

**MINUTES OF THE REGULAR MEETING OF THE
ARAPAHOE COUNTY PLANNING COMMISSION
TUESDAY, DECEMBER 14, 2021**

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>Kathryn Latsis, Chair; Jamie Wollman, Chair Pro-Tem; Rodney Brockelman, Randall Miller, Jane Rieck, Richard Sall and Lynn Sauve.</p> <p>Also present were: Robert Hill, Senior Asst. County Attorney; Chuck Haskins, Engineering Services Division Manager; Sue Liu, Engineer; Kathleen Hammer, Senior Planner; Jason Reynolds, Current Planning Program Manager and Interim Planning Division Manager; and members of the public.</p>
CALL TO ORDER	<p>Ms. Latsis called the meeting to order at 6:30 p.m. and noted a quorum of the Board was present.</p> <p>This meeting was held in person and through the Granicus Live Manager platform with telephone call-in for public participation in public hearing items.</p> <p>Mr. Reynolds explained the format of the meeting and how the public could provide public comment.</p>
DISCLOSURE MATTERS	<p>There were no Planning Commission member conflicts with the matters before them.</p>
GENERAL BUSINESS ITEMS:	
APPROVAL OF THE MINUTES	<p>The motion was made by Ms. Wollman and duly seconded by Mr. Brockelman to accept the minutes from the November 16, 2021 Planning Commission meeting, as presented.</p> <p>The motion passed unanimously.</p>
APPROVAL OF THE PLANNING COMMISSION MEETING CALENDAR FOR 2022	<p>The motion was made by Ms. Sauve and duly seconded by Ms. Rieck to approve the Planning Commission Meeting Calendar for 2022, as presented.</p> <p>The vote was:</p>

	<p>Ms. Rieck, Yes; Ms. Sauve, Yes; Mr. Miller, Yes; Mr. Sall, Yes; Ms. Latsis; Yes; Ms. Wollman, Yes, Mr. Brockelman, Yes.</p>
<p>APPROVAL OF THE PLANNING COMMISSION AGENDA POSTING LOCATION</p>	<p>The motion was made by Ms. Wollman and duly seconded by Mr. Miller to approve the proposed location of the Planning Commission Meeting Agenda for 2022, as presented.</p> <p>The vote was:</p> <p>Ms. Rieck, Yes; Ms. Sauve, Yes; Mr. Miller, Yes; Mr. Sall, Yes; Ms. Latsis; Yes; Ms. Wollman, Yes, Mr. Brockelman, Yes.</p>
<p>REGULAR ITEMS:</p>	
<p>ITEM 1</p>	<p>CASE NO LE21-005, SKY RANCH CHARTER SCHOOL / LOCATION AND EXTENT (LE) – KAT HAMMER, SENIOR PLANNER; PUBLIC WORKS AND DEVELOPMENT (PWD)</p> <p>Ms. Hammer stated the case had been properly noticed; therefore, the Planning Commission (PC) had jurisdiction to proceed. She provided a summary of the proposed project before introducing the applicant.</p> <p>Mark Harding, PCY Holdings, LLC, applicant, presented a PowerPoint, a copy of which was retained for the record. He provided an overview of the project on behalf of Sky Ranch Charter School and National Heritage Academies, Inc for the project and asked for a positive recommendation.</p> <p>There were discussions concerning the method for expanding the K-8 facility to allow time to build the high school and what building materials would be used to help mitigate potential noise issues:</p> <p>Mr. Brockelman asked if this would be built out in phases and if a bond issue would be required to build out the high school.</p> <p>Mr. Harding responded that the school would start with grades K-7 and each year a grade would be added until the oldest class was high school age. He reported the elementary school had capacity to house the kids through middle school until the high school was built. Mr. Harding stated o bond issue would be required to build the high school.</p>

Ms. Wollman inquired about sound mitigation materials in the phased build out.

Mr. Harding explained that decibel level standard was met through double-paned windows, enhanced doors and insulation, and air-conditioning design metrics that will be employed in all homebuilding in the area and also in commercial construction. He stated climate also necessitated that LEED building standards were employed in Colorado as a standard in general.

Ms. Latsis opened the hearing for public comments.

Ms. Rachel Gruber, Acting Senior Director of Government Affairs at Denver International Airport (formerly DIA now DEN), offered an objection to the proposed location of Sky Ranch Academy. She noted the expected 300 overflights per day would contribute to increased annoyance in the airport influence contour, especially for those engaged in outdoor school activities. She reported that DEN had the capacity for 6 additional runways and the development was planned for commencement within the next ten years. Ms. Gruber stated that would increase the number of flights over time and would add to extreme annoyance to the expected increase in noise frequency in the future. She noted DEN would like to be a part of school development going forward, but highlighted that as schools were an especially sensitive land use, with respect to aircraft noise, DEN was recommending the project be denied.

Ms. Sauve asked why there had been a delay in DEN making this recommendation.

Ms. Gruber responded that comments were significantly late in the process as they were submitted yesterday due to internal changes in her organization.

Ms. Wollman asked how many complaints DEN had received from the 500 residents in the Sky Ranch development area. She reminded those present that aircraft noise was a part of what was expected for any resident who purchased property in an airport influence area.

Ms. Gruber stated she would research and provide information to the PC about the number of complaints specific to Sky Ranch residents to date; however, she also stated that litigation was still possible from residents who had lived in the area even after 20 years, especially with the planned increase of runways to be built at DEN.

Ms. Latsis inquired if DEN had followed the Master Plan process that started in 2004 and asked where have DEN been during the development proceedings that had occurred since 2004.

Ms. Gruber recognized that DEN should have been involved before yesterday given the amount of development that had taken place up to this point. She stated that DEN would like to be more of a partner in the future.

Ms. Sauve asked staff why the BOCC had heard this case at their meeting this morning and PC was hearing it tonight.

Ms. Hammer responded that the BOCC had heard a subdivision plat case to create lot lines in the area, which did not require a PC recommendation to BOCC. She stated that the PC was hearing a site plan case tonight, which was a completely separate application and was why the order of meetings seemed backward.

Ms. Wollman asked the applicant if the Bennett School District had voiced any concerns during the process about potential noise problems during the day when their students would be in class.

Mr. Harding replied that they had not ever voiced concerns from 2010 to present. He commented that it was *very* surprising that DEN was just now coming out against the project, after \$100 million in development had already occurred.

Mr. Miller asked about noise contours in the development plan with respect to the current school site.

Ms. Wollman asked if the noise contours were the same in the original site and the current site.

Mr. Harding replied that the site was moved to allow school drop off and pick up traffic to flow more easily; however, the noise contours in each location were the same.

It was moved by Ms. Wollman and duly seconded by Mr. Brockelman, in the case of LE21-005, Sky Ranch Charter School / Location And Extent, that the Planning Commission recommended Arapahoe County Public Works and Development work with the applicant to process any required engineering permits and that the Planning Commission did not request the Bennett School District Board of Education to conduct a public hearing on the proposal.

	<p>The vote was:</p> <p>Ms. Rieck, Yes; Ms. Sauve, Yes; Mr. Miller, Yes; Mr. Sall, Yes; Ms. Latsis; Yes; Ms. Wollman, Yes, Mr. Brockelman, Yes.</p>
<p>STUDY SESSION ITEMS:</p>	
<p>ITEM 1</p>	<p>PLANNING COMMISSION TRAINING, ROBERT HILL, ASSISTANT COUNTY ATTORNEY; JASON REYNOLDS, INTERIM PLANNING DIVISION MANAGER, PUBLIC WORKS AND DEVELOPMENT (PWD)</p> <p>Mr. Hill presented a handout of C.R.S.A § 24-18-109 Rules of conduct for local government officials and employees, a copy of which was retained for the record.</p> <p>The discussions primarily centered on recusal protocol and quasi-jurisdictional matters that could and could not be discussed outside of formally recorded meetings, and included the following key topics:</p> <ul style="list-style-type: none"> • It was determined that a personal financial interest in a project was the primary reason for recusal. • It was proposed that an interview question for new commissioners should be added to ascertain a candidate’s reason for applying to be a commissioner. • It was stated that LDC Amendment discussions could occur outside of a formal meeting; however, Land Use Applications had the potential for influence and should not be discussed outside of a formal meeting. • All members of the Planning Commission, staff, and applicants should remember to state their name <i>every</i> time they speak even though this would be awkward to the flow of conversation and would slightly lengthen the proceedings. Announcing speakers would ensure that the Recording Secretary and the public, who may be listening to the meeting record, could identify the speaker at all times.
<p>ANNOUNCEMENTS AND QUESTIONS</p>	<p>Mr. Reynolds announced that Centennial’s PC had approved <i>The Landing at Lima</i> live/work project just north of Arapahoe County’s Lima Plaza offices. He stated construction off the project was slated to begin in early 2022.</p>
<p>ADJOURNMENT</p>	<p>There being no further business to come before the Planning Commission, the meeting was adjourned.</p>

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