



TO: Town of Foxfield, Planning Commission  
 FROM: Matthew Nilsen, Planner, SAFEbuilt Studio  
 Thru: Travis Reynolds, Planning Manager, SAFEbuilt Studio  
 DATE: August 14, 2020  
 SUBJECT: Staff Report – Minor Subdivision Application: 6740 S Waco Street

## Minor Subdivision Application: 6740 S Waco Street

<b>BOA Date:</b>	August 20, 2020	<b>Planner:</b>	Matthew Nilsen	<b>Phone:</b>	720-829-7360
<b>Location:</b>	6740 S Waco St Foxfield, CO 80016				
<b>Applicant:</b>	Kirby Smith, Kirby Smith & Associates, Inc.	<b>Owner:</b>	Seevers Family Trust c/o Kathe Seevers Moser, Trustee		
<b>Address:</b>	6201 S Hudson Court Centennial, CO 80121	<b>Address:</b>	6 Fairchild Lane Huntsville, TX 77320		

## Case Summary

<b>Request:</b>	The applicant is requesting approval of a Minor Subdivision plat for 6740 S Waco St, in accordance with the variance granted to this property by the Board of Adjustment on March 12 <sup>th</sup> , 2020 to allow a decreased minimum lot area.
<b>Project Description:</b>	Requested approval of a Minor Subdivision plat. The existing 3.94-acre lot will be divided evenly, with a single driveway access point (to be constructed and permitted at a later date) from S. Waco Street. The property is currently vacant, and the subdivision will split the one lot into two vacant lots for future single-family residential use.
<b>Key Approval Criteria:</b>	<ul style="list-style-type: none"> <li>The proposed subdivision meets the definition of a minor subdivision</li> <li>The proposed subdivision fully conforms to all applicable requirements for the zone district in which the property is located, except for Minimum Lot Area, which it was granted a variance for on March 12<sup>th</sup>, 2020</li> <li>The proposed subdivision meets or satisfies all other applicable requirements</li> </ul>
<b>Staff Recommendation:</b>	<ul style="list-style-type: none"> <li>Approval with Conditions</li> </ul>
<b>Current Zone District:</b>	RR (Large Lot Rural Residential)

**Attachments for Review**

- Attachment A: Final Plat Exhibit
- Attachment B: Draft Public Improvement Agreement

## Background Information

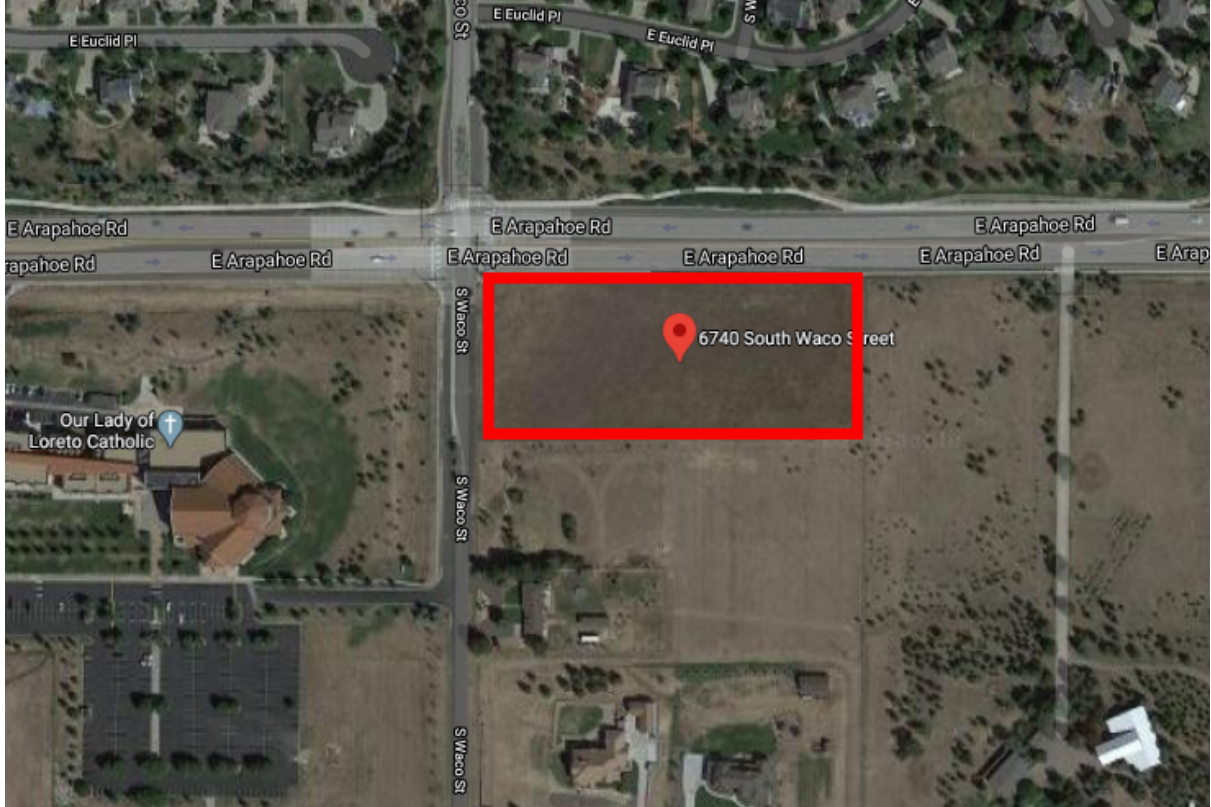
### Site Information

<b>Site Size:</b>	3.94 acres (171,626.40 square feet)
<b>Current Conditions:</b>	Vacant
<b>Existing Right-of-Way:</b>	East Arapahoe Rd to the north; S Waco St to the west
<b>Existing Buildings:</b>	Site is vacant; multiple residential structures to the south and 1 church structure to the west across S Waco Street.
<b>Buildings to Remain?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA
<b>Site in Floodplain?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

### Surrounding Properties

<b>Existing Land Use</b>		<b>Occupant</b>	<b>Zoning</b>
<b>North</b>	Residential	Residential Subdivision across E Arapahoe Rd (in Aurora jurisdiction)	Aurora
<b>South</b>	Residential	Residence - 6780 S Waco Street	RR
<b>East</b>	Residential	Residence - 18300 E Arapahoe Rd	RR
<b>West</b>	Institutional	Church - 18000 E Arapahoe Rd (Our Lady of Loreto Catholic Church)	PD

### Site Map



## Applicant's Request

The applicant is requesting the approval of a Minor Subdivision of an existing vacant 3.94-acre parcel into two approximately 1.97-acre parcels, each approximately 85,742 square feet in size, for future single-family residential use in the Large Lot Rural Residential (RR) zone district. A Variance was approved with conditions by the Board of Adjustment on March 12<sup>th</sup>, 2020, to allow a decrease in the required Minimum Lot Area.

## Planning & Zoning Staff Analysis

Section 17-3-360 (Standards for minor subdivision and minor amendment approval) outlines eight criteria for approval of a minor subdivision. As outlined below, this request fulfills each of these criteria. The application also complies with all conditions of the approved variance. Furthermore, the application conforms to the goals and policies of the Town's Master Plan, including to "maintain the standard of single family residential development on rural estate lots," to "encourage appropriate and compatible development of currently undeveloped land," and to "encourage development that is compatible with a rural character, in terms of land use, scale, or other characteristics."

This application was referred to all applicable Town and County departments and agencies for referral review and all comments have been addressed by the applicant. A Public Improvement Agreement has also been provided guaranteeing future construction of the driveway access from S Waco St and conditioning the future installation of an Arapahoe County Water and Wastewater Authority water line(s).

## Consistency with Minor Subdivision Approval Criteria

The property in question is subject to eight approval criteria found in Section 17-3-360 of the Town of Foxfield Municipal Code. Below is a staff analysis for each point:

Criteria Met?	Approval Criteria	Rationale
☒	Section 17-3-360-(1) The proposed subdivision meets the definition of a minor subdivision or minor amendment contained in this Division;	Yes. Sec. 17-3-320 defines a minor subdivision as <i>"any division of land that: (1) Divides a parcel of land held in single or common ownership into two (2) parcels; and (2) Does not create or result in the creation of a lot or parcel of land that would violate or fail to conform to any applicable zoning or other standard..."</i> This application divides a parcel under single ownership into two parcels, and the proposal complies with all applicable standards, aside from minimum lot area, for which a variance has been granted.

Criteria Met?	Approval Criteria	Rationale
☒	Section 17-3-360-(2) The proposed subdivision fully conforms to all applicable requirements for the zone district in which the property is located, including but not limited to requirements for setbacks and minimum lot sizes;	Yes. The proposal conforms to all applicable requirements, aside from minimum lot area, for which a variance has been granted.
☒	Section 17-3-360-(3) The proposed subdivision meets or satisfies all other applicable requirements of this Code;	Yes. The proposal meets or satisfies all other applicable requirements of the Municipal Code.
☒	Section 17-3-360-(4) The streets, whether public or private, and all public improvements necessary to serve the subdivision meet or exceed the requirements of the Town;	Yes. All required public improvements were previously granted to the Town for this site, including an 8ft utility easement and a 20ft general public use easement. No other public improvements are required for this proposal.
☒	Section 17-3-360-(5) Adequate utility easements are established within the affected property to provide service to the lots created by or illustrated upon the minor plat;	Yes. 8ft utility easements are in place along all necessary property lines. Additionally, an easement is provided for future water line installation, as requested by the Arapahoe County Water and Wastewater Authority (ACWWA).
☒	Section 17-3-360-(6) Existing public trails located within the lots illustrated upon the minor plat are preserved or new trails are dedicated by the plat that will provide, in the opinion of the Town, a substantially similar or improved trail system in terms of route, grade, access, surface quality, ease of maintenance and safety;	Not applicable. No trails exist or are proposed on this property.
☒	Section 17-3-360-(7) The proposed configuration, shape, arrangement and layout of the lots, conditions placed on the lots and any streets do not, in the opinion of the Town, create a lot or street that is inconsistent or incompatible with other lots or streets within the neighborhood or the vicinity, or do not substantially and adversely affect adjacent properties;	Yes. The proposed configuration, shape, arrangement, layout, and conditions of the lots do not create any inconsistencies or incompatibilities with nearby lots, streets, and neighborhoods. This minor subdivision will not substantially or adversely affect adjacent properties.
☒	Section 17-3-360-(8) The proposed subdivision substantially conforms to the goals and policies of the Town's Master Plan to the extent that such goals and policies establish requirements that are sufficiently specific to permit the Planning Commission or Board of Trustees to decide that the application and subdivision plat meets or fails to meet such goal or policy.	Yes. As found in the variance hearing on March 12 <sup>th</sup> , 2020, this proposal conforms to the goals and policies of the Town's Master Plan, including, but not limited to, "maintain[ing] the standard of single family residential development on rural estate lots...or currently undeveloped land."

## Planning & Zoning Staff Recommendation

Based upon the analysis above, the Planning & Zoning Staff believe the application meets the criteria for a Minor Subdivision, as set forth in Chapters 16 and 17 of the Town of Foxfield Municipal Code, and recommends that the Planning Commission approve the Minor Subdivision Plat, subject to the following conditions:

### **CONDITION:**

- A. All future proposed site development, alterations and expansions shall obtain all requisite Town approvals and display conformance with all other applicable provisions and development standards of the Town of Foxfield Municipal Code.

## Recommended Motion

### ***To recommend approval subject to condition(s):***

I move that the Planning Commission find that the requested Minor Subdivision at **6740 S Waco Street** meets the criteria of Chapters 16 and 17 of the Town of Foxfield Municipal Code and, based upon such findings, approve the Minor Subdivision Plat, subject to the following conditions:

- A. All future proposed site development, alterations and expansions shall obtain all requisite Town approvals and display conformance with all other applicable provisions and development standards of the Town of Foxfield Municipal Code.