



## Legislation Text

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**File #:** 19-704, **Version:** 1

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A resolution approving a service plan for the Ridge at Sand Creek Metropolitan District.

**Presenter:**

Peter Wysocki, Director of Planning and Community Development  
Carl Schueler, Comprehensive Planning Manager, Planning & Community Development

**Summary:**

This service plan would allow for creation of the Ridge at Sand Creek Metropolitan District. This would be a small, approximately 19.26-acre metropolitan district serving a proposed small lot PUD residential development located north of Platte Avenue and west of Powers Boulevard. This district was originally proposed to be part of a consolidated service plan for the Sands Metropolitan Districts. However, in September of 2019 City Council denied an amended and restated service plan which would have allowed that option, based primarily on the distance separating this property from those districts.

There are no requested exceptions from the Special District Policy or the Model Service Plan. Covenant enforcement and common area maintenance services are requested to be authorized.

This item was introduced at a Council Work Session on November 25, 2019.

**Background:**

A plan to create a metropolitan district for this property in conjunction with an amended and restated service plan for the Sands Metropolitan Districts was denied by City Council on September 24, 2019. Most of the stated concerns at that hearing relating to the amount of separation between this property and the other districts that would have been part to that consolidated plan, and potential concerns with representation and accountability among physically separated districts.

This proposed service plan is essentially an exact duplicate of the originally submitted plan with the exception that it is now being proposed as a fully separate single metropolitan district. The mill levy caps, maximum debt service limit, submitted cost estimates, and authorized services are unchanged from the prior proposal.

This proposed metropolitan district would encompass about 19.26 acres and include about 90 residential dwelling units. The maximum combined authorized debt for this district is proposed to be \$3,325,000. To support this figure, the petitioners have provided a recent engineer's estimate of \$2,655,703 in eligible costs associated with the Ridge at Sand Creek.

This district would be authorized to certify a maximum debt service mill levy or up to 30 mills and maximum operational mill levy of up to 10 mills, both Gallagher adjusted back to 2006. This service plan would allow this district to perform operations and maintenance functions including

covenant enforcement, landscaping and common area maintenance. The developer anticipates this district will own and maintain several small tracts within this development.

### Statutory review criteria

Colorado Revised Statutes Section 32-1-203 (2) includes a total of nine (9) criteria which City Council shall or may use to evaluate the decision to approve or not approve this service plan. All of these are listed in Section X of the service plan. The petitioner must provide evidence satisfactory to City Council regarding first four (4) criteria. These criteria are listed below:

- 1) There is sufficient existing and projected need for organized service in the area to be serviced by the District;
- 2) The existing service in the area to be served by the District is inadequate for present and projected needs;
- 3) The District is capable of providing economical and sufficient service to the area within its proposed boundaries; and
- 4) The area to be included in the District does have, and will have, the financial ability to discharge the proposed indebtedness on a reasonable basis.
- 5) Adequate service is not, and will not be, available to the area through the City or County or other existing municipal or quasi-municipal corporations, including existing special districts, within a reasonable time and on a comparable basis.
- 6) The facility and service standards of the District are compatible with the facility and service standards of the City within which the District is to be located and each municipality which is an interested party under Section 32-1-204(1), CRS
- 7) The proposal is in substantial compliance with a comprehensive plan adopted pursuant to the City Code.
- 8) The proposal is in compliance with any duly adopted City, regional or State long-range water quality management plan for the area.

- 9) The creation of the District is in the best interests of the area proposed to be served.

Included in the attached transmittal letter from the petitioner is a response regarding these criteria.

Staff would note that City and CSU standards typically have to be adhered to for all new City development (Criterion #6, above).

With respect to Criterion # 7, City staff notes that the City's Comprehensive Plan (PlanCOS) acknowledges the general use and importance of special districts, but does not contain specific recommendations regarding related policy or use. Additionally, staff notes that special districts that are otherwise consistent with the Policy have not traditionally been considered as discretionary "incentives" with approvals contingent on providing special benefit in advancing the goals of the Comprehensive Plan. This particular project could be considered an "infill project" and therefore be consistent with that important goal of PlanCOS. Similarly, the small lot PUD housing product being proposed for this site could be considered a relatively affordable option and therefore consistent with the Plan. To the extent the availability of this district could result in lower initial sale prices to prospective home purchasers, this could be a benefit.

Criterion # 8 is not particularly relevant because CSU wastewater facilities are consistent and compliant with relevant water quality management plans.

Attached to support this agenda item are the following documents:

- Transmittal letter/ executive summary
- Draft City Council resolution
- Redline version of the Service Plan without exhibits
- Final version the Service Plan
- Engineering cost certifications for the Ridge at Sand Creek

At the November 25, 2019 Work Session during which this item was introduced, discussion centered on the Colorado Revised Statutes review criteria, and criterion (2) b in particular- pertaining to a Council finding of "inadequacy" of existing services in the area to be served by the district.

**Previous Council Action:**

On September 24, 2019 Council denied a petition for a resolution approving an Amended and Restated Service Plan for The Sands Metropolitan District Nos. 1-3 and The Sands Metropolitan District No. 5 (A/K/A The Ridge at Sand Creek). The boundaries of the then proposed District No. 5 are coincident with the subject property for the requested new metropolitan district. On November 12, 2019 Council is expected to have taken action to approve a rezoning of this property to

accommodate the proposed residential uses.

**Financial Implications:**

There are no direct implications to general City taxpayers and ratepayers outside of the boundaries of these applicable metropolitan districts.

**City Council Appointed Board/Commission/Committee Recommendation:**

N/A

**Stakeholder Process:**

The staff-level Special District Committee has been provided with the materials associated with this request, and no comments or concerns have been provided.

**Alternatives:**

City Council has the options of approving or denying this amended and restated service plan. Council could also continue the item with specific direction provided to staff and the petitioners.

**Proposed Motion:**

Move to adopt a resolution approving a service plan for the Ridge at Sand Creek Metropolitan District

N/A