

**MINUTES OF THE REGULAR MEETING OF THE  
ARAPAHOE COUNTY PLANNING COMMISSION  
TUESDAY, NOVEMBER 19, 2024**

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| <b>ATTENDANCE</b>            | <p>A regular meeting of the Arapahoe County Planning Commission (PC) was called and held in accordance with the statutes of the State of Colorado and the Arapahoe County Land Development Code.</p> <p>The following Planning Commission members were in attendance: Kathryn Latsis; Randall Miller; Dave Mohrhaus, Chair Pro-Tem; Richard Sall; and Lynn Sauve, Chair.</p> <p>Also, present were Robert Hill, Senior Assistant County Attorney; Jason Reynolds, Planning Division Manager; Ava Pecherzewski, Development Review Planning Manager (moderator); Molly Orkild-Larson, Principal Planner; Emily Gonzalez, Engineer; and Kim Lynch, Planning Technician.</p>   |
| <b>CALL TO ORDER</b>         | <p>Ms. Sauve called the meeting to order at 6:30 p.m. and roll was called. The meeting was held in person and through the Granicus Live Manager platform with telephone call-in for staff members and public.</p>   |
| <b>PUBLIC HEARING ITEMS:</b> |   |
| <b>ITEM 1</b>                | <p><b>CASE NO. SDP24-001 AND PP24-001, COPPERLEAF COMMERCIAL / SPECIFIC DEVELOPMENT PLAN (SDP) AND PRELIMINARY PLAT (PP) – MOLLY ORKILD-LARSON, PRINCIPAL PLANNER AND EMILY GONZALEZ, ENGINEER – PUBLIC WORKS AND DEVELOPMENT (PWD)</b></p> <p>Ms. Sauve asked the County Attorney if the PC had jurisdiction to proceed. Mr. Hill said that Case No. SDP24-001 AND PP24-001 had both been properly noticed and the PC had jurisdiction to proceed.</p> <p>Ms. Orkild-Larson said the proposed subdivision was located on the southeast corner of E. Quincy Ave. and Copperleaf Blvd. and was zoned Mixed Use (MU). She stated the applicant Quincy West 30 LLC was seeking approval to subdivide a 32.2-acre parcel into lots (also labeled at pads), tracts, and road right-of-way dedications where the lots ranged in size from 0.699 to 11.39 acres. She explained the lots would be developed for commercial uses including retail, office, and neighborhood services, and the tracts had been designated for utilities, drainage, and landscaping. She added the landscaping within the public road rights-of-way and tracts were to be installed by the developer and landscaping on the lots would be completed by the individual owners. She described how the subject property was in Use Area M, Parcel M-4/Towne Centre 1, and was approved with the original Copperleaf Preliminary Development Plan (Z13-003). She detailed how the zoning allowed a wide variety of retail, commercial, and neighborhood services, most of which were brought forward in the table of uses in the site’s associated General Development Plan (GDP23-001) that was approved in the Fall of 2023 and were also proposed here in the SDP. She confirmed that the</p> |

Preliminary Plat (PP24-001) and Final Plat (PF24-003) applications were also running concurrently with this application. She reported Staff had visited the site and reviewed the plans, supporting documentation, referral comments, and citizen input in response to this application based on the review of applicable policies and goals, as set forth in the Comp Plan, review of the development regulations and analysis of referral comments, findings included:

1. SDP conformed to the overall goals and intent of the Arapahoe County Comprehensive Plan regarding the policies set forth in those plans.
2. SDP was consistent with development standards enumerated in the Arapahoe County Land Development Code (LDC).
3. SDP complied with the process and requirements outlined in Section 5-3.3 Planned Unit Development (PUD) of the Arapahoe County LDC.
4. SDP complied with the General Development Plan (GDP23-001).
5. PP generally conformed to the Arapahoe County Comprehensive Plan.
6. PP complied with the General Submittal Requirements contained in Section 2-15 enumerated in the Arapahoe County Development Application Manual.
7. PP complied with the Approval Standards contained in Section 5-6.2.B enumerated in the Arapahoe County Land Development Code.

She concluded, considering these findings and other information provided herein, that staff recommended approval.

Mr. Aaron McClean of Galloway reported on the grocery-anchored shopping center with associated commercial, retail, and office. He demonstrated the King Soopers site plan that was currently under review. He added that additional tenants proposing to fill in the existing pads on the preliminary plat were PNC Bank, Black Rock Coffee, and Advent Health.

Ms. Sauve opened the hearing for public comments. There was one member of the public present who spoke in favor of the commercial development, especially the proposed King Sooper grocery site development and there were no callers. The public hearing was closed.

There was discussion around the deceleration and acceleration lanes on Versailles and Quincy. Mr. McClean verified the deceleration lane on Versailles was under development with their Engineering group now. Ms. Gonzales, of Arapahoe County Engineering Services Division, explained the Quincy acceleration lane was determined to be unnecessary by the Traffic Study and was no longer part of the project.

**The motion was made by Mr. Mohrhaus and duly seconded by Ms. Latsis, in the case of PP24-001, Copperleaf Filing No. 31 Preliminary Plat, 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 recommend approval of this application based on the findings in the staff report, subject to the following condition:**

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|                      | <p><b>1. Prior to the signature of the final copy of these plans, the applicant will address all Public Works and Development Staff comments.</b></p> <p><b>The vote was:</b></p> <p><b>Mr. Brockelman, Absent; Ms. Howe, Absent; Ms. Latsis, Yes; Mr. Miller, Yes; Mr. Mohrhaus, Yes; Mr. Sall, Yes; Ms. Sauve, Yes.</b></p> <p><b>The motion was then made by Ms. Latsis and duly seconded by Mr. Mohrhaus, in the case of SDP24-001 Copperleaf Commercial Development Specific Development Plan, I have 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 hereby move to approve this application based on the findings in the staff report, subject to the following condition:</b></p> <p><b>1. Prior to signature of the final copy of these plans, the applicant will address all Public Works and Development Staff comments.</b></p> <p><b>The vote was:</b></p> <p><b>Mr. Brockelman, Absent; Ms. Howe, Absent; Ms. Latsis, Yes; Mr. Miller, Yes; Mr. Mohrhaus, Yes; Mr. Sall, Yes; Ms. Sauve, Yes.</b></p>  |
| <p><b>ITEM 2</b></p> | <p><b>CASE NO. LDC24-006, NATURAL MEDICINE / LAND DEVELOPMENT CODE (LDC) AMENDMENT – JASON REYNOLDS, PLANNING DIVISION MANAGER – PUBLIC WORKS AND DEVELOPMENT (PWD)</b></p> <p>Ms. Sauve asked the County Attorney if the PC had jurisdiction to proceed. Mr. Hill said that Case No. LDC24-006 had been properly noticed and the PC had jurisdiction to proceed.</p> <p>Mr. Reynolds stated this county-initiated project proposed amending the Land Development Code (LDC) to incorporate rules for natural medicine based on the Colorado Voter approved Proposition 122 and the recent Colorado Senate Bill 23-290, which included psilocybin. He said the proposed changes would allow natural medicine businesses in many commercial and industrial zone districts, subject to buffer requirements around schools and childcare facilities. He affirmed the rules also proposed limiting in-home cultivation to no more than a 12-foot by 12-foot area and the State allowed local jurisdictions to increase that area but not decrease it. He confirmed the state would begin issuing natural medicine licenses at the beginning of 2025 and iterated the hope to have Arapahoe County regulations in place by then.</p> <p>Ms. Sauve opened the hearing for public comments. Three members of the public present spoke and there were no callers. One of the speakers spoke of the healing and behavioral help that ingesting these medicines provided and how they increased of quality of life and ability to work. Another spoke of the clinical value of natural medicines especially at the end of life in a palliative care setting. One</p> |

speaker was opposed based on the danger to children and youth and recommended zoning be considered carefully for the clinical setting licensing portion of these regulations. The public hearing was closed.

There was discussion around the following questions or concerns:

- Where would the therapy facilities be located? Would there be outdoor medical therapeutic spaces?
- What happens if we delay a recommendation on these amendments?
- Could medicines used in facilities be removed from the healing centers?
- How would the medicines that were for personal use be handled?
- Where did the 1,000-foot buffer zone originate? Must the County accept this distance? Could we be more restrictive with setbacks?

Mr. Reynolds described an office environment setting for therapy facilities and agreed there could be outdoor spaces where clinically supervised therapies might take place such as a garden and/or courtyard area of the proposed office or industrial zoning recommendation for these facilities, but that barriers and signage would be required to meet clinical liability standards. He confirmed that a delay in establishing zoning for these facilities would result in not having any zoning in place for these medicines or clinics and there was the potential for State licensing to be incompatible as the legislation did not give counties any power to issue these licenses. He reiterated that as was heard in the public comment the rule that medicines could not be removed from their facility was changing and that house calls could be made to administer these, especially in the case of palliative care. He affirmed that the state granted personal use and the ability to grow the medicines in the home by individuals and this would not be regulated by the County as was the case with marijuana for personal use. He said the 1,000-foot buffer zone came from the State. He explained this was from the door of a healing center to the door of a childcare or school facility and not as the crow flies. He stated that any decrease in the setback would be a legal decision.

Mr. Mohrhaus was supportive of this regulation and of getting the office and industrial zoning in place before the end of the year. Mr. Miller expressed his concern about health and safety for the eastern county public.

**The motion was made by Mr. Mohrhaus and duly seconded by Mr. Sall, in the case of LDC23-006, Natural Medicine regulation, Land Development Code Amendment, I have reviewed the staff report, including all exhibits and attachments, and have listened to the presentation and any public comment as presented at the hearing and hereby move to recommend approval of the proposed amendments to the Land Development Code, subject to the following stipulation:**

- 1. That Staff, with the approval of the County Attorney, may correct typographical errors and make such revisions to the Code amendment as are necessary to incorporate the approved amendment into the Land Development Code for publication.**

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|                      | <p><b>The vote was:</b></p> <p><b>Mr. Brockelman, Absent; Ms. Howe, Absent; Ms. Latsis, Yes; Mr. Miller, No; Mr. Mohrhaus, Yes; Mr. Sall, Yes; Ms. Sauve, Yes.</b></p>   |
| <p><b>ITEM 3</b></p> | <p><b>CASE NO LDC24-008, COMMERCIAL USE OF PUBLIC WAYS / LAND DEVELOPMENT CODE (LDC) AMD - JASON REYNOLDS, PLANNING DIVISION MANAGER – PUBLIC WORKS AND DEVELOPMENT (PWD)</b></p> <p>Ms. Sauve asked the County Attorney if the PC had jurisdiction to proceed. Mr. Hill said that Case No. LDC24-008 had been properly noticed and the PC had jurisdiction to proceed.</p> <p>Mr. Reynolds stated this county-initiated project proposed amending the LDC to prohibit commercial uses in public ways. He described several areas of Arapahoe County that were experiencing problems related to the commercial use of public right-of-way: including car repair activities, storage of wrecked and/or unregistered vehicles, storage of oversized commercial vehicles and trailers, storage of materials related to commercial activities, and auto sales. He said the BOCC had approved Ordinance 2024-02, which addressed many of the parking issues by prohibiting auto repair in the right-of-way, prohibiting oversized commercial vehicles from residential areas, allowing additional staff to issue parking citations, prohibiting parking in bicycle lanes, providing rules for towing vehicles, and increasing parking fines from \$22 to \$150. He reported the parking ordinance would be effective on January 1, 2025. He explained that while the ordinance addressed ticketing individual vehicles the ordinance did not address the businesses engaged in these activities that were blocking public use of the right of way so this change to the LDC supplemented the parking ordinance by prohibiting the commercial use of the right-of-way as follows:</p> <ul style="list-style-type: none"> <li>• Prohibiting businesses from storing equipment, commercial vehicles, and materials in the public right-of-way.</li> <li>• Prohibiting off-loading of materials and vehicles in the public right-of-way unless authorized in advance by the county or by signage (loading zones).</li> <li>• Allowing businesses to use public right-of-way while rendering services or making deliveries.</li> <li>• Allowing residents to park work trucks/commercial vehicles on public right-of-way provided that the vehicle was not oversized.</li> <li>• Allowing agricultural use of public ways.</li> </ul> <p>He concluded the proposed changes would allow an additional enforcement mechanism to the Ordinance to address parking challenges in Arapahoe County.</p> <p>Ms. Sauve opened the hearing for public comments. There were no members of the public present who spoke and there were no callers. The public hearing was closed.</p> <p>There was discussion around the following questions or concerns:</p> |

- How would the county enforce these ordinances and zoning?
- Concern about box truck violations as a deterrent to home businesses especially those who operate a home base business from an apartment or townhome.
- Why was the provision to allow agricultural use of public ways included?
- Couldn't existing laws be used rather than creating new regulations?

Mr. Reynolds said the Sheriff's Department would be enforcing this ordinance and they would be able to issue a higher penalty fines for parking violations. He added that actual enforcement of the zoning code would be much more difficult to enforce unless violations could be issued when repair or parking of wrecked or unlicensed vehicles was observed and cited during traditional business hours. He affirmed that Zoning Compliance officers would be available as a backup to the Sheriff's Department. He reported the Communications Department was working on a campaign to notify the public way offenders of the Ordinance and changes to the LDC if they were approved by the BOCC. He suggested the concern about box trucks for home businesses could be an amendment recommendation to the BOCC or to amend the definition of oversized vehicles as an alternative means to address this issue. He concluded the Ordinance provided the teeth that allowed the Sheriff to now tow these vehicles. He stated the Sheriff's office had found that if the vehicle was in a salvage yard situation the registration of stolen vehicles wouldn't match the business so new regulations now included parked vehicles that were not previously covered.

Mr. Miller explained he would vote no on this recommendation for approval out of consideration to the eastern county population who often parked box trucks and other oversized vehicles in a public way, that this was an accepted practice where properties were not in close proximity of neighbors and simply going around these vehicles was the neighborly thing to do.

**The motion was made by Mr. Mohrhaus, and duly seconded by Ms. Latsis, in the case of LDC23-008, Commercial Use of Public Ways, Land Development Code Amendment, I have reviewed the staff report, including all exhibits and attachments, and have listened to the presentation and any public comment as presented at the hearing and hereby move to recommend approval of the proposed amendments to the Land Development Code, subject to the following stipulation:**

- 1. Staff, with the approval of the County Attorney, may correct typographical errors and make such revisions to the Code amendment as are necessary to incorporate the approved amendment into the Land Development Code for publication.**

**The vote was:**

**Mr. Brockelman, Absent; Ms. Howe, Absent; Ms. Latsis, Yes; Mr. Miller, No; Mr. Mohrhaus, Yes; Mr. Sall, Yes; Ms. Sauve, Yes.**

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| <b>ANNOUNCEMENTS</b> | Ms. Orkild-Larson announced there would be Planning Commission meetings in December. She said there would be two public hearings and a study session on affordable housing on December 3 <sup>rd</sup> and three public hearings on December 17 <sup>th</sup> . |
| <b>ADJOURNMENT</b>   | There being no further business to come before the Planning Commission, the meeting was adjourned.  |