

**MINUTES OF THE ARAPAHOE COUNTY
BOARD OF COUNTY COMMISSIONERS
TUESDAY, JANUARY 15, 2019**

At a public meeting of the Board of County Commissioners for Arapahoe County, State of Colorado, held at 5334 South Prince Street, Littleton, Colorado 80120 there were:

Jeff Baker, Chair	Commissioner District 3	Present
Kathleen Conti, Chair Pro-Tem	Commissioner District 1	Present
Nancy Sharpe	Commissioner District 2	Present
Nancy Jackson	Commissioner District 4	Present
Bill Holen	Commissioner District 5	Present
Ron Carl	County Attorney	Present
Joan Lopez	Clerk to the Board	Absent and Excused
Joleen Sanchez	Asst. Clerk to the Board	Present

when the following proceedings, among others, were had and done, to-wit:

CALL TO ORDER

Commissioner Baker called the meeting to order.

INTRODUCTIONS

ROLL CALL

PLEDGE OF ALLEGIANCE

MODIFICATION(S) TO THE AGENDA

There were no modifications to the agenda.

ADOPTION OF THE AGENDA

The motion was made by Commissioner Holen and duly seconded by Commissioner Jackson to adopt the Agenda as presented.

The motion passed 5-0.

CITIZEN COMMENT PERIOD

There were no citizen comments on this date.

APPROVAL OF THE MINUTES

The motion was made by Commissioner Holen, duly seconded by Commissioner Conti, to approve the minutes from the December 11, 2018 Public Meeting.

The motion passed unanimously.

The motion was made by Commissioner Conti, duly seconded by Commissioner Sharpe, to approve the minutes from the December 18, 2018 Public Meeting.

The motion passed unanimously.

CEREMONIES

There were no ceremonies on this date.

CONSENT AGENDA

The motion was made by Commissioner Conti, duly seconded by Commissioner Holen, to approve the consent agenda as presented.

The motion passed 5-0.

GENERAL BUSINESS ITEMS

7.a. Resolution No. 190080 - FDP18-003 Copperleaf 19 Final Development Plan

Robert Hill, Senior Assistant County Attorney, established jurisdiction for the Board to consider this application.

Bill Skinner, Senior Planner, presented the details of the request to the Board. He reviewed an additional condition of approval. He stated that the Planning Commission unanimously recommended approval.

Scott Morris, representing the applicant, presented a PowerPoint and explained the plan for 170 units of age restricted apartments. He explained the request for a parking variance. He also clarified that there would only be an indoor pool.

Parking on the site as proposed was reviewed and compared with other similar projects applicant has done in other areas.

Mr. Morris explained why no transportation would be provided and explained that the activities are community driven.

There was discussion regarding the sidewalks. Staff confirmed that constructing sidewalks would be favorable.

The public comment period was opened.

There were no public comments.

The public comment period was closed.

The following motion was made by Commissioner Baker, duly seconded by Commissioner Shape: In the case of FDP18-003 Copperleaf No.19 Final Development Plan, I 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 hearing and 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 these plans, the applicant must address Public Works Staff comments and concerns.
2. Approval of FDP18-003 Copperleaf No.19 Final Development Plan is contingent on the approval of the PAR18-002 Copperleaf No.19 Administrative Replat.
3. Sidewalks on the south side of E Quincy Avenue extending from the west edge of the subject property to the intersection of E Quincy Avenue and Copperleaf Boulevard will be constructed prior to the issuance of a Certificate of Occupancy for improvements shown in this FDP application.
4. Prior to signature of the final copy of these plans, the applicant shall provide proof of agreeable solutions to concerns raised by the following agencies; Xcel Energy, East Cherry Creek Valley Water and Sanitation District, South Metro Fire Protection District.
5. Prior to signature of the final copy of these plans, the applicant must establish cross access easements and/or cross access agreements that provide adequate vehicular/pedestrian access for Copperleaf Filing 19 Lots 1, 2, 3, and 4 to Copperleaf Filing 13, Tract A, E Quincy Avenue, and Copperleaf Boulevard in such locations as are approved by Engineering Services Division. Such Easements shall be established by separate recorded document and shall be delineated on the Plat for Filing 19 as determined and required by the Engineering Services Division.

The motion passed unanimously.

7.b. PM18-004 Main Street Villas Minor Plat and 7.c. SDPZ18-001 Main Street Villas Specific Development Plan

Robert Hill, Senior Assistant County Attorney, established jurisdiction for the Board to consider these cases and said the public hearings for both cases could be combined.

Kathleen Hammer, Planner II, presented the details of the requests to the Board. She explained that cash-in-lieu for land dedication has been revised in the updated conditions of approval, as the applicant has requested that proposed Lot 2 be excluded from the cash-in-lieu requirements. She confirmed that if Lot 2 is developed as a library, no cash-in-lieu will be required.

There was discussion regarding the construction of a sidewalk. There currently are not sidewalks in area of the proposed development. The applicant is opposed to constructing a sidewalk, but would contribute funds towards the construction. The applicant asked that if it turned out that the sidewalk would not be needed and would not be constructed that the funds donated towards construction be returned to the applicant.

There was discussion regarding the maximum building height of 40 feet, as requested by the applicant.

Sarah White, Engineering Services, explained why the curb and gutter requirement was waived, but asked that the developer contribute to future development.

Commissioner Sharpe asked if the height of the building was discussed at the Planning Commission hearing. Ms. Hammer said yes, and explained why staff recommended a height of 35 feet, but the applicant has asked for some flexibility. A rendering of the proposed elevation was distributed to the Board, a copy of which has been retained for the record.

Jennifer Carpenter, representing the applicant, explained the request for a waiver for curb and gutter and sidewalk construction.

The cash-in-lieu reduction was discussed.

Regarding the height, Ms. Carpenter explained why the applicant is asking for flexibility on the building height.

Commissioner Sharpe asked for clarification regarding the cash-in-lieu. Ms. Carpenter explained the request.

There was discussion regarding possible changes to the future use of the property.

Cameron Richards, representing the Arapahoe Library District, stated that the district has been working with the property owner and expects to close on this property. Mr. Richards stated that the district would share the cost of the drainage easement with the applicant.

Linda Spies, Director of Operations for the Arapahoe Library District, talked about the usage of the library and explained the need for more space.

The access between the library and the proposed townhomes was discussed.

There was discussion regarding improvements to Main Street and money set aside in a fund for future improvements.

The public comment period was opened.

There were no public comments.

The public comment period was closed.

Commissioner Jackson proposed that the Board approve the reduction of cash-in-lieu.

Mr. Hill stated that new calculations would be necessary. He said, in regards to the sidewalk, the Technical Review Committee (TRC) felt that the sidewalk was sensible. He recommended that the Board continue these cases to give staff an opportunity to calculate the revised cash-in-lieu and to draft language for the motion.

The motion was made by Commissioner Sharpe to continue Case PM18-004 Main Street Villas Minor Plat and Case SDPZ18-001 Main Street Villas Specific Development Plan to a

date certain of January 29, 2019, and to direct staff to incorporate the applicant's desire to split the cash-in-lieu requirement for the drainage tract A to 50%, and to provide for a contribution for the side walk based on an approved cost estimate and for provision to return the funds to the applicant in 10 years if construction of a sidewalk is not commenced within that time period, duly seconded by Commissioner Jackson.

The public comment period was reopened.

There were no public comments.

The public comment period was not closed.

The motion passed unanimously.

COMMISSIONER COMMENTS

There were no Commissioner Comments on this date.

EXECUTIVE SESSION

The motion was made by Commissioner Baker that the Board go into executive session to receive legal advice regarding an open records request for an HR investigation report pursuant to Section 24-6-402 (4)(b) of the Colorado Revised Statutes, duly seconded by Commissioner Jackson.

The motion passed unanimously.

There being no other business before the Board, Commissioner Baker adjourned the meeting at 10:45 a.m.

ARAPAHOE COUNTY BOARD OF COUNTY COMMISSIONERS

JOAN LOPEZ, CLERK TO THE BOARD

BY JOLEEN SANCHEZ, ASSISTANT CLERK TO THE BOARD