



**MINUTES OF THE REGULAR MEETING OF THE  
ARAPAHOE COUNTY PLANNING COMMISSION  
TUESDAY, JUNE 18, 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 LDC. The following Planning Commission members were in attendance:</p> <p>Jane Rieck, Chair; Richard Sall, Kathryn Latsis, Chair Pro-Tem, Jamie Wollman, and Randall Miller.</p> <p>Also present were: Robert Hill, Senior Asst. County Attorney; Chuck Haskins, Engineering Services Division Manager; Sarah White, Engineer; Bill Skinner, Senior Planner; Kathleen Hammer, Planner II; Jason Reynolds, Current Planning Program Manager; Alan White, Planner/Project Specialist; Jan Yeckes, Planning Division Manager; Don Elliott, Clarion Associates – LDC consultant to Arapahoe County; 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>The motion was made by Ms. Latsis and duly seconded by Ms. Wollman to accept the minutes from the June 4, 2019 Planning Commission meeting, as presented.</b></p> <p><b>The motion passed unanimously.</b></p>
<b>REGULAR ITEMS:</b>	
<p>Ms. Rieck noted the agenda items would be heard out of order.</p>	
<b>ITEM 1</b>	<p><b>CASE NO LDC18-004, LDC (LDC) REORGANIZATION, RESIDENTIAL ZONE DISTRICTS, AND DEVELOPMENT APPLICATION MANUAL – Jason Reynolds, Current Planning Program Manager, Public Works and Development (PWD)</b></p>

Mr. Reynolds introduced the County's proposal to adopt an amendment to the LDC (LDC). He established jurisdiction for the public hearing, noting that an additional notice for this item of countywide impact was provided in the I-70 Scout in addition to The Villager newspapers. Mr. Reynolds gave some history for the reason for updating the organization of the LDC and changes. He explained there were three components under consideration. Mr. Reynolds thanked Alan White, who had spent a great deal of time coordinating much of the effort for County staff. He reported, in large part, the request today was for a change to the form of the code rather than the content of the code. He explained staff was reorganizing what was there before. Mr. Reynolds introduced Don Elliott of Clarion Associates, who was the County's consultant on the LDC update.

Mr. Elliott thanked the Planning Commission (PC) for rearranging the agenda to accommodate his schedule due to weather delays on his incoming flight. He explained the work undertaken and his experience in working with builders, but noted his clients were typically local governments improving their processes for working with land developers and builders. Mr. Elliott noted the "fire" to be addressed for Arapahoe County was the Planned Unit Development (PUD) process, which had already been adopted and put into place. He reported Clarion counseled the County that the next priority should be to get a good and modern format into place; otherwise, other changes were being written to fit into a format that no longer worked and required additional work in the long run. He said a logical order would help to avoid the "add on" system of putting new sections into the code rather than having a place that works for these. Mr. Elliott said an advantage of taking many of the procedural application requirements into a development manual was the time-to-time changes, identified with checklists and requirements, could be addressed without requiring amendments to the overall regulations critical to the content of the LDC. Mr. Elliott explained the major content included in three chapters: Chapter 3 – Permitted Uses, Chapter 4 – Development Standards and Guidelines, and Chapter 5 – Procedures. He reported the "obsolete zone districts" were being removed from the code to avoid confusion over the provision that no new land can be rezoned to those districts. He stated there was also a new section for "common procedures." He explained those included procedures that applied to all applications, such as presubmittal meetings, application intakes, determination of completeness, etc., rather than repeating these throughout the code. Mr. Elliott reported there were seven new chapters; which were outlined and explained as providing the logic behind the code organization. He stated the changes would make the County's code

more consistent with 90% of today's land use codes in use throughout the country.

Mr. Reynolds explained the public outreach process that had been used to discuss the proposed changes with various stakeholders. He reported the new residential zone districts would help provide an option that did not exist in today's codes for single-family homes. He said some of the desires of the Home Builders Association (HBA) were not specifically accommodated. He explained staff felt those specific requests were better addressed through the use of the PUD process, rather than standard zone districts, due to greater potential for impacts to surrounding land uses. Mr. Reynolds reported no specific comments were received on the final draft; however, he did see the HBA had noted this in some minutes to a recent meeting, which indicated their awareness that the County would be proceeding with the changes sent to them.

Mr. Elliott explained the use of a new, comprehensive Permitted Uses table within Chapter 3. He said the table consolidated information from seven chapters. He reported the table addressed permitted uses, uses by special review, special exception uses, temporary uses, and accessory uses. He said use-specific standards were noted in the table – for example, if a use was limited to less than 24 hours/day or retail that was limited to a percentage of an industrial/warehousing/manufacturing use. Mr. Elliott reported Chapter 4 included a development standards and guidelines table that also consolidated information from seven chapters. He stated the table addressed dimensional standards and the chapter included development standards such as lighting, parking, and landscaping. Mr. Elliott reported Chapter 5 included a procedures table that also indicated the point of decision for each process, whether the decision body was staff, Planning Commission, Board of County Commissioners, Board of Adjustment, etc. He said it also indicated whether a public hearing is required. Mr. Elliott reported the tables reorganized and consolidated information into an easily usable format without changing the standards and material already in the LDC. He stated the PC might feel that some of these standards or procedures should change and that would be addressed in future amendments. He said the PC was encouraged to go ahead and adopt the new format, which would help to facilitate the future changes in a way that could be easily explained to the public and to the land development industry professionals.

Mr. Reynolds noted how complex the code was as it discussed public hearings. He reported noticing was also very complex due to the many areas where this was addressed within the code. He stated Alan

White spent many hours researching the code for areas of conflict or duplication. He reported the County Attorney's Office also reviewed whether material was appropriate for the development manual rather than the code. Mr. Reynolds explained the material moved to the development application, such as the Standard Notes text required for various plan types. He also showed an example of a procedures flow chart graphic that was provided to help applicants navigate the code and process. Mr. Reynolds noted the only option in today's code, for a residential lot smaller than one acre for a single-family home, was to use the PUD process, which was cumbersome for standard single-family subdivisions. Mr. Reynolds explained the new districts and how those broke down into lot sizes, ranging from lots as small as 3,600 square feet per lot up to lots up to 39,999 square feet, as well as, an option for lots of 40,000 square feet (just under one acre in size) up to 70,000 square feet. Mr. Reynolds noted some lots allowed setbacks of less than five feet from the property line; however, those lots would require builders to comply with a stricter building code requirement for fire suppression. Mr. Reynolds also explained the relationship between the new, proposed zone districts and existing neighborhoods. He clarified processes that would or would not apply within the new zone districts. He said other changes were to correct inconsistencies in the Subdivision Regulations, eliminate the obsolete residential zone districts, and clarify some definitions and permitted uses and procedures, where those were not clear under the current LDC. Mr. Reynolds explained these included distinctions in processing of agricultural commodities (where those were allowed as part of an agricultural zoning and use vs. where those might require an additional level of approval such a USB) and the procedures for approval for a commercial salt water disposal/injection well, which mirrored the procedure currently being followed. He stated that the PC would be making a recommendation to the Board of County Commissioners on this matter.

There were discussions concerning the changes and the development manual. The PC applauded the changes as a current user of AC's LDC. It was noted integrating requirements for neighborhood meetings into the LDC, for certain types of cases, was being considered by the BOCC currently. Staff and the PC agreed there was value in working through differences prior to going to public hearing.

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

	<p><b>It was moved by Ms. Wollman and duly seconded by Ms. Latsis, in the case of LDC18-004, Reorganized Land Development Code, New Residential Zone Districts and Development Application Manual, that the Planning Commission reviewed the staff report, including all exhibits and attachments and have listened to the applicant’s presentation and the public comment as presented at the hearing and moved to recommend approval of this application based on the findings in the staff report, subject to the following condition:</b></p> <p><b>1. Minor modifications to correct typographical errors, formatting, cross-references and similar minor changes are hereby to be undertaken by staff.</b></p> <p><b>The vote was:</b></p> <p><b>Ms. Rieck, Yes; Mr. Miller, Yes; Mr. Sall, Yes; Ms. Latsis; Yes; Ms. Wollman, Yes.</b></p>
<p><b>ITEM 2</b></p>	<p><b>CASE NO LE18-009, COPPERLEAF DOGPARK / LOCATION AND EXTENT (LE) – Kat Hammer, Planner II, Public Works and Development (PWD)</b></p> <p>Ms. Hammer established jurisdiction for the public hearing. She introduced the application and presented the recommendation for the project.</p> <p>Ryan McBreen, Norris Design, representing the parks and recreation district, reported that a dog park had long been a requested use by the community. He presented a PowerPoint, a copy of which was retained for the record. He stated the proposed dog park would provide separate areas for larger dogs and smaller dogs. He showed the site plan and context with location to the Copperleaf development and noted the dog park would be maintained by Copperleaf Metro District #2.</p> <p>Daniel Frank, clarified the park would be owned by the Metro District, but maintained by the HOA. He explained an agreement was already in place.</p> <p>There were discussions regarding HOA dues, clean-up of dog waste, parking/walkability of the neighborhood, and timing of the request,</p> <p>Ms. Rieck opened the hearing for public comment. There were no public comments. The public hearing was closed.</p>

	<p><b>It was moved by Ms. Latsis and duly seconded by Mr. Sall, in the case of LE18-009, Copperleaf Dog Park / Location and Extent, that the Planning Commission reviewed the staff report, including all exhibits and attachments, and listened to the applicant’s presentation, and any public comments as presented at the hearing, and moved to approve 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 will address all Public Works and Development Staff comments.</b></li> <li><b>2. The dog park will contain appropriate sized signs that clearly identify the owner of the dog park, maintenance responsibility for the dog park and a point of contact for the dog park.</b></li> </ol> <p><b>The vote was:</b></p> <p><b>Ms. Rieck, Yes; Mr. Miller, Yes; Mr. Sall, Yes; Ms. Latsis; Yes; Ms. Wollman, Yes.</b></p>
	<p><b>CASE NO FDP19-001, COPPERLEAF #22 / FINAL DEVELOPMENT PLAN (FDP) – Bill Skinner, Senior Planner, Public Works and Development (PWD)</b></p> <p>Mr. Skinner established jurisdiction for the hearing. He introduced the application and noted that the site was is north and west of the area proposed for a dog park, which the PC just heard. Mr. Skinner reported the site allowed up to 267 homes under the approved Preliminary Development Plan (PDP). He said the application was for 146 homes; and although lower density than what was permitted under the PDP, the development would meet the trend for providing compact development to meet housing demands in the metropolitan area. Mr. Skinner reported one neighboring property owner expressed opposition to the proposed three-story height. He stated the development was below the maximum height established in the PDP. He said the PC would be making a recommendation to the Board of County Commissioners because the project was being processed under the Final Development Plan regulations, which were an option available to the applicant under the Copperleaf Development Agreement.</p> <p>Ryan McBreen, Norris Design, showed a map to provide context for the location of the development on 18.2 acres. He presented a</p>

PowerPoint, a copy of which was retained for the record. Mr. McBreen noted two types of housing within this section of Copperleaf including the smaller, more compact lots proposed, located closer to Quincy, surrounded on three sides by larger, more traditional lots. He reported there would be two access points to the neighborhood. Mr. McBreen showed architectural renderings of the CityScape homes, which were three-story detached units on compact lots. He explained the product had been popular in the metro area. Mr. McBreen addressed compliance of the proposed plan with the LDC.

There were discussions concerning open space, lot configuration and placement in comparison to the traditional homes, building height, alley-loaded homes, orientation, density, square footage in comparison to competitors, and cohesiveness of design.

Mr. Skinner commented some of the appeal of the CityScape homes had been that they were similar to townhomes, but without a shared wall.

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

**It was moved by Ms. Latsis and duly seconded by Mr. Sall, in the case of FDP19-001, Copperleaf No. 22 / Final Development Plan, that the Planning Commission 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 move to recommend approval of the 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 FDP19-001, Copperleaf No. 22 / Final Development Plan is contingent upon the approval of the PF19-002, Copperleaf No. 22 / Final Plat.**
- 3. The developer will install, or cause to be installed, a sidewalk on the south side of E Quincy Avenue that closes the sidewalk gap between Parcel J and the intersection of E Quincy Avenue and South Himalaya Street. Said sidewalks shall be constructed prior to the issuance of a Certificate of Occupancy for improvements shown in the**

	<p><b>FDP19-001, Copperleaf 22 / Final Development Plan application.</b></p> <p><b>4. The developer will install, or cause to be installed a sidewalk on the north side of E Radcliff Parkway crossing the Unnamed Creek and closing the sidewalk gap between the western edge of Parcel J and existing sidewalk installed on the north side of E Radcliff Parkway. Said sidewalks shall be constructed prior to the issuance of a Certificate of Occupancy for improvements shown in the FDP19-001, Copperleaf 22 / Final Development Plan application.</b></p> <p><b>The vote was:</b></p> <p><b>Ms. Rieck, No; Mr. Miller, Yes; Mr. Sall, Yes; Ms. Latsis; Yes; Ms. Wollman, Yes.</b></p>
<p><b>ITEM 4</b></p>	<p><b>CASE NO EE19-044, MS4 PERMIT UPDATES – Sarah White, Engineer, Public Works and Development (PWD)</b></p> <p>Ms. White presented the County application to amend changes to engineering requirements related to the “MS4” (Municipal Separate Storm Sewer System) Permit. She presented a PowerPoint, a copy of which was retained for the record. Ms. White explained every five years, the Colorado Department of Public Health and Environment (CDPHE) reissued the MS4 permit and number of County processes related to the permit. She outlined the five elements affected and the various changes that would be implemented with the proposed changes. Ms. White reported the County had been working with the South East Metro Stormwater Authority (SEMSWA) to effect these changes. She stated the Planning Commission would be making a recommendation to the Board of County Commissioners on the matter.</p> <p>Ms. Latsis commented that she is glad to see there were now more options than detention facilities.</p> <p><b>It was moved by Ms. Wollman and duly seconded by Mr. Sall, in the case of EE19-044, Stormwater Management Manual (SMM), that the Planning Commission found themselves in agreement with staff findings one (1) through three (3), including all attachments as set forth in the staff report dated June 12, 2019 and recommended approval to the Board of County Commissioners, subject to the following conditions:</b></p>

	<p><b>1. All minor modifications to the text are required prior to final adoption.</b></p> <p><b>2. The updated Stormwater Management Manual will be effective on July 1, 2019.</b></p> <p><b>The vote was:</b></p> <p><b>Ms. Rieck, Yes; Mr. Miller, Yes; Mr. Sall, Yes; Ms. Latsis, Yes; Ms. Wollman, Yes.</b></p>
<b>ANNOUNCEMENTS</b>	Mr. Reynolds noted the information he planned to address on the proposed public meeting process, for land use cases, had been addressed during the LDC public hearing.
<b>ADJOURNMENT</b>	There being no further business to come before the Planning Commission, the meeting was adjourned.