



## Board Summary Report

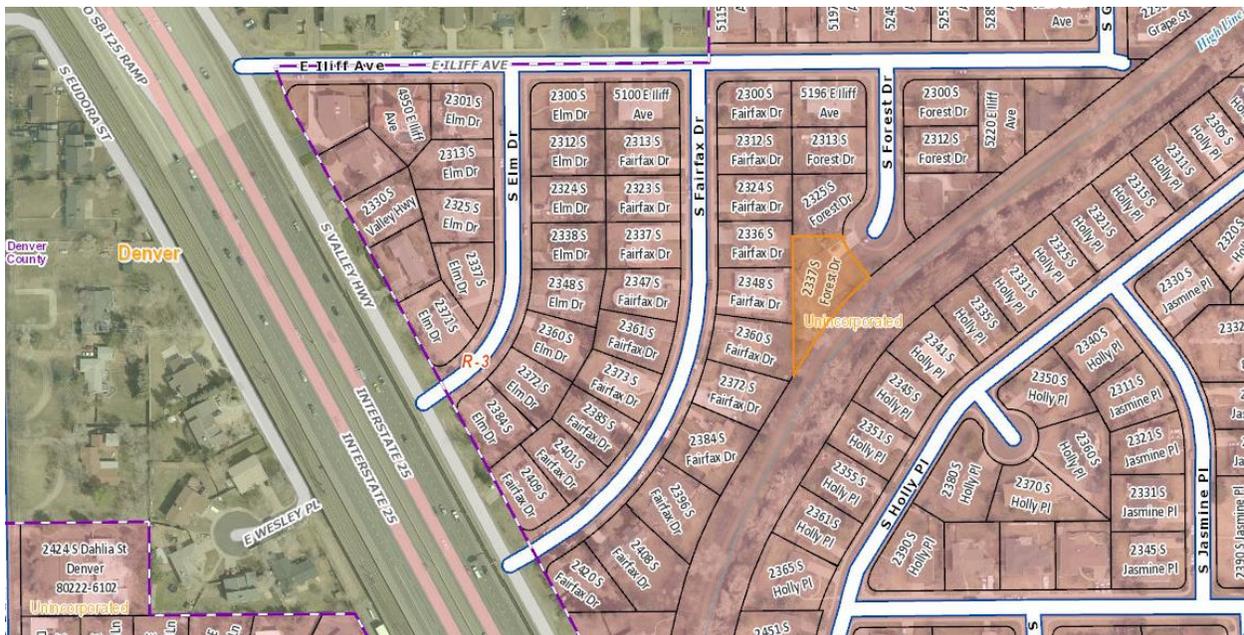
**Date:** July 16, 2020  
**To:** Board of County Commissioners  
**Through:** Jan Yeckes, Planning Division Manager  
**From:** Kelsea Dombrowski, Planner II  
**Subject:** Case No. USR19-001, Serenity House Use by Special Review

### Request and Recommendation

Serenity House Assisted Living is proposing an increase in occupants in an existing Type A Group Home from eight residents to ten residents. The increase to ten residents would make this a Type B Group Home, which requires a Use by Special Review in the R-3 zone district. Based on a review of applicable criteria, staff recommends approval of this Use by Special Review with the conditions of approval included in the Board of County Commissioners Draft Motion.

### Background

Serenity House Assisted Living currently owns and operates the facility located at 2337 S. Forest Drive Denver, CO 80222; the organization has owned the property since 2005. The property is zoned R-3, is 0.318 acres, and is in Commissioner District 1. All properties surrounding the subject property are also zoned R-3. The subject property is highlighted orange below.



The applicant is proposing an increase in older adult residents from eight residents to ten. This increase would transition the home from a Type A Group Home to a Type B Group Home: per the Land Development Code, a Type A Group Home has a maximum number of eight residents. The Type B Group Home classification captures Group Home types not covered by the Type A definition, including those with more than eight residents.

The R-3 zone district requires a Use by Special Review for Type B Group Homes, and the applicant is pursuing the Use by Special Review to increase their resident capacity. There will be no changes to the property: the additional bedroom already exists and the fire district has no objection to the proposed increase in residents. An updated Building Permit for an R4 occupancy is a condition of approval of this Use by Special Review.

### **Links to Align Arapahoe**

This request, if approved, will contribute to the ‘Quality of Life’ for older Arapahoe County citizens by increasing alternative living options for them as they age.

### **Discussion**

Staff review of this application included a comparison of the proposal to policies and goals outlined in the Comprehensive Plan, the Use by Special Review section of the Land Development Code, existing uses, and an analysis of referral comments.

### **Comprehensive Plan**

This property is designated as Urban Residential in the Comprehensive Plan. The Urban Residential description includes ‘Single Family Detached’ as a primary use and describes the Urban Residential Development area as containing primarily residential neighborhood development.

The Urban Residential description also includes support services as a secondary use, and states that the secondary uses are intended to serve the neighborhood and should be developed and operated in harmony with its residential characteristics. The assisted living facility already occupies the existing house, and the property will not be changing. The existing harmony of the use will be maintained with the addition of two residents: residents will not have vehicles and will not increase traffic in the neighborhood, and they will live as part of a managed and programmed household.

This application complies with the following goals and policies of the Comprehensive Plan:

**Goal NL 4:** Ensure a Diversity of Affordable Housing Types to Accommodate All Age Groups, Incomes, Family Sizes and Residents with Special Needs

*The proposal increases housing options for the elderly and offers an opportunity to live in an established residential community.*

**Policy NL 4.1:** Promote a Diversity of Housing Types

*The proposal offers an alternative to nursing homes, living with family, or living alone in older age: assisted living with programming and community aspects.*

**Policy NL 1.3:** Encourage Higher Density Development in New Neighborhoods within the Urban Area

*The proposal increases the density of an established neighborhood without consuming additional land or requiring the addition of new infrastructure.*

Land Development Code – Use by Special Review Requirements

The Land Development Code Chapter 5, Section 3.4 states that a Use by Special Review may be approved upon finding that the application:

1. Recognizes the limitations of existing and planned infrastructure.  
*The application neither proposes nor requires additional infrastructure.*
2. Assures compatibility between the proposed development, surrounding land uses, and the natural environment.  
*The application proposes a modest expansion to an existing use; there will be no increase in building footprint or vehicle traffic in the neighborhood.*
3. Allows for the efficient and adequate provision of public services.  
*The application proposes a continued use that does not impede the provision of public services; the fire district has no objection to the application.*
4. Enhances convenience for the present and future residents of Arapahoe County.  
*The application gives older Arapahoe County residents the opportunity to reside in an established neighborhood near the Highline Canal Trail and other local amenities.*
5. Ensures that public health and safety is adequately protected against natural and man-made hazards, including traffic noise.  
*Existing and future residents of the assisted living facility will not be driving vehicles. No new construction is proposed which eliminates the chance of runoff or other pollution that may come with construction.*
6. Provides for accessibility within the proposed development, and between the development and existing adjacent uses.  
*The application proposes no new impediments to accessibility of the property or surrounding properties or uses.*
7. Minimizes disruption to existing physiographic features.  
*The application proposes no new construction or disturbance of physiographic features.*
8. Ensures that the amenities provided adequately enhance the quality of life in the area.  
*The application seeks to provide increased housing options for older Arapahoe County Citizens, increasing the quality of life for these citizens.*

9. Enhances the useable open spaces in Arapahoe County, and provide sufficient unobstructed open space and recreational area to accommodate a project’s residents and employees.  
*The application proposes no new construction on the property and it would maintain the existing yard along the High Line Canal.*

Referral Comments

Comments received during the Use by Special Review referral process:

<b>Agency</b>	<b>Comment</b>	<b>Applicant Response</b>
Arapahoe County Building	Apply for Building Permit to confirm R4 occupancy requirements in place	Condition of Approval
Arapahoe County Engineering	No topographic or utility exhibits required	Acknowledged
Arapahoe County Mapping	See Plan Set, Documents	Comments addressed
Arapahoe County Planning	See Plan Set, Documents	Comments addressed
Arapahoe County Sheriff	No Comments	NA
Arapahoe County Zoning	No Comments	NA
City and County of Denver	No Response Received	NA
Denver Water	Consult with Hi-Lin Water & Sanitation District; any project on the property is subject to compliance with Denver Water’s rules, regulations, standards, and charges	Acknowledged; consulted with Hi-Lin Water & Sanitation
Hi-Lin Water & Sanitation District	Able to serve increased capacity	Acknowledged
Skyline Fire District	No objection to increase in residents	Acknowledged; will share copy of approval so fire district is aware of occupant change
Tri-County Health Department	Meet state sanitation and food safety requirements; acquire license from CDPHE	Acknowledged; applicant meets state sanitation and food safety requirements. Serenity House Assisted Living has been licensed by CDPHE since 2006 and meets all requirements
Xcel	No apparent conflict	Acknowledged

**Alternatives**

The Board of County Commissioners has alternatives that include the following:

1. Approve the proposed Use by Special Review with Conditions of Approval (as recommended by Planning staff, or with changes).
2. Continue to a date certain for more information.
3. Deny the Use by Special Review.

**Fiscal Impact**

The County would benefit by continuing to collect property tax revenue.

**Concurrence**

The Planning Division and Mapping Group have reviewed the application, and the Arapahoe County Public Works Department is recommending approval of this case as the application complies with Use by Special Review requirements.

**Reviewed By:**

Kelsea Dombrowski, Planner II  
Jason Reynolds, Current Planning Program Manager  
Jan Yeckes, Planning Division Manager  
Bryan Weimer, Director of Public Works and Development  
Todd Weaver, Finance Department  
Robert Hill, Senior Assistant County Attorney

**USR19-001 DRAFT MOTIONS:** Staff has prepared the following motions to assist the Board.

**DRAFT MOTIONS:**

**APPROVE WITH CONDITIONS:** *This action would be consistent with Planning staff recommendation.*

In the case of USR19-001, Serenity House Use by Special Review, the County Commissioners have reviewed the staff report, including all exhibits and attachments, and have listened to the applicant's presentation and any public comment as presented at the public hearing. I hereby move to APPROVE this application based on the findings in the staff report, subject to the following conditions:

1. Prior to signature of the final copy of this use by special review, the applicant must address Public Works Staff comments and concerns.
2. The applicant shall apply for and be issued a Building Permit confirming R4 occupancy requirements are in place per the Building Division's referral comment, and provide evidence of Building Permit approval, prior to the Board Chair's signature on the Use by Special Review.

**Alternative Motions** – The following motions are provided as alternatives to the recommended motion for Conditional Approval:

**DENY:** In the case of USR19-001, Serenity House Use by Special Review, the County Commissioners have reviewed the staff report, including all exhibits and attachments, and have listened to the applicant's presentation and any public comment as presented at the public hearing. I hereby move to DENY this application based on the findings:

- a. *State new or amended findings in support of denial as part of the motion.*
- b. ...

**CONTINUE TO DATE CERTAIN:** In the case of USR19-001, Serenity House Use by Special Review, I move to continue the hearing to [date], 9:30 a.m., at this same location, to obtain additional information and to further consider the information presented.

## USE BY SPECIAL REVIEW

**RESOLUTION NO. [Reso #]** It was moved by Commissioner [Moved] duly seconded by Commissioner [Seconded] to adopt the following Resolution:

WHEREAS, application has been made in accordance with the Arapahoe County Land Development Code by Serenity House Assisted Living for a Use by Special Review (Serenity House Use by Special Review, Case No. USR19-001) for a Type B Group Home as set forth in said application and which is to be located at and operated on that certain property hereinafter described, to-wit:

Lot 13, Block 3, Hi-Lin Subdivision

and

WHEREAS, public notice of hearing before the Board of County Commissioners for Arapahoe County, Colorado was made for a hearing on such proposed Use by Special Review by publication on July 9, 2020 in The Villager Newspaper, a newspaper of general circulation within the Arapahoe County, by posting of said property, and by mail notification of adjacent property owners in accordance with the Arapahoe County Land Development Code; and

WHEREAS, pursuant to applicable law and the Arapahoe County Land Development Code, a public hearing was held before the Board of County Commissioners at the Arapahoe County Administration Building, 5334 South Prince Street, Littleton, Colorado, on the 28th day of July, 2020 at 9:30 o'clock A.M., at which time evidence and testimony were presented to the Board concerning said Use by Special Review request; and

WHEREAS, in addition to the evidence and testimony presented at the public hearing, the administrative record for this Case includes, but is not limited to, all duly adopted County ordinances, resolutions and regulations, together with all Public Works and Development Department processing policies which relate to the subject matter of the public hearing, the staff files and reports of the Planning and Engineering case managers, and the application and all materials submitted therewith; and

WHEREAS, the Board finds that the proposed Use by Special Review complies with the approval criteria found in the Land Development Code; and

WHEREAS, pursuant to the authority vested unto the Board of County Commissioners by Article 28 of Title 30 and Article 20 of Title 29, C.R.S. as amended, , and in accordance with the provisions of the Arapahoe County Land Development Code, the Board has concluded that the public health, safety, convenience and general welfare, as well as good zoning practice, justifies granting the Use by Special Review of the hereinafter described property subject to the conditions precedent and/or stipulations as hereinafter delineated.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County as follows:

1. The Board of County Commissioners for Arapahoe County hereby grants and approves the application for Use by Special Review (Serenity House Use by Special Review, Case No. USR19-001) for the property described in this Resolution, subject to the stipulations and/or conditions precedent as hereinafter delineated.
2. Approval of this Use by Special Review is based upon the following understandings, agreements and/or representations:
  - a) The applicant's assent and/or agreement to make all modifications to the final version of the documents that are necessary to conform the documents to the form and content requirements of the County in existence at the time the documents are submitted for signature.
  - b) The representations, statements and positions contained in the record that were made by or attributed to the applicant and its representatives, including all such statements contained in materials submitted to the Board by the applicant and County staff.
3. Approval of this Use by Special Review shall be and is subject to the following stipulations and/or conditions precedent, which the applicant has accepted and which the applicant is also deemed to accept by preparing a mylar for signature by the Chairman of the Board of County Commissioners within sixty (60) days of this date and by continuing with the development of the property:
  - a) The applicant's compliance with all conditions of approval recommended by the staff case managers in the written staff reports presented to the Board, and any conditions stated by staff on the record.
  - b) The applicant's compliance with all additional conditions of approval stated by the Board, including
    - 1- Prior to signature of the final copy of this Use by Special Review, the applicant must address Public Works Staff comments and concerns; and
    - 2- The applicant shall apply for and be issued a Building Permit confirming R4 occupancy requirements are in place per the Building Division's referral comment, and provide evidence of Building Permit approval, prior to the Board Chair's signature on the Use by Special Review.
  - c) The applicant's performance of all commitments and promises made by the applicant or its representatives and stated to the Board on the record, or contained within the materials submitted to the Board.

4. Upon the applicant's completion of any and all changes to the revised Use by Special Review mylar as may be required by this Resolution, the Chairman of the Board of County Commissioners is hereby authorized to sign same.
5. That the Zoning Map of Arapahoe County shall be and the same is hereby amended to conform to and reflect said change.
6. County planning, engineering and legal staff are authorized to make any changes to the mylar form of the approved document as may be needed to conform the documents to the form and content requirements of the County in existence at the time the documents are submitted for signature, and to make such other changes that are expressly stated by staff before the Board, or are recommended by staff in the written staff reports, or are referred to by the movant Commissioner. No other deviation or variance from the form and content of the documents submitted for the Board's consideration are approved except to the extent stated in this resolution.
7. The County Attorney, with the concurrence of the planning and/or engineering case managers, is authorized to make appropriate modifications to the resolution and plan documents as needed to accurately reflect the matters presented to the Board and to record and clarify, as necessary, other aspects and ramifications of the Board's action.

The vote was:

Commissioner Baker, \_\_\_; Commissioner Conti, \_\_\_; Commissioner Holen, \_\_\_; Commissioner Jackson, \_\_\_; Commissioner Sharpe, \_\_\_.

The Chair declared the motion carried and so ordered.