

REZONING

RESOLUTION NO. [Reso #] It was moved by Commissioner [Moved] duly seconded by Commissioner [Seconded] to adopt the following Resolution:

WHEREAS, application has been made by the applicant, Beacon Real Estate Services, on behalf of the property owner, Greenland Investments, LLC for the rezoning of certain property hereinafter described from A-1, Agricultural zone district to RR-B, Rural Residential B zone district, CZ23-001; and

WHEREAS, after a hearing on this matter, the Arapahoe County Planning Commission made an unfavorable recommendation for said change in zoning subject to certain stipulations as set forth in the record of said Planning Commission proceedings; and

WHEREAS, following the Planning Commission hearing, public notice of a hearing before the Arapahoe County Board of County Commissioners (“the Board”) has been properly given of such proposed rezoning by publication on March 28, 2024 in Colorado Community Media: Littleton Independent, Englewood Herald, and Centennial Citizen, newspapers of general circulation within the County of Arapahoe, by posting of said property and by mail notification of adjacent property owners in accordance with the Arapahoe County Zoning Resolution; and

WHEREAS, pursuant to statute, the Land Development Code, and in accordance with such public notice, a public hearing was held before the Board of County Commissioners at the Arapahoe County Administration Building, 5334 South Prince Street, Littleton, Colorado, on the 23 day of April, 2024 at 9:30 o'clock a.m., at which time evidence and testimony were presented to the Board concerning said rezoning request; and

WHEREAS, the administrative record for this Case includes, but is not limited to, all duly adopted ordinances, resolutions and regulations, together with all Department of Public Works and Development processing policies which relate to the subject matter of the public hearing, the staff files and reports of the Planning and Engineering case managers, and all submittals of the applicant; and

WHEREAS, the administrative record for this Case includes the public comment and testimony submitted at the public hearings on this application; and

WHEREAS, as determined from its review of the said administrative record, the Board of County Commissioners hereby makes the following findings concerning the application for rezoning:

1. The proposed rezoning does not comply with the Arapahoe County Land Development Code Section 5-3.2.B.10 in that it is not in general conformity with the Arapahoe County Comprehensive Plan. The subject property has a land use classification of Rural Area – Tier 1 in the Arapahoe County Comprehensive Plan. Intended land uses include agricultural and low density residential. While there are some properties in the Tier 1

designation with 2.5-acre parcels, this land use pattern presents several challenges in accommodating urban density growth, including compatibility with existing land uses and establishing a road network to serve traffic generated by urban densities. While the Comprehensive Plan allows subdivision of parcels 55 acres or greater into urban and suburban-scale lots, these are only permitted within the Rural Town Center planning areas, of which this parcel is not.

2. The proposed rezoning does not comply with the Arapahoe County Land Development Code Section 5-3.2.B.10 in that it is not in general conformity with the Arapahoe County Comprehensive Plan as it is not consistent with the Comprehensive Plan Strategy *T1&2 GM 1.1(c) – Restrict the Rezoning of Properties for Large Lot Residential Development in Tiers 1 and 2. The Comprehensive Plan restricts rezoning of property in Tiers 1 and 2 into large lot residential development (zones RR-B, RR-C).* Smaller lot sizes are not consistent with the rural character sought to be preserved.
3. The subject application does not meet the criteria for rezoning in Arapahoe County Land Development Code section 5-3.2.B.2 in that the proposed level of density that would be permitted in the rezone application (67 dwelling units) is not compatible with surrounding land uses which are zoned A-1 and are primarily large lot agricultural and large lot residential parcels with a 19-acre minimum.
4. The subject application does not meet the criteria for rezoning in Arapahoe County Land Development Code section 5-3.2.B.3 in that the proposed level of density does not allow for the efficient and adequate provision of public school services as the Bennett School District, which would be the serving school district for this property, has stated that the District does not have adequate capacity to serve the expected number of students to be generated if fully developed with 67 residential units.
5. The subject application does not meet the criteria for rezoning in Arapahoe County Land Development Code section 5-3.2.B.4 in that the proposed rezone would create additional density in an area that is not in close proximity to adequate supporting activities, such as proximity to employment, leisure and retail centers. The nearest retail and employment opportunities are approximately six miles away in Bennett. Centennial Park, Bennett Park and Bennett Recreational Center are at least five miles away from the subject property, and, the applicant does not propose any dedicated open space or park land with their proposed development.
6. The subject application does not meet the criteria for rezoning in Land Development Code section 5-3.2.B.6 in that the proposed rezone would allow for a suburban-scale type of development on a property that has no public road access to a public highway. The site is currently accessed from a private access easement through other private property; additional density would put a greater strain on a local private access road. Moreover, the Arapahoe County Sheriff, Office of Emergency Management, has concerns that the proposed single point of access will not be adequate and safe in the event of fire or other emergency.
7. The subject application does not meet the criteria for rezoning in Land Development Code section 5-3.2.B.9 in that the proposed rezone plan does not propose sufficient unobstructed open space and recreational area to accommodate the project's residents; and

WHEREAS, pursuant to the authority vested unto the Board of County Commissioners by Article 20 of Title 29 and Article 28 of Title 30 C.R.S. as amended, and in accordance with the Arapahoe County Land Development Code, the Board has concluded that the public health, safety, convenience and general welfare, as well as good zoning practice, do not justify approval of the re-zoning application in Case No. CZ23-001 for the subject property.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County that the application to rezone the parcel described below from **A-1, Agricultural** zone district to **RR-B, Rural Residential B** zone district, Planning Case. No. CZ23-001, is hereby denied.

LEGAL DESCRIPTION

**THE NORTHWEST ¼ OF SECTION 17, TOWNSHIP 4 SOUTH, RANGE 63
WEST OF THE 6TH P.M.**

The vote was:

**Commissioner Baker, ____; Commissioner Campbell-Swanson, ____; Commissioner Holen, ____;
Commissioner Summey, ____; Commissioner Warren-Gully, ____.**

The Chair declared the motion carried and so ordered.