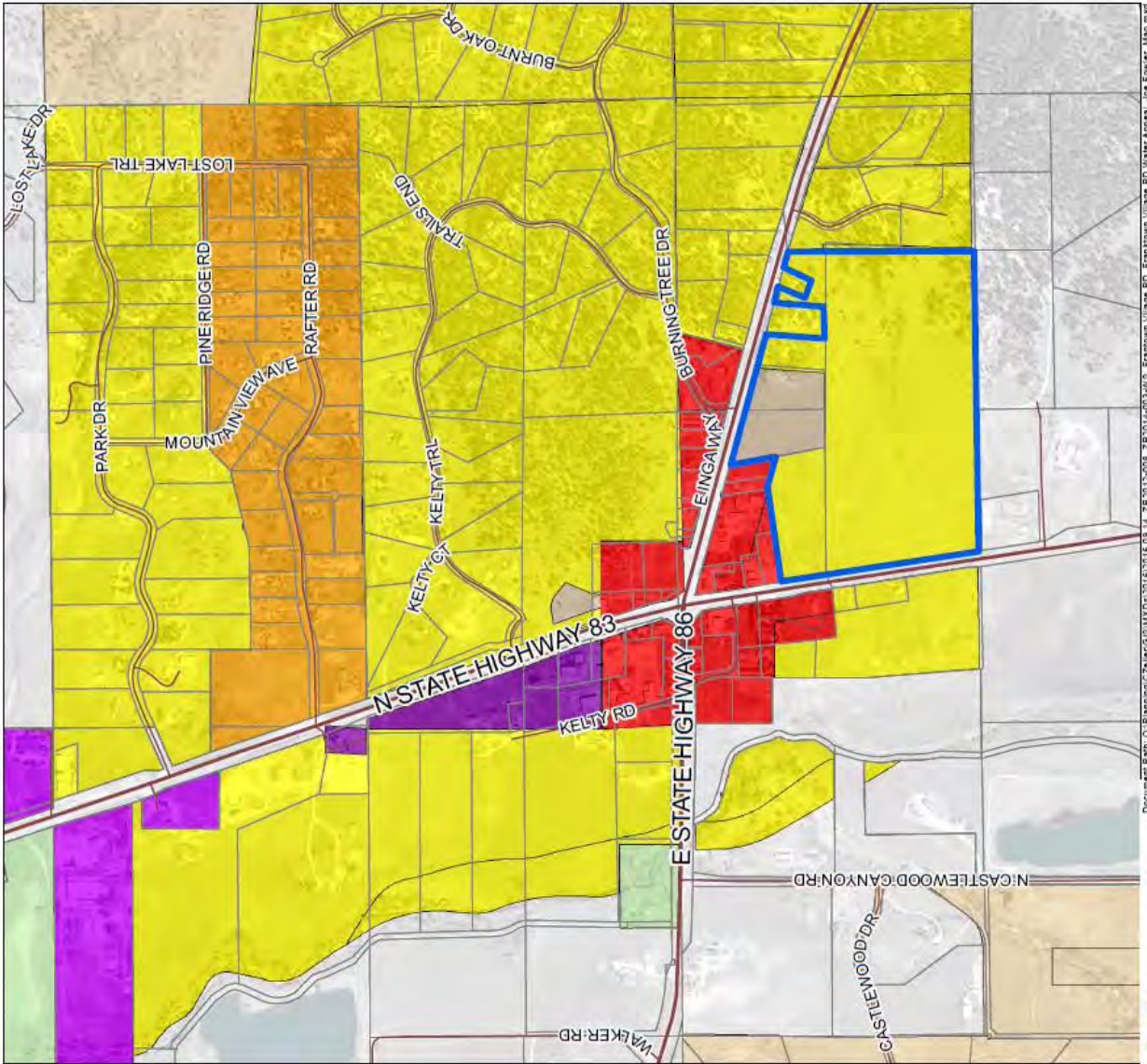
FRANKTOWN VILLAGE PLANNED DEVELOPMENT AND WATER APPEAL

ZR2012-008 & ZR2014-003-WS
ZONING & VICINITY MAP



LEGEND

- FRANKTOWN VILLAGE PD
- OFF-SITE CARROLL PARCEL
- MAJOR ROADS
- OTHER ROADS
- ZONE DISTRICTS
 - A1 - AGRICULTURAL ONE
 - LRR - LARGE RURAL RESIDENTIAL
 - RR - RURAL RESIDENTIAL
 - ER - ESTATE RESIDENTIAL
 - SR - SUBURBAN RESIDENTIAL
 - B - BUSINESS
 - C - COMMERCIAL
 - LI - LIGHT INDUSTRIAL
 - GI - GENERAL INDUSTRIAL
 - PD - PLANNED DEVELOPMENT
 - OS - OPEN SPACE CONSERVATION



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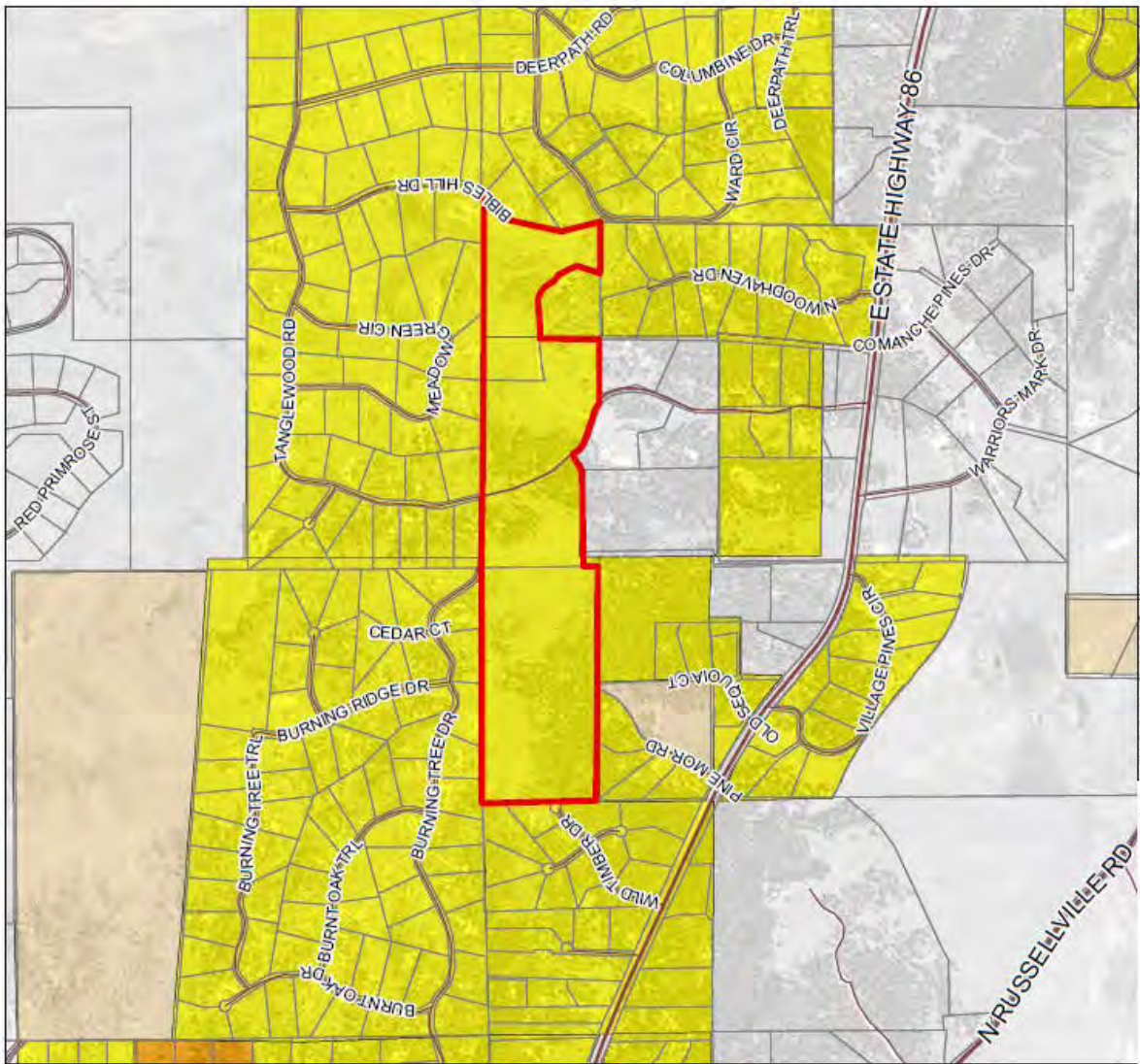
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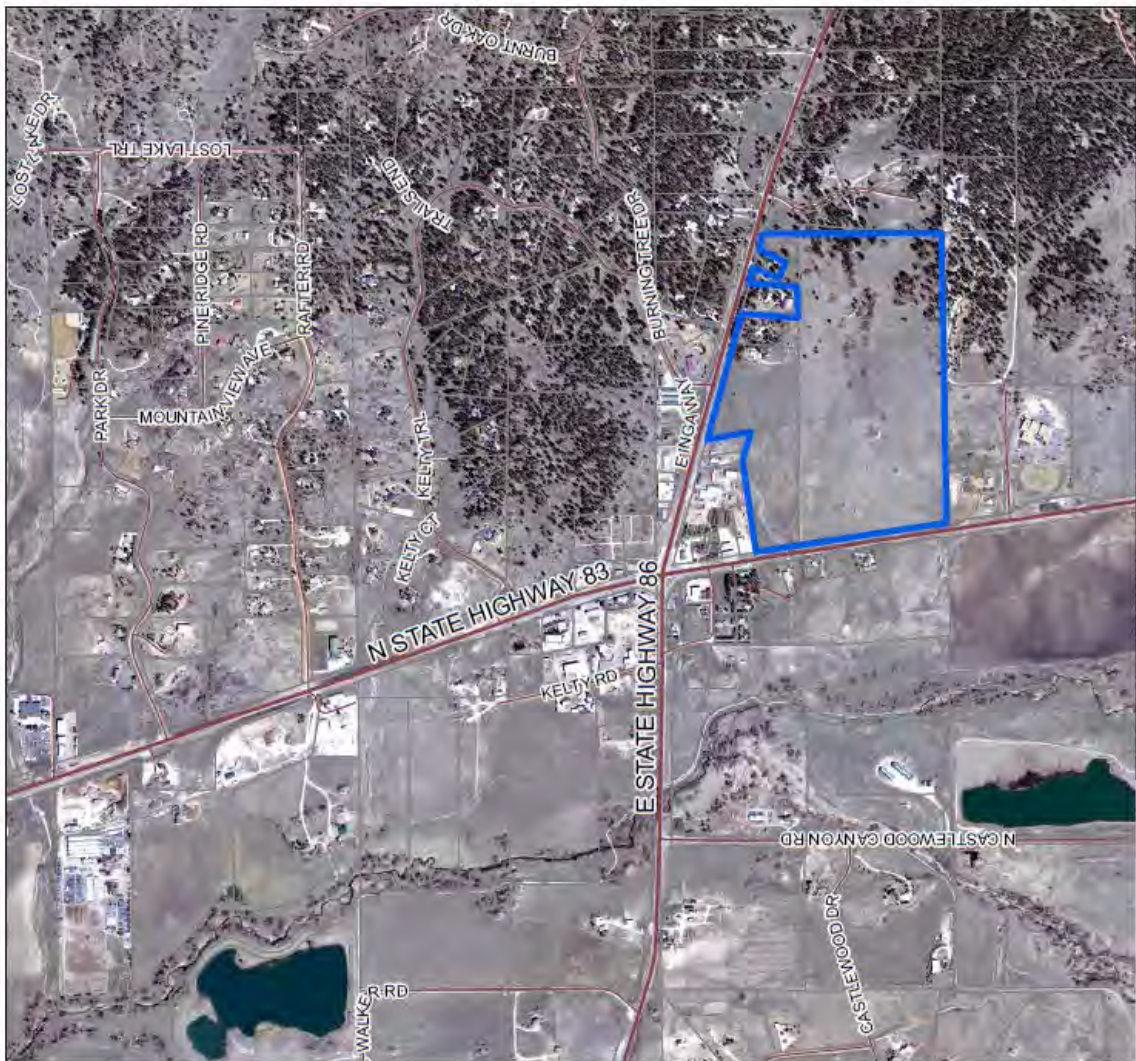
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