



Arapahoe County

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Board Summary Report

File #: 25-366

Agenda Date: 7/8/2025

Agenda #: 6.a.

To: Board of County Commissioners

Through: Bryan Weimer, Director, Public Works and Development

Prepared By:

Molly Orkild-Larson, Principal Planner, Public Works and Development

Presenter: Molly Orkild-Larson, Principal Planner, Public Works and Development

Subject:

PM22-006-Arcadia Creek Subdivision Filing No. 1 - Minor Subdivision

Purpose and Request:

The applicant, Arcadia Creek, LLC, is seeking approval to subdivide a 1.92-acre parcel into two single-family lots with a minimum lot size of 20,000 square feet. The proposed lots are located in Arapahoe County and are part of a gated 55+ age-restricted development situated in both Jefferson and Arapahoe Counties. The Arcadia Creek development will consist of 25 detached single-family homes, 23 in Jefferson County and two in Arapahoe County. Access to this development will be from W. Leawood Drive (in Jefferson County) and W. Christensen Lane (in Arapahoe County). Access to W. Leawood Drive is an important feature; in the event of flooding, the proposed lots would have egress through Jefferson County. A 20-foot-wide private drive within the subject parcel will connect W. Christensen Lane to the project's development within Jefferson County.

Background and Discussion: The parcel was zoned R-2 in August 1961. A single-family residence was located on the south portion of the property but was demolished in 2024. A private drive off W. Christensen Lane transects the site, providing access to the Jefferson County portion of the property to the west and a single-family residential home built in 2015 on Lot 1 of the Fox Hollow - Filing 2 (5090 W. Christensen Lane). This residence can use the existing private drive on the subject property through an access easement. Coon Creek bisects the parcel from the northwest to the southeast and flows under the existing private drive and continues into the Fox Hollow development to the east. This creek connects to Dutch Creek near the southeast property line of the Fox Hollow subdivision. The applicant proposes to improve the private drive and install a new culvert to accommodate the flows of Coon Creek.

W. Christensen Lane is approximately 3,360 linear feet long, commencing at S. Platte Canyon Road and extending west to the Arapahoe/Jefferson County line. The road features a locked fire access gate at the county line, preventing vehicular traffic from crossing to or from W. Leawood Drive in Jefferson County. W. Christensen Lane is paved from S. Platte Canyon Road to the entrance of the Fox Hollow subdivision (W. Christensen Drive), with the remaining 1,200 feet consisting of asphalt crusher fines. West of W. Christensen Drive, W. Christensen Lane varies in width and parcel ownership. Access, as well as maintenance responsibilities, have been defined by the courts and private agreements. For this portion of the road, the maximum width is 30.5 feet. The applicant is proposing to improve this section of W. Christensen Lane from the county line east to the entrance of the Fox Hollow development; a locked fire gate will remain in place, restricting access from Leawood.

The applicant asserts that he can legally use W. Christensen Lane. This is based on the July 13, 2020, Arapahoe District Court ruling that the applicant has the right to access this road and has "unrestricted and unlimited permanent rights of ingress and egress through W. Christensen Lane" (see attached document). The Jefferson County Board of County Commissioners has reviewed and approved the Official Development Plan (a document that identifies the property's standards - uses, setbacks, heights) and the Final Plat for the portion of the Arcadia Creek development in Jefferson County. The applicant is finalizing the final plat documents for resubmittal to Jefferson County.

The Planning Commission held a public hearing on this matter on March 18, 2025. Approximately 50 members of the public provided comments. The Planning Commission voted 5-2 to recommend approval of the plat; the two dissenting voters chose not to state why they were not in support. A condition of approval has been added (Condition #7) since the Planning Commission hearing. This condition addresses the public's concern about the proposed 55+ year old restricted community changing to a development for all ages, which would generate additional daily vehicle trips on W. Christensen Lane. This condition of approval requires that this development remain age-restricted.

Fiscal Impact: No fiscal impacts are anticipated at this time.

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

1. Approve the proposed Minor Subdivision with Conditions of Approval as recommended by staff or with changes.
2. Continue to a date certain for more information.
3. Deny the Minor Subdivision.

Alignment with Strategic Plan:

- ☐ Be fiscally sustainable
- ☒ Provide essential and mandated service
- ☐ Be community-focused

Staff Recommendation: Considering the findings and other information provided herein, staff recommends approval of Case No. PM22-006 Arcadia Creek Subdivision Filing No. 1, with the following conditions of approval:

1. Prior to the signature of the final copy of these plans, the applicant will address all Public Works and Development Staff comments.
2. Prior to recording the final plat, the applicant shall pay a total cash-in-lieu fee of \$3,092.00. This cash-in-lieu fee shall be distributed as follows: Littleton School District: \$1,612.00; Public Parks: \$1,420.80; and Other Public Purposes: \$59.20.
3. The improvements to West Christensen Lane required to be constructed by the County Engineering Services Division and under County Standards or as approved by the Technical Review Committee for adequate access to the subdivision must be built within the surveyed bounds of the Lane as described in the Court Orders from *Jefferson Bank and Trust v. Russell, et al.*, Arapahoe County District Court Case No. 92CV2564 and in *Arcadia Creek LLC v. Absher, et al.*, Arapahoe County District Court Case No.2019CV31104, recognizing multiple rights of egress and ingress, and shall be constructed so as not to interfere with the use of existing recorded easements across, along or within West Christensen Lane.
4. Applicant shall develop a common maintenance agreement or otherwise provide for an agreed maintenance plan, as contemplated and required under the Arapahoe County Infrastructure Design and Construction Standards for private roads, with Fox Hollow HOA holding rights of egress and ingress under the Court Order in *Jefferson Bank and Trust v. Russell, et al.*, Arapahoe County District Court Case No.92CV2564. No building permits will be issued until such agreement or plan has been approved by County staff.
5. All approved improvements to the “Driveway” for access shall be installed within the confines of the “Driveway” as defined in the Stipulated Quiet Title Decree in *Laguna Builders, Inc., et al. v. Wieder, et al.*, Case No.94CV2094, unless otherwise agreed with the servient estate property owner as defined in said Decree.
6. Christensen Lane shall not be used for construction access.

7. The applicant shall cause the entirety of the Arcadia Creek Subdivision to at all times be an age restricted community for persons aged fifty-five and older (55+) consistent with, and as defined by, Public Law 104-76 - Housing Of Older Persons Act of 1995 (as may be amended) and as further set forth at 42 U.S.C. § 3607(b) (as may be amended) and at all times compliant with the same.

Concurrence: The Public Works and Development Planning and Engineering Services Divisions have reviewed the application, and the Arapahoe County Public Works and Development Department is recommending approval of this case. The Planning Commission recommended approval of this minor subdivision on a 5-2 vote at their March 18, 2025, public hearing. The Commissioners that voted “no” did not provide an explanation for their vote.

Suggestion Motion(s): Draft Motions have been included as an attachment to the Board Summary Report.

Resolution: A draft resolution is attached to this report.