



**MINUTES OF THE REGULAR MEETING OF THE
ARAPAHOE COUNTY PLANNING COMMISSION
TUESDAY, AUGUST 20, 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; Randall Miller; and Rodney Brockelman.</p> <p>Also present were: Robert Hill, Senior Asst. County Attorney; Chuck Haskins, Engineering Services Division Manager; Sue Liu, Engineer; Bill Skinner, Senior Planner; Kathleen Hammer, Planner II; Jason Reynolds, Current Planning Program Manager; Jan Yeckes, Planning Division Manager, and members of the public.</p>
CALL TO ORDER	Chair Rieck called the meeting to order at 6:30 p.m. and noted a quorum of the Board was present.
DISCLOSURE MATTERS	There were no Planning Commission member conflicts with the matters before them.
INTRODUCTION OF NEW PLANNING COMMISSIONER	Ms. Rieck introduced and welcomed Rodney Brockelman as a new member of the Planning Commission.
GENERAL BUSINESS ITEMS:	
APPROVAL OF THE MINUTES	<p>The motion was made by Ms. Wollman and duly seconded by Ms. Chaffin to accept the minutes from the August 6, 2019, Planning Commission meeting, as presented.</p> <p>The motion passed unanimously.</p>
REGULAR ITEMS:	
ITEM 1	Case No. SDP19-001, Paula Dora / B13 / Highline East / Specific Development Plan (SDP) – Bill Skinner, Senior Planner, Public Works and Development (PWD)

Jane Rieck, Chair, announced that a public hearing had been conducted on this item on July 16, 2019 and the public comment period had been closed. She asked for clarification on whether new public comments could be accepted this evening.

Mr. Hill stated it would be appropriate to receive additional public comment on any new information presented.

Note: Mr. Brockelman attended the July 16th public hearing and reviewed the staff report for the July 16th meeting, as well as, reviewed the update for the August 20th meeting. The County Attorney determined, prior to the meeting, that Mr. Brockelman had met all requirements to fully participate in the August 20th hearing and cast his vote on the matter.

Mr. Skinner noted written comments received from a neighbor and a response provided by staff. He stated the information had been provided to the Planning Commission (PC). He stated staff also provided a written update on information requested at the July 16th hearing as an addendum to the July 16th staff report.

Brodie Smith, applicant, summarized the questions that had come up at the prior hearing and the additional and/or clarified information requested that provided the basis of the motion to continue action on the application to today's date. He showed a location of the fencing that was a voiced concern. He showed a diagram and explained the building setbacks from the right-of-way and in relation to the public sidewalk. He stated the setbacks applied to Colorado Avenue and Mexico. Mr. Smith provided a summary of parking spaces and a diagram of the parking spaces was shown. He reported the Fire District agreed to allow additional parking on one side of each private driveway with some restricted, which allowed an increase of 18 parking spaces over the previous site plan presented.

Ms. Wollman asked about the turning radius from the garage parking when there were cars parked along the drive.

Mr. Smith specified the number of feet available for backing out of the garage, which met the County standard of 20 feet for backing space.

Ms. Rieck noted additional public comment would be accepted on the three issues addressed in the applicant's presentation; however, the PC would not allow additional public comment on other issues that had been addressed at the prior public hearing.

	<p>Owen Bunker, 9390 E Mexico Ave, asked about the process if he disagreed with the survey information included in the application.</p> <p>Mr. Hill explained the survey was submitted to the County as part of the application; he was unable to provide legal advice in the event there was a property-line dispute.</p> <p>Mr. Skinner asked for some clarification on where the property line, concern occurred.</p> <p>Keith Homberger, 9357 E Mexico Ave, said he could address the question regarding the property line concern. He noted the property lines were based on the centerline of Mexico. He reported the neighborhood dated back to the early 1900's. He explained properties had their property lines shifted, based on the centerline of the road when they developed; however, properties that did not develop had not been adjusted.</p> <p>Mr. Skinner recommended that Mr. Bunker call him later in the week and they could talk with the County surveyor to try to get better answers for him based on County records.</p> <p>Mr. Bunker also had concerns about the new lots/homes being purchased by investors and being turned into rentals.</p> <p>Ms. Rieck stated property ownership was not regulated with the approval.</p> <p>Mr. Bunker stated he was told by a former County employee that the property could not be developed under the Preliminary Development Plan (PDP) if the original owner did not proceed. He stated the PDP was providing the basis of the application, and his concerns were exacerbated by this being eight lots.</p> <p>Mr. Homberger expressed concerns about the density of the proposal.</p> <p>Ms. Rieck noted density on the property had already been set and was not an issue at this hearing.</p> <p>Mr. Homberger stated the previous owner was stealing from his customers and was convicted as a felon. He stated the PC was about to vote on a project that was put into place by a felon who subsequently spent 1.5 years in prison. He discussed the density being set as one-to-two dwelling units (d.u.) per acre and stated that this density was higher than that. He stated that voting to approve the</p>
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application would make a liar out of a former County employee. Mr. Homberger stated his property was developed at two d.u. per acre, so it could be done.

Tim Behm, 9460 E Colorado Ave, requested clarification on the setback from the property line and whether it was measured from the edge of the street.

Mr. Skinner explained the right-of-way (ROW) line was also the property line and that these were defined terms. He explained where the ROW line fell in relation to the sidewalk on the property.

Mr. Behm questioned the ability to park accurately along the private street given each street was a dead end. He believed the driver's side would be adjacent to the curb and landscaping, so people would park too far out to provide adequate backing space from the garages. He also stated there was no sight line provided for pulling out into the street. He had concerns someone may install a fence or trees in the sight triangle. He also felt the issue of trash pick-up and snow storage had not been considered.

Penny Behm, 9460 E Colorado Ave, indicated she did not wish to speak.

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

Mr. Smith indicated where the snow would be stored. He also indicated trash pick-up would be for individual units and centralized dumpsters would not be provided. He stated sight lines would be accommodated. He said they were willing to work with adjoining property owners to come up with a solution.

Ms. Wollman stated sight triangles could not be accommodated with open fencing; they must be open. She stated it would also prevent a community naming monument from being placed. She asked whether that was a concern for this project.

Mr. Smith stated a monument could be placed on the other side, if needed.

Ms. Latsis asked County Engineering Services Manager, Chuck Haskins, about the sight triangle standards that would be applied to the project.

Mr. Haskins stated those would be applied to ensure safe ingress and egress and were usually handled at the time of the Administrative Site Plan (ASP) process. He stated the engineer for the project would need to submit a study to the County as part of the ASP process.

Ms. Chaffin said she understood why zoning stayed with the property; however, she had a hard time accepting a plan, with very little detail, could live on for years after approval, even after the owner who obtained the zoning had sold the property, and that a new owner could develop according to that plan after the vision for the community had changed when the development didn't fit with the times.

Ms. Rieck said she had driven around the area. She noted the Four Square Mile Neighborhoods Association did not take a position on this application. She said there had been a County commitment at the time of the Four Square Mile Plan that prior approvals would not be compromised.

Ms. Chaffin had some additional comments about the idea of "grandfathering" an early PUD approval.

Mr. Skinner noted some considerations were taken into place with the approval of the Four Square Mile Subarea Plan. He explained one consideration was the BOCC put the zoning into place and the Planning Commission put the Comprehensive Plan and subarea plans into place.

Ms. Chaffin commented the zoning allowed "up to" 16 units. She said someone could have brought forward a proposal for fewer units in order to try to better fit with the vision of the area, now reflected in the subarea plan.

Ms. Latsis stated it worked both ways. She noted some owners still had agricultural zoning in areas that were planned for higher density.

Ms. Wollman asked the County attorney to address the certainty that was expected with zoning when people go through that process.

Mr. Hill explained that property rights, established through zoning, ran with the land and did not expire with a change in property ownership. He said, in this case, the zoning was established prior to the adoption of the subarea plan, which was an advisory document. He stated the applicant was not obligated to put in fewer units just because it was an option.

	<p>A citizen spoke up from the audience to state he was told otherwise when he investigated purchasing his own property.</p> <p>Mr. Hill stated he was unable to address what a staff member may have told him a number of years ago.</p> <p>Mr. Reynolds noted the Land Development Code provided review criteria to be used by the Planning Commission in making a decision. He said if the Planning Commission felt those criteria had not been met, they could address that in a motion. He noted staff believed the criteria had been met.</p> <p>It was moved by Ms. Latsis and duly seconded by Mr. Sall, in the case of SDP19-001, Paula Dora / B13 / Highline East / Specific Development Plan, that the Planning Commission reviewed the staff report, including all exhibits and attachments, 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 will revise sidewalks serving more than a single unit to include a minimum width of no less than 5 feet. <p>The vote was:</p> <p>Ms. Rieck, Yes; Ms. Chaffin, Yes; Mr. Miller, Yes; Mr. Sall, Yes; Ms. Latsis; Yes; Ms. Wollman, Yes; Mr. Brockelman, Yes.</p> <p>Mr. Reynolds reviewed the appeal process of an action by the Planning Commission, as outlined in the Land Development Code. He explained the requirements for establishing the basis of the appeal, the distance requirement for affected property owners, the time limits for filing (ten days), and how to submit the appeal. He also noted that an appeal did not guarantee a hearing. He stated the Board of County Commissioners might decide not to hear the case.</p>
<p>ITEM 2</p>	<p>Case No. FDP18-004, Copperleaf Filing No. 14 / Final Development Plan (FDP) – Kathleen Hammer, Planner II, Public Works and Development (PWD)</p>

Ms. Hammer introduced the application and established jurisdiction for the public hearing to proceed. She provided a summary of the application received by the Planning Division and noted use of the property, for a child care center, would also require either a Special Exception Use (SEU) approved by the Board of Adjustment or a Use by Special Review (USR) approved by the Board of County Commissioners. She reported staff determined a USR would be a more appropriate approval process; as a result, a separate application for USR would be going forward to the BOCC with the FDP. Ms. Hammer also noted a related plat application was in process. She stated staff recommended approval with the six conditions outlined in the staff report.

Allison Morgan, NLD Quincy, LLC, applicant, asked whether the Planning Commissioners had any questions before she began her presentation.

Ms. Rieck asked whether the applicant had built any other facilities previously.

Ms. Morgan responded Everbrook Academy had built centers in other locations; however, this was the first one in Colorado. She stated she would like to speak about three design details she had been addressing with staff: 1) the sign detail. She explained an adjoining residential development asked whether the Copperleaf logo could be incorporated. She explained, if that request could be accommodated, it would impact the sign design shown pm the plans; 2) the semi-private fence detail. Ms. Morgan reported the site would need retaining walls on two sides and as a result an alternate fence detail might be needed for safety purposes. She explained that would be finalized prior to BOCC action on the FDP; 3) the standards for lighting would be met at external property lines; however, there were shared driveways between some uses and meeting the lighting for zero light spill would be undesirable at the point of this shared access. She stated this would not impact any residential uses.

There were continued discussions, including a request for an explanation of the topography on the site as it related to the surrounding area.

Ms. Rieck opened the hearing for public comments. There were no public comments. The public hearing was closed.

It was moved by Ms. Wollman and duly seconded by Mr. Miller, in the case of FDP18-004, Copperleaf No. 14 / Parcel M / Everbrook at Copperleaf / Final Development Plan, that the

	<p>Planning Commission reviewed the staff report, including all exhibits and attachments, listened to the applicant’s presentation and any public comment as presented at the hearing. and moved to recommend approval of 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 the plans, the applicant must address Public Works Staff comments and concerns. 2. Approval of Case No. FDP18-004, Copperleaf No. 14 / Final Development Plan is contingent on the approval of Case No. PF18-008, Copperleaf No. 20 / Final Plat. 3. The applicant must meet all of East Cherry Creek Valley and Water Sanitation District requirements. 4. The applicant must meet all of the South Metro Fire Rescue requirements. 5. The applicant must meet all of Tri-County Health Department requirements and receive approval from Tri-County Health Department prior to construction. 6. The applicant shall provide an emergency plan acceptable to emergency services providers prior to Certificate of Occupancy. <p>The vote was:</p> <p>Ms. Rieck, Yes; Ms. Chaffin, Yes; Mr. Miller, Yes; Mr. Sall, Yes; Ms. Latsis; Yes; Ms. Wollman, Yes; Mr. Brockelman, Yes.</p>
<p>ANNOUNCEMENTS / OTHER INFORMATION</p>	<p>Ms. Yeckes welcomed Mr. Brockelman as the newest Planning Commission member who had been recently appointed as a representative of the east county. She also announced that Loretta Daniel would be starting work next week as the new Long Range Planning Program Manager. She reported Ms. Daniel came to the County from the City of Arvada, most recently, and previously worked with the City of Aurora and the Town of Castle Rock. Ms. Yeckes stated Ms. Daniel would be bringing a wealth of experience to the County and would help take the program forward over the next few years. She said Ms. Daniel would attend a future meeting to meet the Planning Commissioners.</p>

	<p>There were discussions about the three hearing dates scheduled for the month of September and it was noted the October 1st meeting was canceled. There were currently no public hearings scheduled for September 3rd. Staff hoped to schedule a training session on the new Land Development Code for one of the dates in September.</p> <p>Ms. Rieck stated she would not be in attendance on the September 24th.</p> <p>Ms. Yeckes stated staff would let the PC know in the next few days whether training would be conducted on September 3rd or the 17th.</p>
ADJOURNMENT	<p>There being no further business to come before the Planning Commission, the meeting was adjourned.</p>