



BOARD SUMMARY REPORT

Date: December 31, 2018
To: Board of County Commissioners
Through: Jan Yeckes, Planning Division Manager
From: Jason Reynolds, Current Planning Program Manager
Subject: PWD Neighborhood Outreach Potential Code Change

Direction/Information

Staff is seeking direction from the BOCC on whether we should change the Land Development Code to require public outreach in certain circumstances.

Request and Recommendation

Based on recent controversial land use cases that may have benefitted from neighborhood outreach, staff recommends developing regulations to require neighborhood meetings. If directed to proceed, staff will prepare alternatives for a future study session.

Background

The Arapahoe County Land Development Code does not require neighborhood meetings for most land use applications. The code only requires a neighborhood meetings for proposed Commercial Mobile Radio Service (cellular) facilities within 500 feet of residential zoning. Staff consistently recommends neighborhood meetings when we identify potential land use conflicts or neighborhood concern, however applicants are not obligated to follow staff's advice.

Links to Align Arapahoe

Quality of Life

Requiring neighborhood meetings could identify issues early in the project and could result in design improvements for future land use projects.

Discussion

While staff often recommends neighborhood meetings, sometimes applicants opt not to perform the recommended outreach. Two recent cases highlight the importance of neighborhood outreach in successful projects: the Silver Creek Sporting Club and Waffle House. In both of those cases, staff strongly recommended reaching out to neighbors. Neither applicant followed that advice; both cases resulted in significant neighborhood opposition, lengthy public hearings, and denials. Administrative cases can sometimes benefit from neighborhood meetings: minor changes such as relocating a tennis/pickleball court or trash enclosure could have impacts on neighbors, even if those changes can be approved by staff.

In addition, late citizen opposition to a project (as a result of the lack of early opportunity for input) often results in higher project-related costs for the County as well as for the applicant. High-impact cases without early neighborhood communication often result in a major out-pouring of comments and questions at the time of the staff report and hearing notice. This high-volume response requires considerable staff time to track and convey comments to the applicant and decision-makers and may result in significantly longer and more complex public hearings.

At those hearings, applicants often complain that changing their plans to respond to citizen concern is too costly and will result in unacceptable delays given the significant investment that has already been made in preparing detailed plans and undergoing staff review and agency referrals. That they may have avoided this by heeding staff advice to offer an early meeting to the neighborhood is often overlooked by the applicant team.

Several nearby communities require neighborhood meetings in different circumstances or with staff discretion. Jefferson County requires those meetings for any change in zoning. The City of Littleton requires meetings whenever a case will result in a public hearing. The Town of Castle Rock requires neighborhood meetings for certain case types and gives staff the authority to request neighborhood outreach for others. If directed to move forward with the code amendment, staff will research additional surrounding communities for comparison and present recommendations to the Board of County Commissioners.

Alternatives

- 1- Staff recommends researching other communities and returning for a study session on this topic.
- 2- Keep neighborhood meetings optional. Staff will continue to push for neighborhood outreach when appropriate, highlighting recent denials on cases that chose not to conduct neighborhood meetings.

Reviewed By

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