



**MINUTES OF THE REGULAR MEETING OF THE  
ARAPAHOE COUNTY PLANNING COMMISSION  
TUESDAY, FEBRUARY 5, 2019**

<b>ATTENDANCE</b>	<p>A regular meeting of the Arapahoe County Planning Commission was called and held in accordance with the statutes of the State of Colorado and the Arapahoe County Land Development Code. The following Planning Commission members were in attendance:</p> <p>Mark Brummel; Jane Rieck, Chair; Richard Sall, Diane Chaffin, Kathryn Latsis, Jamie Wollman, and Randall Miller</p> <p>Also present were: Robert Hill, Senior Asst. County Attorney; Chuck Haskins, Engineering Services Division Manager; Kurtis Cotten, Engineer; Sarah L White, Engineer; Molly Orkild-Larson, Senior Planner; Kathleen Hammer, Planner II; Jason Reynolds, Current Planning Program Manager; Jan Yeckes, Planning Division Manager, and members of the public.</p>
<b>CALL TO ORDER</b>	<p>Chair Rieck called the meeting to order at 6:30 p.m. and noted a quorum of the Board was present.</p>
<b>DISCLOSURE MATTERS</b>	<p>There were no Planning Commission member conflicts with the matters before them.</p>
<b>GENERAL BUSINESS ITEMS:</b>	
<b>APPROVAL OF THE MINUTES</b>	<p><b>It was moved by Ms. Latsis and duly seconded by Ms. Wollman to accept the minutes from the <u>January 8, 2019</u> Planning Commission meeting, as presented.</b></p> <p><b>The motion passed unanimously.</b></p> <p><b>It was then moved by Ms. Latsis and duly seconded by Ms. Wollman to accept the minutes from the <u>January 15, 2019</u> Planning Commission meeting, as presented.</b></p> <p><b>The motion passed unanimously.</b></p>
<b>REGULAR ITEMS:</b>	

**ITEM 1**

**Case No. GDP18-005, Quebec & Colorado/Towns @ South of Cherry Creek, General Development Plan (GDP) – Kathleen Hammer, Planner II (PWD)**

Mr. Sall and Ms. Latsis disclosed business relationships with the applicant and stated it would not influence their decisions.

Ms. Hammer established jurisdiction for the public hearing and introduced the application. She explained how the GDP fit into the overall approval process. She reported the property was currently zoned R-2 for single-family residential use. She said the proposal was consistent with the recommended land use under the Comprehensive Plan for single-family residential development at a density of 1 to 12 dwelling units per acre (du/ac). Ms. Hammer noted staff recommended conditional approval. She also noted that several additional public comments had been received in the last few days, and that those had been provided to the Planning Commission (PC).

Michael Sullivan, SRE Development Company, introduced the development team and noted public outreach conducted. He stated community outreach would continue with the processing of the future Specific Development Plan (SDP) application.

Paul Brady, Godden Suduk Architects, presented a slide of the Four Square Mile SubArea Plan land use map for the subject and surrounding properties. He shared outreach and efforts to address questions and concerns about traffic. He presented a chart with the basic development details, such as maximum density of 6.86 du/acre and maximum of 82 units (actual density proposed 74 single-family attached units in two-story buildings), buffering provided to adjacent neighbors and streets, parking (167 spaces at 2.25 spaces per unit including garages), proposed setbacks and fencing, street and pedestrian improvements, and on-site open space. Mr. Brady showed a site plan for the development superimposed on an aerial photograph showing its relationship to the adjoining single-family detached homes in the neighborhood to the west and to the Quebec Street frontage. He shared graphics of possible architectural styles. Mr. Brady provided clarification on access points. He reported the main access was on Quebec Street with a full-movement turn. He said a secondary access on Colorado Avenue was for emergency purposes only. He explained access would be further developed in plans for the SDP and subsequent Administrative Site Plan (ASP) and noted the intent was to minimize any increase in traffic on Colorado Avenue.

Ms. Rieck explained the public comment process and opened the hearing for comments.

Dau Nguyen, Lou Grounds, Jim Stone, Dan Brooks, Marion Brum de Barros, Joseph L Wilson, Ed Hornunc, Karen Barela, Jeff Brusak, Dave Falconiere, John Haycraft, Lynn Sauve, Cameron Wilhelm, Judy Korzinek, and Mark Lampert were generally supportive of the project and complimentary of the applicant's efforts to be a good neighbor and provide a quality development. They spoke to concerns with safety, traffic, a needed traffic signal, access, ingress/egress at Colorado Avenue, controlled intersection, drainage, and density.

Mr. Cotten addressed the traffic concerns, as requested by Ms. Rieck. He stated staff had received feedback from citizens about the project. He shared the conclusions of the traffic study submitted with the GDP. He explained the addition of the project to the Colorado Avenue traffic was only five trips during the evening peak hours; as a result, the County was not requiring the EVA-only designation, but it seemed to be a good compromise. He reported other improvements in the area were being reviewed. He said Arapahoe and Denver Counties were in the early stages of a study along the corridor to evaluate operational changes that could improve traffic. He said those could include changes to right-in/right-out. He said traffic signals were not warranted at this time (they did not "meet warrants" for signalization). Mr. Cotten also talked about the drainage improvements planned for the development. He stated there was Phase 1 drainage report for now, and a phase 3 report would be available at a future phase of development review. Mr. Cotton stated staff reviewed only the connections that were proposed; however, if a new proposal included Asbury, that proposal would need to be further reviewed. He reviewed data from the traffic study, which stated five left turns onto Colorado Avenue during the morning peak hours. Mr. Cotten said the total trips during peak a.m. hours were 36 trips split between Colorado and Jewel Avenues.

There were no further comments. The public hearing was closed.

Mr. Sullivan noted some improvements that would be made to Quebec and stated they were committed to continuing to work on traffic evaluations. He noted there were challenges with getting access to Asbury. He said they did not own frontage on Asbury and a new road would be required to cut through their primary open space area.

	<p>Mr. Miller asked how drainage and runoff would be addressed so as not to impact neighbors.</p> <p>Mr. Sullivan noted the frontage was quite long and drainage would have to be further evaluated to ensure that it was well-handled.</p> <p>Ms. Wollman encouraged Denver residents to call their elected officials and urge them to complete the traffic corridor study as soon as possible and to look at traffic calming measures.</p> <p><b>It was moved by Ms. Latsis and duly seconded by Ms. Wollman, in the case of GDP18-005, Towns @ South of Cherry Creek / General Development Plan, that the Planning Commission reviewed the staff report, including all exhibits and attachments, listened to the applicant’s presentation and the public comment as presented at the public hearing, and moved to recommend approval of this application, based on the findings in the staff report, subject to the following conditions:</b></p> <ol style="list-style-type: none"> <li><b>1. Prior to signature of the final copy of these plans, the applicant must address Public Works Staff comments and concerns.</b></li> <li><b>2. The applicant will need to provide will serve letters from Cherry Creek Valley Water and Sanitation District and the City and County of Denver.</b></li> </ol> <p><b>The vote was:</b></p> <p><b>Ms. Rieck, Yes; Ms. Chaffin, Yes; Mr. Miller, Yes; Mr. Brummel, Yes; Mr. Sall, Yes; Ms. Latsis; Yes; Ms. Wollman, Yes.</b></p>
<p><b>ITEM 2</b></p>	<p><b>Case No. SDP18-002, Cherry Tree Estates, Specific Development Plan (SDP) – Molly Orkild-Larson, Senior Planner, Public Works and Development (PWD)</b></p> <p>Ms. Orkild-Larson established jurisdiction for the hearing and introduced the application for the Specific Development Plan. She noted the clean-up that had occurred with the former landfill site and stated CDPHE was present to answer any questions. She highlighted key conditions of approval recommended by staff for approval of the SDP. Ms. Orkild-Larson, in response to Ms. Rieck’s question about the deviation from the Land Development Code on lighting requirements, explained staff was not overly concerned with this, but</p>

would continue to work with the applicant through the Administrative Site Plan (ASP) process.

Melissa Kendrick, representing owner Tim VanMeter, presented a PowerPoint, a copy of which was retained for the record. She referred to a slide that gave the perspective of the property in relation to the surrounding properties within the City and County of Denver and along the Cherry Creek Trail. She explained the prior approval of the Preliminary Development Plan (PDP), served as the GDP for the three-phase approval for mixed-use for independent homes and assisted-living. She stated the approved zoning had age-based requirements for residency in the development. Ms. Kendrick explained some details of the property, including a 75-foot wide Xcel power line easement that significantly impacted the layout of the development on the property. She reported there was also a gap from the property to public streets necessary to access the site. She said Mr. VanMeter had been working with City and County of Denver to get approvals and permits into place. She said final permit approval was still pending for access through the park at Quebec Street and at Colorado Avenue. Ms. Kendrick showed the layout of the SDP and explained how it complied with the approved PDP. She highlighted some details from the charts on the plan set to demonstrate compliance with the density and building heights, which were less than what was permitted. She reported the applicant had opted for one-story rather than two- and three-story buildings, with the exception of the community building, which would be two stories and was located in the center of the property rather than close to adjoining homes. Ms. Kendrick showed building elevations and rooflines proposed and how they worked to moderate height of buildings. She addressed the request for a parking reduction and how the Land Development Code (LDC) was not clear on the needs for assisted-living. She reported the project received administrative approval for a five-space reduction, for a total of 167 spaces rather than 172 spaces. She added, the single-family residences met code requirements.

Mr. VanMeter reported he had purchased the property in 2006, knowing the many limitations to the property to be resolved, and had been working on the proposal and resolving those limitations since 2008. He referenced a handout submitted to the Planning Commission on Alzheimer statistics, a copy of which was retained for the record. Mr. VanMeter reported by 2025, Colorado would see a 30% increase in the incidence of Alzheimers. He said he owned and operated a similar facility in Arvada. He discussed the parking demands at that facility. He explained the one-story buildings proposed for residential and assisted-living, which was less than

would be allowed under the approved zoning. Mr. VanMeter introduced individuals who worked on this project.

Mr. Fonda Apostolopoulos discussed the brownfield nature of the property and the cleanup and water quality improvements that had been made to the site. He explained that those properties often remained vacant, due to the associated liabilities. He said the improvements that Mr. VanMeter had made would make for a useful and productive site. They have taken a long time to put into place.

Paul Stone also worked on the project and stated he had been working with Mr. VanMeter since 2007. He said his own mother was in a similar type of facility and he would have no concerns about moving his mother into Mr. VanMeter's facility, if she lived nearby.

Mr. VanMeter answered a question from the Planning Commission about the number of dump-truck loads that were needed for the cleanup of this site.

There was further discussion about the benefits of resolving the methane problem for nearby residents and what was found during the cleanup process. It was reported no asbestos was found.

Mr. VanMeter noted the development was creating about 225 jobs with cleanup, construction, and operation.

There were discussions regarding groundwater contamination and water cleanup. It was noted the type of contaminant was similar to asphalt and once the source of contamination was removed, the groundwater cleaned up naturally and very quickly, so no major remediation was necessary. It was noted the traffic impact, of the development overall, was found to be very low.

Ms. Rieck opened the hearing for public comments.

Nancy Guerre, Lynn Sauve, Mary Tracy, Lisa Foreman, Dean Foreman, and Mark Lampert addressed the Planning Commission and were generally in favor of the project. There were concerns expressed over access, parking, lighting, drainage, landscaping, and traffic. Citizens were complimentary of the project and how the developer had handled things so far. They expressed appreciation of the Planning Commission for hearing testimony from the Denver residents impacted by the project.

Ms. Orkild-Larson noted staff heard the neighbors' concerns about the landscaping. She said there would be further review of the

	<p>landscape plan during the ASP process for the project. She reported she was a landscape architect.</p> <p>There were no further public comments. The public hearing was closed.</p> <p>There were continued discussions about the horseshoe of the memory care buildings that would be a covered area just outside the kitchen for residents. It was noted the fencing was shared on the property line. The Colorado Avenue entrance and control of the gate were discussed and it was noted that only a few select individuals would have access to that gate. The applicant did not want traffic cutting through the development or uncontrolled access by delivery trucks, etc.</p> <p>Mr. VanMeter said the clubhouse would be about 900 feet from the back yard of the neighbor who expressed concern. He said it should not block views of the mountains. He expressed his desire to work with the County and SEMSWA on additional landscaping, but wasn't sure what could be approved in proximity to a trickle-channel. He explained it was important to maintain the trickle-channel for drainage protection for the Concha neighborhood. He commented there would be garages with the single-family residential buildings.</p> <p><b>It was moved by Ms. Wollman and duly seconded by Ms. Chaffin, in the case of SDP18-002, Cherry Tree Estates / Specific Development Plan, that the Planning Commission reviewed the staff report, including all exhibits and attachments, listened to the applicant's presentation and the public comment as presented at the public hearing and moved to approve the application based on the findings in the staff report, subject to the following conditions:</b></p> <ol style="list-style-type: none"><li><b>1. Prior to signature of the final copy of these plans, the applicant must address Public Works Staff comments and concerns.</b></li><li><b>2. At the time of the Administrative Site Plan, the applicant shall work with the City and County of Denver and RTD to locate a new RTD stop along S. Quebec Street.</b></li><li><b>3. The applicant shall address all fire district's comments.</b></li></ol>
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	<p><b>4. All right-of-way access and location permits from the City and County of Denver shall be obtained prior to approval of the Administrative Site Plan and Minor Subdivision.</b></p> <p><b>5. At the Administrative Site Plan, the applicant shall address all the sheriff's requests, including working with the City and County of Denver on placement of a visible sign at street entrances.</b></p> <p><b>6. Applicant shall work with staff at Administrative Site Plan to ensure that lighting meets the intent of the code, particularly with respect to a pedestrian-oriented development where good lighting is important.</b></p> <p><b>7. At the Administrative Site Plan, the applicant shall provide adequate screening along the boundary with the Concha development.</b></p> <p><b>8. If this development changes to allow children, the school district reserves the right to request cash-in-lieu fees.</b></p> <p><b>9. Cash-in-lieu fees to be paid prior to the recording of the Minor Subdivision plat.</b></p> <p><b>10. The Site Development Plan and Administrative Site Plan approvals are conditioned on the final approval of the associated Minor Subdivision plat.</b></p> <p><b>The vote was:</b></p> <p><b>Ms. Rieck, Yes; Ms. Chaffin, Yes; Mr. Miller, Yes; Mr. Brummel, Yes; Mr. Sall, Yes; Ms. Latsis, Yes; Ms. Wollman, Yes.</b></p>
<p><b>STUDY SESSION ITEMS:</b></p>	
<p><b>ITEM 1</b></p>	<p><b>LDC19-001 – Agricultural Estates (AE) Lot Width Revisions, Land Development Code Amendment – Jason Reynolds, Current Planning Program Manager</b></p> <p>Mr. Reynolds explained the purpose of the proposed change to the lot width for A-E zoned lots. He gave some history on how the lot widths had become a problem in the east county due to land divisions not required to go through the subdivision process, under State statute, but had zoning requirements for lot width. He noted research</p>



showed that our lots width requirements were outliers from other counties that tended to require lot widths closer to 600 feet, if there was a requirement at all. Mr. Reynolds also referenced an older Board of Adjustment case that allowed variances for lot widths for a development many years ago. He explained that staff, at that time, stated the County was in the process of changing the minimum lot width requirement, as the minimum lot size had decreased from 160 acres to 35 acres, and felt the lot width should be accordingly reduced.

Mr. Brummel stated that “the horse has already left the barn” on this. He talked about how the property got divided into smaller lots over time. He noted a recent case for A-1 approved 19-acre lots with only 300-foot lot widths.

Mr. Miller stated that the Planning Commission had opposed those “bowling alley” lots, so why would they encourage more of those?

Mr. Hill noted that those divisions did not go through the subdivision process, so it was difficult to catch them.

Mr. Miller noted the risk for many individual driveways being built along county roads because no one was building internal roadways in order to divide the property, which would reduce the number of individual lots accessing the roads.

Mr. Reynolds showed a map with lot lines.

Mr. Brummel reported he lived across the street from that and there was very fast traffic that included heavy trucks. He said this was creating a real problem with people pulling out of driveways; however, properties had been divided all over the east county. He said land owners just hire a surveyor and do these without regard for whether it makes sense, and people buy them.

Ms. Latsis asked whether the code change was intended to help avoid a lot of Board of Adjustment variance applications and to help make these lots legal.

Mr. Reynolds said the amendment to the lot widths would help with that problem.

Ms. Rieck asked whether these changes would be controversial.

Mr. Reynolds said there were numerous lots in A-E that were only 600 feet wide and other counties were doing the same. He reported Adams County required 600-foot-wide lots.

Engineering Services acknowledged that this increases traffic conflicts, but that the roads were designed to handle the traffic loads.

Mr. Brummel asked why anyone would want to live on such a narrow lot and have to drive 40 miles to work. He said it seemed like people would want to get something for making that drive and feel like they are on a larger piece of property. He said that people kept doing it. Mr. Brummel reported Elbert County tried to rectify this, but there were already people building on the more narrow lots.

Mr. Reynolds noted there was evidence the County intended to reduce the lot width when the minimum lot size was reduced; however, it seemed to be overlooked at the time.

Mr. Brummel talked about efforts to develop the rural cluster code to help resolve this type of development. He said a lot of work was done, but developers said they would not use it because of the paved road requirements. He reported only one application was filed, and it was denied.

Ms. Latsis asked whether there would be a new wave of people not meeting the 600-foot lot width.

Mr. Reynolds said staff was planning to do outreach with surveyors working in the county to let them know that the lots must be at least 600 feet wide.

Mr. Miller and Ms. Wollman noted that land owners did not want to put in new roads, and homeowners did not want to pay to maintain new roads, so it would be difficult to get the kind of land divisions we would like to see.

Mr. Brummel noted a large landowner in Elbert County, south of Byers, developed and sold 19, 40-acre lots. He said the buyers then discovered they could not get financing to build a home because there was no fire district, and the farmer just plowed in roads – they did not meet any kind of standards. He said people buying the lots also did not realize that the counties will not snow-plow or grade their roads, as they are private. He said land owners wanted to divide a quarter-section into 35- or 40-acre lots and not have to build any roads. Mr. Brummel said there was also lack of control of what kind of home was put on the property with not much infrastructure to

	support them. He said the County may as well conform to what people were putting in.
<b>ADJOURNMENT</b>	There being no further business to come before the Planning Commission, the meeting was adjourned.