



CITY OF LONE TREE  
STAFF REPORT

**TO:** City of Lone Tree Planning Commission  
**FROM:** Kelly First, Community Development Director  
**DATE:** August 6, 2018  
**FOR:** August 14, 2018  
**SUBJECT:** Rezoning of Public Service Company Electric Substation  
Project # ZR18-23  
**PUBLIC HEARING**

Owner:  
Public Service Company of Colorado  
1225 17<sup>th</sup> Street  
Denver, CO 80202

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<b>Planning Commission Hearing Date:</b>	<b>August 14, 2018</b>
<b>City Council Hearing Date:</b>	<b>August 21, 2018 first reading</b> <b>September 4, 2018 second reading</b>

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**A. REQUEST**

Approval of an application to rezone 1.9 acres of land consisting of the existing Public Service Company (PSCo) electrical substation, which is concurrently under consideration by the City Council for annexation into the City from unincorporated Douglas County. Upon annexation of property, zoning must be established within City jurisdiction. The City proposes to rezone the parcel from “Planned Development” zoning under County jurisdiction, to “B-Business” zoning within the City of Lone Tree.

There are no changes to the site proposed with this application.

**B. Staff Finding and Recommendation**

Staff finds that the application is in conformance with the Comprehensive Plan, rezoning requirements of the Lone Tree Zoning Code, and the Three-Mile Plan.

**C. Recommended Planning Commission Motion**

I move to recommend approval of the zoning, subject to the following condition:

1. Approval of the zoning is contingent upon City Council approval of the associated annexation ordinance.

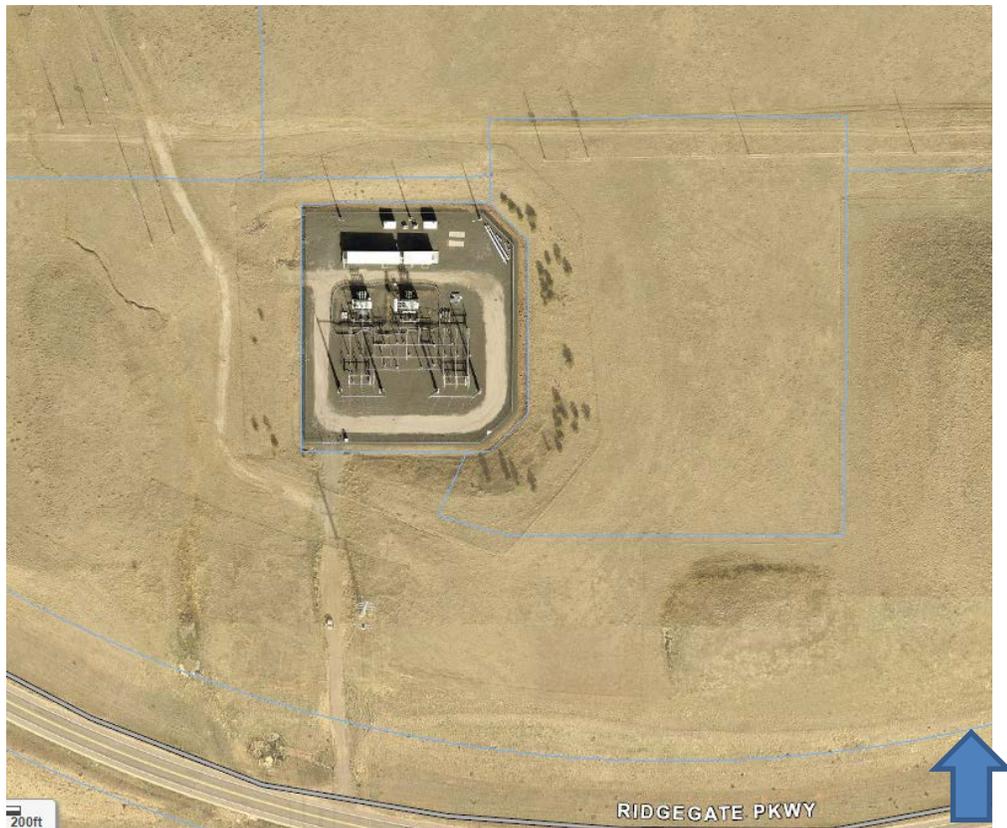
**D. LOCATION**

The property is located east of I-25 and north of RidgeGate Parkway, approximately .50 miles east of Peoria Street.

**Vicinity Map**



## Site Map



### E. SITE CHARACTERISTICS

The site is set back approximately 300 feet from RidgeGate Parkway. (That road is planned to be widened, which will bring the edge of the pavement closer to the site by approximately 60 feet). The site is accessible from gravel driveways extending from Peoria Street and from RidgeGate Parkway. The site is fully developed with electrical substation and related equipment, enclosed by a 7-foot tall chain link security fence. The east side of the site cuts into the adjacent hillside for some degree of screening from adjacent uses. The surrounding area is currently gently rolling grasslands including some evergreen trees that were planted for screening.

The site is centrally located to the distribution feeder lines in the area and is powered by the Daniels Park-Smoky Hill transmission line that runs east-west along the City's southern boundary.



## **G. BACKGROUND**

The substation property was previously owned by Colony Investments, Inc. and was included within the 3,500 acre Rampart Range Planned Development under Douglas County jurisdiction. In 1999, based on existing and projected growth in the area, PSCo identified a need to construct a new neighborhood electric substation in this area to meet new and growing electric loads. They determined this site to be an optimal location, and entered into an agreement with the property owner to purchase the 1.9 acre site, following approvals for the project by Douglas County. Those approvals were granted by the County in 1999. The property was acquired by PSCo and the facility constructed in 2000. A monopole with communications towers was added in 2017 following approval by Douglas County.

The Rampart Range PDD was annexed into the City of Lone Tree in 2000, *excluding* the PSCo site. (The PDD was rezoned and later renamed RidgeGate). The PSCo site remained under Douglas County jurisdiction and was effectively enclaved (surrounded entirely by property within the City's jurisdiction). Zoning remained under the old, now defunct, Rampart Range PDD.

Sub-Area Plans for development east of I-25 have been approved by the City and development in the area is expected in the next few years. Therefore, both parties felt it was prudent that the out-parcel annex into the City. Annexation will enable the property to obtain an address that is assigned based on the municipal addressing grid. Annexation will also enable City to govern the land use process, should any changes be proposed in the future.

## **H. ZONING DISTRICT OVERVIEW**

The use of the property is a Major Facility Utility, as defined by the City Zoning Code. Such uses are permitted by Special Review in all of the City's straight zoning districts except Parks and Open Space districts. As this is an existing use, no Special Review process is required. Any future modifications to the site will be processed with the City of Lone Tree through the Special Review and SIP process Article of the Zoning Code.

## **I. APPROVAL CRITERIA**

The following criteria shall, where applicable, be considered by the Planning Commission and City Council in the review of rezoning applications:

- (1) Whether the application is in compliance with the requirements of this Article and the Comprehensive Plan:

Staff comment: The application is consistent with provisions of Article XXV of the Zoning Code regarding Rezoning. The application is consistent with the City's Comprehensive Plan. The property is located within the Planning and Urban Growth Area, meaning the City has identified this area as potentially suitable for annexation and development.

- (2) Whether the application is compliant with all applicable statutory provisions:

Staff comment: The application is compliant. The property is included in the City's Three-Mile Plan boundary, which is a requirement of Section 31-12-105(1)(e) of the Colorado Revised Statutes, mandating all municipalities to prepare a three-mile plan prior to the completion of any annexation. The Plan provides for the comprehensive consideration of the land use goals of adjacent jurisdictions in planning for future growth and urbanization.

- (3) Whether there has been substantial change in the character or economic condition of the neighborhood:

Staff comment: The surrounding area has not changed substantially. The surrounding land has been zoned for development and future roads and land uses in the area have been planned in consideration of the existing substation.

- (4) Whether the rezoning would adversely impact the provision of public facilities and services:

Staff comment: Public facilities and services, including those provided by Special Districts and the City such as police protection and public roadway maintenance, will not be adversely impacted by the zoning.

- (5) Whether the proposed zoning is compatible with the surrounding land uses:

Staff comment: The proposed zoning is compatible with surrounding future land uses. The uses afforded by the B-Business district are consistent with the types of uses planned for the surrounding commercial mixed-use area.

- (6) Whether the subject land is suitable for the intended use:

Staff comment: The land is suitable for the use.

- (7) Whether the intended land use would create traffic congestion or burden the existing road network.

Staff comment: It will not. The site is unmanned with the exception of periodic maintenance and any need for emergency service.

**J. PUBLIC NOTICE**

The application has been noticed in accordance with the requirements of the Lone Tree Zoning Code, ARTICLE XXV.

**K. REFERRALS**

Notice of the zoning was sent to adjoining land owners and Douglas County. Douglas County will coordinate with County Assessor's office and other departments to update all applicable records upon annexation.

**L. STAFF FINDING**

Staff finds that the application is in conformance with the Comprehensive Plan, rezoning requirements of the Lone Tree Zoning Code, and Three-Mile Plan.

**M. STAFF RECOMMENDATION**

Staff recommends that the Planning Commission recommend approval of the rezoning, subject to the following condition:

1. Approval of the zoning is contingent upon City Council approval of the associated annexation.

**N. Attachments**

Development Application  
Draft Zoning Ordinance (for City Council adoption)



**ORDINANCE OF THE  
CITY OF LONE TREE**

Series of 2018

Ordinance No. **18-XX**

**AN ORDINANCE APPROVING THE ZONING OF CERTAIN REAL  
PROPERTY IN THE CITY OF LONE TREE, COLORADO  
(“PUBLIC SERVICE COMPANY SUBSTATION ANNEXATION”)**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LONE TREE,  
COLORADO:**

**ARTICLE 1 - AUTHORITY**

Chapter 16, Article XXV of the Lone Tree Municipal Code, as amended, (the “Code”) governs the process for approving Rezoning.

**ARTICLE 2 – ANNEXATION**

- A. At the same public meeting, but prior to consideration of this Ordinance, the City Council is considering adoption of Ordinance No. **18-XX**, entitled “An Ordinance Approving the Annexation of Certain Territory, Known as the Public Service Company Substation, to the City of Lone Tree, Colorado,” which Ordinance will annex the unincorporated area of land described on the attached Exhibit A (the “Property”) to the City of Lone Tree (the “City”).
- B. In connection with the proposed annexation, zoning for the Property must be established.

**ARTICLE 3 – FINDINGS OF FACT ON ZONING**

- A. The Property, as identified on Exhibit A, is currently zoned pursuant to the Rampart Range PD, as approved by Douglas County and recorded in the records of Douglas County on September 15, 1988 at Reception No. 8821051.
- B. Improvements currently exist on the Property in accordance with a Site Improvement Plan entitled Surrey Ridge Neighborhood Electric Substation (SP99-054), approved by Douglas County on December 1, 1999; an Exemption entitled Colony Substation Exemption (EX99-004), approved by Douglas County as Motion Number M-999-236; and a Location and Extent Site Plan entitled Public

Service Company of Colorado Surrey Ridge Substation (Project ZR2017-007), approved by Douglas County on April 21, 2017.

- C. Public notice in the form required by the Code and applicable Colorado statutes has been given of the zoning application and the public hearing on this Ordinance by one publication in a newspaper of general circulation within the City at least fifteen (15) days before the public hearing on such zoning, and evidence thereof has been provided to the City as required.
- D. Written notice of the zoning request and the public hearings before the Planning Commission and City Council was sent by first class mail to all adjoining landowners, to homeowner associations that have authority over property located within 200 feet of the land proposed for zoning, to mineral rights owners, and to lessees and easement holders in the form and manner required by the Code at least fifteen (15) days prior to the public hearings, and evidence thereof has been provided to the City as required.
- E. Notice of the zoning request and the public hearings before the Planning Commission and the City Council in the form required by the Code was posted on the land under consideration for fifteen (15) consecutive days prior to said hearings, and evidence thereof has been provided to the City as required.
- F. The Planning Commission and the City Council have held the public hearings as required by the Code and applicable Colorado statutes and have considered all relevant evidence presented in such hearings. The Planning Commission recommended approval of the zoning request.
- G. The City Council has considered the approval criteria as set forth in Chapter 16, Article XXV of the Code, and based upon the evidence, testimony, and staff report, finds that the approval criteria of said Chapter have been satisfied.
- H. The City Council finds that the proposed zoning is in conformity with the Lone Tree Comprehensive Plan.

#### **ARTICLE 4 – APPROVAL OF ZONING**

The City Council finds full compliance with all the requirements established by the Zoning Ordinance, the Planning Commission and the City Council. The Property is hereby zoned B-Business under the Lone Tree Zoning Ordinance and Zoning Map. Existing improvements on the Property, as approved by Douglas County, are hereby accepted.

#### **ARTICLE 5- AMENDMENT OF MAP**

The Zoning Map of the City is hereby amended to reflect the zoning of the Property.

**ARTICLE 6 – EFFECTIVE DATE**

This Ordinance shall take effect thirty (30) days following publication and second reading if no changes are made on second reading, or thirty (30) days after publication following second reading if changes are made upon second reading.

**ARTICLE 7 – SEVERABILITY**

If any part or provision of this Ordinance, or its application to any person or circumstance is adjudged to be invalid or unenforceable, the invalidity or unenforceability of such part, provision, or application shall not affect any of the remaining parts, provisions or applications of this Ordinance that can be given the effect without the invalid provision, part or application, and to this end the provisions and parts of this Ordinance are declared to be severable.

**INTRODUCED, READ, AND ORDERED PUBLISHED ON THIS      DAY OF \_\_\_\_\_, 2018.**

**CITY OF LONE TREE**

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Jacqueline A. Millet, Mayor

**ATTEST:**

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Jay Robb, City Clerk

**EXHIBIT A**  
Legal Description of Property