

Referral Agency**Referral Agency Comments****Applicant's Response**

<u>ARAPAHOE COUNTY OPEN SPACES</u>	This division felt like the applicant is incorporating bike lanes the best they can with the space that they have available while fulfilling the legal obligations of a functioning street to access the new development.	Noted.
<u>SOUTH METRO FIRE-REFERRALS</u>	No objections. The applicant will need to submit a gate permit to the district for approval and permitting.	Noted.
<u>MILE-HIGH FLOOD DISTRICT</u>	This letter responds to the referral request for our comments concerning the referenced project. We have reviewed the referral only as it relates to a major drainageway and for maintenance eligibility of storm drainage features, in this case: Raccoon Creek The project includes development along Raccoon Creek near the confluence of Dutch Creek. The proposed improvements include modification to the roadway crossing (private drive) over Raccoon Creek. MHFD will be reviewing elements that are integral to the stream. MHFD staff has the following comments to offer: 1) There are no maintenance-eligible features with the development in Arapahoe County as the riprap around the culvert is not an integral stream element and it appears there will not be access for maintenance (on private property).	Noted.
<u>US ARMY CORPS OF ENGINEERS</u>	The applicant is requesting a Nationwide permit for the proposed activities include residential development of the property requiring the construction of a new culvert with associated riprap within Raccoon Creek, and construction of a new outfall with associated riprap within Dutch Creek. Total permanent impacts will occur within approximately 160 linear feet (0.015 acre) of Raccoon Creek, 20 linear feet of Dutch Creek, and 0.002 acre of wetlands abutting Dutch Creek. Based on a review of the information you furnished and available to us, we have determined the above referenced work requires Department of the Army authorization under Section 404 of the Clean Waters Act. Based upon the information you provided, we hereby verify that the work described above, which would be performed in accordance with the plans you provided (dated 11/7/2022) is authorized by Nation Wide Permit 29 Residential Development Projects. Please note that deviations from the original plans and specifications of your project could require additional	Noted.

Referral Agency

Referral Agency Comments

Applicant's Response

	authorization from this office. This NWP and associated Regional and General Conditions are enclosed and can be accessed on our website at: https://www.nwo.usace.army.mil/Missions/Regulatory-Program/Colorado. Failure to comply with the General and Regional Conditions of this NWP, or the project-specific special conditions of this authorization, may result in the suspension or revocation of your authorization, and you may be subject to appropriate enforcement action. You shall comply with all terms and conditions associated with this NWP. Unless this NWP is suspended, modified, or revoked, it is valid until March 14, 2026. It is incumbent upon you to remain informed of changes to this NWP. We will issue a public notice when the NWPs are reissued. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant NWP is modified or revoked, you will have twelve (12) months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this NWP unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization as per 33 CFR 330.6(b). Any project specific conditions listed in this letter continue to remain in effect after the NWP verification expires unless the district engineer removes those conditions.	
<u>SOUTH SUBURBAN PARKS & RECREATION</u>	No comments.	Noted.
<u>JEFFERSON COUNTY PLANNING-REFERRALS</u>	1. This proposal is adjacent to the Arcadia Creek subdivision in Jefferson County. We have reviewed the plans to ensure they are consistent with the plans submitted for Jefferson County's subdivision process. 2. Access for the proposed development is from West Leawood Drive and West Christensen Lane. Any offsite improvements to West Christensen Lane in Arapahoe County, including the culvert crossing at Coon Creek, shall be required to be completed at or before the time of the Preliminary and Final Plat that is processed through Jefferson County. Jefferson County Staff will be required to verify Arapahoe County has no outstanding comments on the construction plans. 3. Since this project includes land disturbance in multiple jurisdictions, a written agreement may be required with Jefferson County and Arapahoe County related to the site plan review/acceptance, site inspection and	Acknowledged.

Referral Agency**Referral Agency Comments****Applicant's Response**

	control measure requirements. This process has been completed with other jurisdictions on separate projects. 4. The vicinity map on page 1 of the CDs appears to only show the portion of the property in Jefferson County. 5. Jefferson County Open Space and Transportation & Engineering had no concerns.	
LITTLETON PLANNING- REFERRALS	No comments.	
LITTLETON PUBLIC SCHOOLS	Requesting \$40,000 per acre. For a total of \$1,612.00 for cash-in-lieu fee for schools.	Acknowledged.
CDOT	No comments.	Acknowledged
ARAPAHOE COUNTY/SHERIFF/COMMUNITY RESOURCES	No comments.	Acknowledged.
COLORADO GEOLOGICAL SURVEY - STATE OF COLORADO	The site is not undermined, does not contain steep slopes, and is outside of the steeply dipping bedrock area. Preliminary Geotechnical Study by SCI Engineering's (dated 11/1/2022) characterization of subsurface conditions, soil and bedrock engineering properties, and geotechnical constraints is valid. Provided SCI's recommendations, with special attention to over-excavation and re-compaction, subsurface drainage, and surface grading and drainage, are strictly adhered to, CGS has no objection to approval of the plat.	Acknowledged.
CENTURYLINK NETWORK REAL ESTATE DEPARTMENT (LUMEN)	No objections.	Noted.
PLATTE CANYON W&S/DENVER WATER	The district can provide water and sanitation services to the proposed lots. This parcel was included in the district on November 18, 2024.	Acknowledged.
DENVER WATER	Approved plans for the water main(s) to serve and will expire within 1 year from the date on the stamp.	Noted.
DIVISION OF WATER RESOURCES-STATE ENGINEER/GROUNDWATER	Based on the above and pursuant to Section 30-28-136(1)(h)(I) and Section 30-28-136(1)(h)(II), C.R.S., it is our opinion that the proposed water supply is adequate and can be provided without causing injury to decreed water rights, as long as the District is committed to supply water service to the proposed two lots in Arapahoe County.	Acknowledged.
<u>SEMSWA- SOUTHEAST METRO STORMWATER AUTHORITY</u>	See the Engineering comments.	

Referral Agency**Referral Agency Comments****Applicant's Response**

XCEL ENERGY	This agency advises the property owner/developer/contractor to continue working with the Designer assigned to the project for approval of design details. If additional easements need to be acquired by a separate PSCO document, a ROW agent will need to be contacted by the Designer.	Acknowledged.
<u>CENTURYLINK</u>	No objections.	Noted.
<u>Fox Hollow Estates HOA</u>	Our primary objection to this development is related to safety along the section of Christensen Lane from the County boundary to the entrance of the Fox Hollow neighborhood (see attached map). For the reasons outlined below, we respectfully request that Arapahoe County revisit the proposed roadway variance and, ultimately, deny the request for a Minor Subdivision that utilizes Christensen Lane for more than emergency access. While Christensen Lane is seemingly a small corridor in a large county, it has great significance to the surrounding neighborhoods in Arapahoe County, Jefferson County, and Littleton. For over 25 years, Christensen Lane has served as the only safe pedestrian and bike route that connects Leawood, and surrounding neighborhoods, to the Platte Canyon trail system. The alternative is the sidewalk on Bowles Avenue which adds distance and is quite treacherous given its narrow width, close proximity to traffic, and snow and ice that doesn't melt. Christensen Lane is used daily, year-round, by hundreds of pedestrians, cyclists, and even the occasional equestrian. In addition, children in Fox Hollow, Coventry, Columbine Heights, and other surrounding neighborhoods use the Lane to walk or ride to Wilder Elementary School and their LPS bus stops. Given these established usage patterns, we have many safety concerns. The westernmost segment we are focused on is a single rural travel lane with a crushed asphalt surface that provides access to three homesites. The width of the lane, fence-to-fence, varies from just less than 28 feet to 30 feet (as shown on the attached map) and is further constrained by several large trees and much vegetation. In the winter, it is common for snowbanks along the fences to persist for several weeks. Arapahoe County Roadway Design Standards require a 30-foot minimum width for private roads as well as a seven-foot sidewalk. Since the Lane narrows to less than 28-feet, fence to fence (ignoring the ~8' strip to the north dedicated to drainage and 75-year-old cottonwood trees), the developer was required to apply for a variance to the County's standards. It	See attached Applicant's Response

Referral Agency**Referral Agency Comments****Applicant's Response**

is also worth noting that one of the primary stated objectives in the County's roadway design criteria is "Safety – for vehicular, pedestrian, and bicycle traffic."

It is our understanding that the Arapahoe County TRC initially approved the roadway variance submitted for Christensen Lane. Based on case documents available on the County's website, it appears that what was presented to the TRC (and at the public meeting) is quite different from the latest proposed design drawings. Specifically, the plans provided to the TRC and the public show a 30-foot wide cross-section with a five-foot pedestrian walk separated by bollards, while the latest design drawings show several segments with a three-foot walk and no bollards. These discrepancies help illustrate how there isn't a simple engineering solution that will safely allow the current pedestrian and bike traffic to use the corridor with an increase in vehicle traffic. It seems as though the decision to approve the variance was based on a few strategically selected cross sections (and other misleading information) and did not sufficiently consider the potential impacts to the pedestrians and cyclists who use the Lane every day.

After reviewing the design drawings for the proposed Lane modifications, we feel they do not adequately address pedestrian and cyclist safety for the following reasons:

- An at-grade, three-foot wide pedestrian walk will simply not offer enough protection from the proposed increase in vehicle traffic.
- Dust, noise, and vehicle exhaust pollution is a big concern. When a car, garbage, recycling, or delivery truck drives by, the fumes and dust generated can be unbearable as they linger along this fence and tree-lined lane. Adding 24 incremental homes with all their related services and deliveries will eliminate the enjoyment and safety of walking that section of the lane.
- The traffic study did not take into account the exponential increase in delivery vehicle traffic that an over-55 community will generate. This is a big concern already along the Lane and in Fox Hollow.
- The proposed roadway design will encourage speeding. The developer has indicated many times that narrow travel lanes will reduce speeds.

Referral Agency**Referral Agency Comments****Applicant's Response**

While narrow travel lanes work well to reduce speed when there are physical barriers present (like raised sidewalks/curbs and on-street parking), the proposed design is effectively a single, 20-foot wide paved travel lane (as opposed to the current narrow, gravel lane). It is not realistic to assume a stripe down the middle of a paved road will discourage people from driving as fast as physically possible - especially delivery drivers and vendors. Given the established pedestrian and bike traffic on the Lane, this is a recipe for disaster.

- The design fails to consider pedestrian safety in the winter months. Speaking from experience, the proposed pedestrian walk on the south side of the lane will invariably be covered in snow and ice for most of the winter months as it receives very little sun. Consequently, pedestrians and dog-walkers will be forced to walk in the travel lanes which greatly increases the risk of vehicle-pedestrian incidents. Furthermore, when we have big snowfall events, there will be no place to put the snow as it's cleared from the Lane. As is the case now, this will essentially result in a single, narrow travel lane, which will not be able to safely convey the proposed traffic volumes (see attached map).

As the developer has stated many times, Arcadia Creek has legal (albeit circuitous) access to its 23 proposed lots in Jeffco via Christensen Lane but doesn't own the lane. Legal access does not make the proposed access conditions practical or the right thing to do. The proposed lane modifications will solely benefit 25 homes in a gated neighborhood while hundreds of households in the surrounding communities will lose safe bike and pedestrian access to Wilder Elementary School and the Platte Canyon trail system.

To add some historical context, great expense and effort (instead of variances) were executed to widen and improve the eastern portion of the lane when Fox Hollow was built 28 years ago. Just because replicating those requirements is not possible to the west (and were never anticipated) does not alleviate or eliminate these minimum requirements.

Referral Agency

Referral Agency Comments

Applicant's Response

	Fox Hollow residents took to heart, perhaps naively, that Arapahoe County's verbal statement 25 years ago that, 'Arapahoe County would never allow a Jeffco development to access Christensen Lane' ring loud. What was so obvious for so many years still seems logical in our view. All the legal agreements that were put in place were done with fixed single homesites locked in, as far as access to the lane is concerned. We encourage everyone from Arapahoe County who is involved in this project to visit Christensen Lane to get a better understanding of its current function as well as the physical constraints that will undoubtedly create dangerous conditions with the addition of more vehicle traffic. While there, please look closely at the first two original homes just west of the Fox Hollow Monument, where three (soon four) young children live, and assess the incremental impact on these two families and homesites. After seeing the Lane, it becomes quite clear that it was never intended to be anything more than a driveway – effectively a long “flag lot”. It is also clear that the proposed modifications to Christensen Lane are nothing more than a developer's attempt to force-fit a property access solution that will add value to his Jeffco homesites – all at the expense of Arapahoe County and surrounding residents' safety, ambience, property values and desirability. For the reasons stated above, we are respectfully asking Arapahoe County to give the proposed use of Christensen Lane the attention and consideration it deserves and deny Arcadia Creek LLC's request for a Minor Subdivision that utilizes Christensen Lane for more than emergency access. You have an opportunity and responsibility to once and for all preserve one of the most-valued pedestrian and bike corridors in the county and help ensure the continued safety of all who use the Lane.	
<u>Christensen Lane Estates HOA</u>	1. The pedestrian walkway appears to be on the South side of the road. The south side never sees the sun in the winter months so snow and ice stay there forever. The walkway needs to be on the North side of the road so the snow and ice melt as fast as possible for the safety of pedestrians. This is especially important if the road is to be snow ploughed as some of that snow is likely to pile up on the walkway!!	1. We agree with this concern and moved the pedestrian walk to the north side. 2. We had eliminated the fence before our submittal, and we have proposed bollards to separate the shoulder of the drive lane from the walkway. We agree that the Lane will continue to be used as it is

Referral Agency**Referral Agency Comments****Applicant's Response**

	2. The walkway is shown as being fenced in. This is very unsafe for several reasons. a. When more than one person and a dog are walking one will be inside the fence and one outside (on the road) and this person cannot easily step out of the road when a vehicle comes. b. When you pass someone going in the opposite direction it is polite for one person or group) to walk on the opposite side of the road. Many reasons but two important ones – to keep dogs apart in case they are unfriendly to each other and – to enable 6’ social distancing when you are breathing out germs. If there is a fence then you can’t easily cross the road when you see someone coming. c. The road is currently used by pedestrians (with and without dogs), horses, bikes with adults and children on bikes and go-carts, radio flyer wagons going to picnic and catch crawdads in the creek and many other conveyances. The fence is going to force people to choose the walkway OR the road. It is much easier to do as we do now, and have done for decades, and that is just move over when a vehicle comes. This is not practical with a fence.	today, with pedestrians moving out of the way of any traffic. Bollards give pedestrians an added level of safety away from the drive lanes. See attached Applicant’s Response
<u>Coventry HOA</u>	Traffic Study: 1. Coventry HOA requests clarification and a copy of the full traffic study, based on 25 homes 108 trips per day appears exceedingly low considering it states it represents all traffic into and out of the neighborhood. The study provided used Senior Adult Housing - Single Family as the Land Code to come to the 108-trip estimate. The description of the community is as 55+; however, how would this be enforceable from a homeowner or resident perspective? 2. We request a new traffic study without the 55+ consideration to more accurately estimate the traffic and make appropriate changes to ensure safety on Christensen Lane for drivers, surrounding homeowners, and pedestrians. Utilities:	See attached Applicant’s Response

Referral Agency**Referral Agency Comments****Applicant's Response**

	1. Currently, Christensen Lane has above ground power lines that supply power to more than 100 homes in Coventry. There are significantly higher rates of power outages already with these above ground lines, what is the plan from the developer to mitigate risk of damage to these lines as a result of increased traffic? Is there consideration to move these below ground during the road construction? Drainage: 1. Coventry has maintained storm drains out of our community and on to Christensen Lane through easements granted in 1979. The Coventry HOA requests information on how the changes to Christensen Lane will affect or potentially impede the drainage in place today. In the materials provided, there is no mention of drainage from our community to Christensen Lane in the proposed changes. There is a significant impact to homes in our community should this drainage system be impeded. This includes not only the construction, but on-going road maintenance including snow removal due to very limited shoulders and proposed walkways. We request the developer engage a civil engineer to review the impact to drainage with the proposed changes to Christensen Lane and provide that information as part of the application and prior to a decision on the application. We request the county revisit the variance approved for this private road since the variance needs to consider the Coventry easements for the storm drains.	
<u>Public Comment</u>	See the staff report and Public Comments attachment and applicant's response to public comments received.	

Staff sent referrals to the following agencies and did not receive a response:

- ARAPAHOE COUNTY ASSESSOR'S OFFICE
- ARAPAHOE COUNTY LIBRARY DISTRICT – REFERRAL
- ARAPAHOE COUNTY POST OFFICE – CO/WY
- ARAPAHOE COUNTY/SHERIFF/CRIME PREVENTION UNIT
- ARAPAHOE COUNTY/SHERIFF/PATROL REFERRALS
- WEST ARAPAHOE CONSERVATION DISTRICT
- RTD

Referral Agency**Referral Agency Comments****Applicant's Response**

- COLORADO PARKS & WILDLIFE/ 1ST POINT OF CONTACT
- COLORADO PARKS & WILDLIFE-NON PRIMARY REFERRAL