



**MINUTES OF THE REGULAR MEETING OF THE
ARAPAHOE COUNTY PLANNING COMMISSION
TUESDAY, JULY 16, 2019**

ATTENDANCE	<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>Jane Rieck, Chair; Richard Sall, Diane Chaffin, Kathryn Latsis, Chair Pro-Tem, Jamie Wollman, and Randall Miller.</p> <p>Also present were: Robert Hill, Senior Asst. County Attorney;; Sarah White, Engineer; Sue Liu, Engineer; Bill Skinner, Senior Planner; Jason Reynolds, Current Planning Program Manager; Diane Kocis, Energy Specialist; Jan Yeckes, Planning Division Manager, and members of the public.</p>
CALL TO ORDER	<p>Chair Rieck called the meeting to order at 6:35 p.m. and noted a quorum of the Board was present.</p>
DISCLOSURE MATTERS	<p>There were no Planning Commission member conflicts with the matters before them.</p>
GENERAL BUSINESS ITEMS:	
APPROVAL OF THE MINUTES	<p>The motion was made by Ms. Latsis and duly seconded by Ms. Wollman to accept the minutes from the June 18, 2019, Planning Commission meeting, as presented.</p> <p>The motion passed unanimously.</p>
REGULAR ITEMS:	
ITEM 1	<p>Case No. SDP18-003, Rapid Wire / Specific Development Plan (SDP) – Jason Reynolds, Current Planning Program Manager, Public Works and Development (PWD)</p> <p>Mr. Reynolds presented on behalf of Molly Orkild-Larson, Senior Planner. He established jurisdiction and provided an overview of the case. He reported the applicant was seeking approval of the SDP to construct a building that contained an office and warehouse space. He stated staff recommended approval based on the findings, and subject to, the conditions of approval in the staff report.</p>

	<p>Bill Stashak, applicant, on behalf of Steve Faria, Rapid Wire LLC, property owner, presented a PowerPoint, a copy of which was retained for the record. He reported the project was proposed for 7103 S Dillon Ct and would include an industrial building with warehouse and office space, as well as, outside storage for a construction business. He reviewed the SDP with the Planning Commission (PC).</p> <p>There were discussions concerning the building architecture, signage, fencing materials, and landscaping.</p> <p>Ms. Rieck opened the hearing for public comments. There were no public comments. The public hearing was closed.</p> <p>It was moved by Ms. Latsis and duly seconded by Ms. Wollman in the case of SDP18-003, Rapid Wire LLC New Office / Warehouse / Specific Development Plan, that the Planning Commissioners reviewed the staff report, including all exhibits and attachments, have listened to the applicant’s presentation and any 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:</p> <ol style="list-style-type: none"> 1. Prior to signature of the final copy of these plans, the applicant must address Public Works Staff comments and concerns. 2. The applicant shall comply with all Arapahoe County Water and Wastewater Authority requirements. 3. The applicant shall comply with all FAA regulations. 4. The applicant shall comply with Xcel Energy requirements. 5. The applicant shall implement vector control on-site. <p>The vote was:</p> <p>Ms. Rieck, Yes; Ms. Chaffin, Yes; Mr. Miller, Yes; Mr. Sall, Yes; Ms. Latsis; Yes; Ms. Wollman, Yes.</p>
<p>ITEM 2</p>	<p>Case No. SDP19-001, Paula Dora / B13 / Highline East / Specific Development Plan (SDP) – Bill Skinner, Senior Planner, Public Works and Development (PWD)</p> <p>Mr. Skinner established jurisdiction for the hearing and explained that the Planning Commission (PC) was the approval body for this application. He presented a PowerPoint, a copy of which was retained for the record. He reviewed the general layout of the site</p>

for 16 duplex units (8 buildings). He reported a rain garden would manage the water quality for stormwater. Mr. Skinner gave a history of the Four Square Mile Subarea Plan (4SMSP) and how it related to the subject property. He stated the 4SMSP identified the property as suitable for single-family homes at a density of one-to-two dwelling units per acre, rather than the proposed 8 du/acre. He also explained the Board of County Commissioners (BOCC) had decided, in moving forward with developing a plan for the Four Square Mile area, that existing zoning entitlements already in place would not be lost as a result of the land use designations established at a later time with this plan. Mr. Skinner also explained the history of the Preliminary Development Plan (PDP) approved for this site and how it worked into the County's newer Planned Unit Development (PUD) process, which no longer included a PDP element. He explained the PDP was determined to fulfill the requirements of the newer process, the General Development Plan (GDP). He stated the plan fulfilled the Specific Development Plan requirement, if approved.

There were discussions about the prior approval of the PDP, rain gardens, open space requirements, and zoning.

Mr. Skinner stated staff was recommending approval after carefully reviewing the history and other parameters of the property and application.

Brodie Smith, applicant, on behalf of Thrive Home Builders, property owner, provided a PowerPoint, a copy of which was retained for the record. He provided a history of the builder and stated they focused on environmentally responsible construction and had achieved a number of certifications and awards. He reported all homes met Zero energy Ready Homes standards of the U.S. Department of Energy, and all homes were LEED certified and met Energy Star standards. Mr. Smith stated Thrive tried to incorporate healthy features with building materials and met U.S. EPA Indoor AirPLUS certification standards; further, homes have active radon mitigation systems. He reported they used locally sourced products such as beetle-kill lumber, when available. Mr. Smith reported Thrive had built homes across the Denver metro area. He showed the context of the property with the surrounding community, east of Beeler Street, connecting to Mexico Ave on the north and Colorado Ave to the south and stated it was within walking distance of Cheyenne-Arapaho Park. He noted similar developments nearby, such as, the paired homes built by KB Homes. He noted the surrounding residential and non-residential land uses, by block, in the surrounding neighborhoods. Mr. Smith also showed photographs

and aerial photographs of the property and adjoining areas. He reported Thrive had done clean up on the property since acquiring it from the prior owner, abating zoning violations. He said Thrive made an effort to be a good neighbor. Mr. Smith summarized neighborhood outreach efforts, including meetings with 4SMNA in December 2018 and February 2019 and with two adjacent neighbors in February. He stated there were also email exchanges with neighbors. Mr. Smith explained details on the number of units, number of off-street parking spaces, and open space green courts within the project. He also showed renderings of how the site was proposed to look when built and landscaped. He explained there was an effort to reinforce a buffer, adjacent to neighbors, by using evergreen upright junipers. Mr. Smith stated an existing chain-link fence would be replaced with a wooden privacy fence. He stated the green area was also intended to be an amenity for the residents of the new project. He reported having received approval from the County to use rain gardens rather than detention ponds in order to provide a better face to the streets and neighboring homes, as well as, providing more safety for any children living there. Mr. Smith said the originally proposed driveways were not approved by the Fire District so the plan was to use the additional paving required for firetruck turn-around to serve a purpose within the community and not just be fire access. He explained those areas would be treated aesthetically to make them feel more like a plaza. Mr. Smith said the proposed architecture would include “contemporary farmhouse” and “prairie home” styles. He explained the efforts to use materials and rooflines in an architecturally pleasing way and to create a street presence. He reported the homes would have front porches to tie the homes to outdoor spaces and neighboring homes.

There were discussions about price point, maintenance, open space, guest parking spaces, fire access, and estimated Homeowner’s Association fees.

Ms. Rieck opened the hearing for public comment.

Keith Homberger, E. Mexico Ave, across the street and one house over. He said the neighborhoods in 4SM were so upset at development patterns, and lack of citizen input, that they asked the County to put a subarea plan into place. He said area residents were promised pride of ownership, which they were not getting. He stated densities were a problem for homeowners. Mr. Homberger reported cul de sacs were eliminated; however, now there were homes being built along alleys. He stated the next-door neighbor to the project had ¼-acre lot, and this proposal would put 8 homes facing his lot. He reported the green space next to the lot was a mosquito pond that

took water from Section 8 housing, which problem was not being addressed. He stated the layout of homes along an alley was a bad plan and was contrary to the subarea plan. He asked that the one-to-two units/acre be maintained and that the project be denied. He had no concerns with the applicant, but felt the proposal was not consistent with the plan. He believed the older PDP was better than the new plan.

Owen Bunker, neighbor on the NW side of the property reported he was not present when the original plans were approved. He bought his property in 2008 and he saw the original PDP. He did not like the density. He stated Tammy [former Zoning Administrator] told him the applicant had not been able to move forward with the project and that the project would not be built as approved. He also noted there was no way to know what the landscaping was going to look like in three years. He said at the neighborhood meeting in February, they gave their opinions and instead of having two neighbors, he was now going to have eight neighbors. He stated the site plan did not show the privacy fencing as presented by the applicant; he was losing his privacy. Mr. Bunker reported having just received new tax valuation based on comparables that were outside the area (Mountain View Estates and Uinta) and what was being proposed would not reflect that value. He had never been asked about the homes being proposed. He said they did not resemble the homes on his and others' lots. He stated the walls would be ten feet away and would impact the look and feel of his home. He felt the project manager was not interested in hearing from the neighbors. He said the project manager did not even have a way to write down their comments or their contact information – he had to loan him a pen. Mr. Bunker stated if they were going to change the neighborhood so significantly, they should have reached out directly to neighbors and shared their plans. He did not believe a sign would keep people from parking in the fire lane if there was a party and nowhere else to park. He reported students at the nearby school filled all the street parking; this area will not be available for overflow parking. He said reducing the number of units could help provide a more reasonable ratio of parking, even if they cut back from 16 to 12 units, and the result would look less commercial.

Kim Duleff, E. Colorado Ave, reported that he lived two doors east of the proposed project. His primary concern was parking. He felt it was not realistic to believe people would not have cars. He said people tended to use their garages for storage rather than parking. He was concerned that any visitors for holidays or parties would take up street parking in front of their homes that they had been able to use.

He felt there should be an apron in front of the garages that provided additional parking spaces for two additional cars per home.

Penny Behm, Colorado Ave, said she lived on the other side of street. She concurred with Mr. Duleff's comments on parking. Her other concern was that the homes along the street had a 25-foot setback requirement; whereas, these homes would be built right out to the sidewalk. She reported being limited in her ability to add a porch to her home because of the setback requirement and felt they should have to follow similar rules to adjacent homes.

Tim Behm, Colorado Ave, brought up safety concerns with the original plans. He said the Fire Department realized this would not work well. He said there was also a concern with parking directly from a garage into a street with no apron for improved visibility; these were not alleys. He said ambulance access would have to be from the back of the homes. He stated the bulk planes do not seem to be considered at the ends of the street, with a setback of only ten feet. He said site distances could not be met with those setbacks. Mr. Behm did not believe the drainage was going to work when it rained, given the increase in impervious surface with so many roofs and the amount of hardscape within the project. He said there would be a street with constant access within 7 or 8 feet of an adjoining home. He stated that needed to be rethought to decrease the number of units and increase parking and eliminate the canyon effect that the County used to not allow.

Mahd Sikkal, Colorado Ave, said his concern was with the parking. He was not against the project, but the parking needed to be resolved.

Mark Lampert, 4SMNA, said the area citizens asked for a moratorium for the hot development area, given the high densities going in. He reported the County had hired a consultant. He said the NA worked closely on reviewing land uses. He reported many more people showed up for a public meeting, held at a restaurant, than were invited (250 vs. 75) and it became a shouting forum, which was not working. He said they continued to work as a committee, developed a plan, and contested seven recommendations of staff. He reported the Planning Commission (PC) approved all requests from 4SMNA, rather than staff recommendations. He said the 4SMNA had not taken a formal position on this specific proposal. He said 4SM was looking for responsible development by responsible builders and appreciated the work Thrive had done to clean up the property. Mr. Lampert said the previous owner, Mr. Levin, was very difficult to work with. He stated the plan got through because of work by attorney Mike Sheldon on behalf of Ronnie Levin. He said rain

gardens were preferable to detention ponds; Arapahoe County had been late coming around to this tool, and he was glad to see this being put into use, particularly within a small area. He stated there was never enough parking. He stated Homeowner's Associations needed to mandate that garages were for parking and not for storage. He said the only overflow was on the streets in front of neighboring homes. Mr. Lampert stated 4SMNA did not feel this was a good developer.

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

There were discussions concerning setbacks and old plans not being honored by the new owner. Additional discussions were held concerning constantly changing standards and regulations, building orientation, differences between adjoining zone districts and related requirements, and the purview of the Board of Adjustment. The zoning in relation to the Comprehensive Plan was considered. There were continued discussions concerning nearby projects, compatibility, density, open space percentages, size of the garage aprons on the proposed project, fencing, parking, rooftops and rain gardens, landscape, building heights, fire department requirements and the impact on the development.

The PC entertained motions to approve, to amend, and to deny the case. There were discussions on procedures and potential impacts on moving forward with any of the motions.

Ms. Yeckes noted the PC was in a different position than they had been in the past when they were making a recommendation to the Board of County Commissioners. She explained the PC was making a final decision on the case and a denial would prevent a substantially similar amended plan from being brought back for consideration for a year. She further explained if the PC continued the case for revisions, they might want to talk with the applicant, first, to determine if that was feasible to pursue. She explained, if resulting changes to the plan were significant, the amended application would have to go back out to referral agencies for additional review, and could result in a substantial delay. Ms. Yeckes noted she was not intending to influence whether to approve or deny, but wanted to ensure that the possible actions were understood before a vote was taken.

At the request of a citizen, the PC accepted one additional comment from the public on information he felt was new and engaged in additional discussions on the issue of parking and site layout, as currently proposed.

	<p>Mr. Reynolds recommended a continuance to August 20, 2019, to allow the applicant, staff, and the fire district to talk and bring back additional information to the PC for consideration.</p> <p>It was moved by Ms. Wollman and duly seconded by Ms. Chaffin, in the case of SDP19-001, Paula Dora / B13 / Highline East / Specific Development Plan, to continue the hearing to August 20, 2019 for consideration of information from the applicant, staff, and the fire district prior to a vote.</p> <p>Ms. Rieck, Yes; Ms. Chaffin, Yes; Mr. Miller, Yes; Mr. Sall, Yes; Ms. Latsis; Yes; Ms. Wollman, Yes.</p>
<p>STUDY SESSION ITEMS:</p>	
<p>ITEM 1</p>	<p>Oil and Gas Regulations – Diane Kocis, Energy Specialist</p> <p>Ms. Yeckes announced that the study session would be approximately a half-hour and that two members of the Eastern Arapahoe County Advisory Planning Commission, and a citizen, were in attendance for the study session.</p> <p>Ms. Kocis explained she was giving an update to the PC on SB19-181 that changed some of the roles, authority, and focus of the COGCC with respect to oil and gas development. She provided a PowerPoint presentation, a copy of which was retained for the record.</p>
<p>ADJOURNMENT</p>	<p>There being no further business to come before the Planning Commission, the meeting was adjourned.</p>