

**MINUTES OF THE REGULAR MEETING OF THE  
ARAPAHOE COUNTY PLANNING COMMISSION  
TUESDAY, SEPTEMBER 6, 2022**

<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: Rodney Brockelman, Randall Miller, Chair Pro-Tem; Jane Rieck, Richard Sall; Lynn Sauve; and Jamie Wollman, Chair.</p> <p>Also present were Robert Hill, Senior Assistant County Attorney; Ava Pecherzewski, Development Review Planning Manager (moderator); Chuck Haskins, Engineering Services Division Manager; Molly Orkild-Larson, Principal Planner; Kat Hammer, Senior Planner; Diane Kocis, Energy Specialist; and Joseph Boateng, Engineer.</p>
<b>CALL TO ORDER</b>	<p>Ms. Wollman 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>GENERAL BUSINESS ITEMS:</b>	
<b>APPROVAL OF THE MINUTES</b>	<p>The motion was made by Ms. Wollman and duly seconded by Mr. Brockelman to accept the minutes from the August 2, 2022 Planning Commission meeting, with the following revisions:</p> <ul style="list-style-type: none"> <li>• P.4, Item 2, Paragraph 5, 13th line make passers by one word</li> <li>• P.5, Item 2, Paragraph 10, 1st line comment should be plural</li> </ul> <p>The vote was:</p> <p>Mr. Brockelman, Yes; Ms. Latsis, Absent; Mr. Miller, Yes; Ms. Rieck, Yes; Ms. Sauve, Yes; Mr. Sall, Yes; Ms. Wollman, Yes.</p>
<b>PUBLIC HEARING ITEMS:</b>	
<b>ITEM 1</b>	<p><b>CASE NO. CZ22-003, 1961 S XENIA CT [BROCKMANN ESTATES] / CONVENTIONAL REZONE (CZ) – PUBLIC WORKS AND DEVELOPMENT (PWD) - KAT HAMMER, SENIOR PLANNER AND JOSEPH BOATENG, ENGINEER</b></p> <p>Ms. Hammer stated the case had been properly noticed and that the PC had jurisdiction to proceed. She presented a PowerPoint, a copy of which was</p>

retained for the record. She reported the applicant and owners, Eleutherious (Terry) and Anthea Stefanoudakis, were seeking approval of a rezoning application. This application proposed to rezone a 2.42-acre lot that is currently zoned RR-B, Rural Residential B (formally RA, Residential Agricultural). She said the applicant requested approval of a rezone to R-1-B, Residential 1-B zone district, which had a minimum lot size of 20,000 square feet. She explained if this application was approved, they intended to submit a subdivision application to the County for review and approval to create two lots: an approximately 26,000 square foot lot for a new single family residence; and a 79,500 square foot lot for the existing residence. Ms. Hammer stated that the proposed rezone of the property located at 1961 S. Xenia Court generally conformed to the Arapahoe County Comprehensive Plan and Four Square Mile Sub-Area Plan and met the Arapahoe County Zoning regulations stated in Section 5-3.2 Rezoning (Zoning Map Amendment/Conventional Zone District) of the Land Development Code. She concluded that staff recommended the application be approved based on the findings and with one condition of approval.

Mr. Stefanoudakis gave history of his family's tenure in the neighborhood and clearly described his intent to develop this property into only 2 lots. He addressed the concern that had been raised in the process of neighborhood outreach, that the R-1-B zoning sought could allow up to 5 lots. He explained that since a replat would be required to create the two lots described in this application, another subdivision process would be required to further subdivide and would take additional time and resources. He further explained that since the property's topography doesn't allow any discharge into the Highline canal, providing water detention for any additional lots above two would be cost prohibitive.

There were discussions regarding the following:

- Was the current residence occupied?
- What was the location of existing fire hydrant? How would the new lots provide an access point for fire trucks?
- Describe the 20 ft. common easement for the lots.
- Would horses and outbuildings be allowed on the two lots?
- Would access approval be required prior to the replat for this rezone?
- Would there be any more than two lots on the property since zoning would allow five lots?
- Explain the architectural study that was made regarding the views for neighboring properties.
- Was there space on the properties for construction after subdivision?
- How many vehicles for trade would be needed after foundation?

Mr. Stefanoudakis stated that he had originally purchased the property with intent of moving into the existing home. He explained he had begun exploring development of the property only to discover the process was more complex and time consuming than he had known. He said since his family

member had helped to purchase the property, his godbrother and family were living there now. He added that he and his family lived close by in the neighborhood. He explained that his naiveté about process of land development had perhaps contributed to misperceptions among neighbors about what the family now planned for the property. He described the location of the existing fire hydrant as on the cul de sac. He said the private road to the current property would be widened from 12 to 20 feet. He stated this would be an improvement that should improve fire safety and service if it should be required. He reported the joint access agreement between the two owner/users of the private road would allow access from Xenia Circle.

Ms. Hammer stated that R-1-B zoning did not permit horses but that outbuildings such as a tuff shed could be built on the new lots. She said that any accessory structures would need 10-foot setbacks from rear and side and would have to be placed behind the houses. She confirmed that access approval prior to the replat would be required for this rezone.

Mr. Jim Latsis, developer for the property, reiterated that the property constraints of proximity to the Highline Canal, grade and topography greatly limited the feasibility of greater than a two-lot subdivision. He added that detention and water quality improvements would take up even more land making further subdivision unprofitable. He explained how the architect for the new home was consulted regarding a desire that neighbors' views not be blocked, and this had been incorporated into the design. He reported that there was adequate space on the property for construction during that process. He described the traction pad required on site for excavation and materials delivery. He explained there would need to be staging areas for at least two trades at a time during the build but usually up to maximum of five vehicles would be parked at any one time. He demonstrated the traction pad extension proposed along the existing driveway for this purpose.

Ms. Wollman opened the hearing for public comments.

There were seven members of the public present, six of whom were opposed for reasons of impeded views, increased traffic, construction congestion, increased fire danger and impacts to fire service provided to adjacent properties. One was in favor but had concerns about weed mitigation on the existing property.

The public hearing was closed.

**The motion was made by Ms. Sauve and duly seconded by Mr. Miller, in the case of CZ22-003, 1961 S. Xenia Court – Brockmann Estates, the PC has 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 conditions:**

	<p><b>1. Prior to signature of the final copy of these plans the applicant must address Public Works and Development staff comments and concerns.</b></p> <p><b>The vote was:</b></p> <p><b>Mr. Brockelman, Yes; Ms. Latsis, Absent; Mr. Miller, Yes; Ms. Rieck, Yes; Ms. Sauve, Yes; Mr. Sall, Yes; Ms. Wollman, Yes.</b></p>
<p><b>ITEM 2</b></p>	<p><b>CASE NO. LDC22-001, LAND DEVELOPMENT CODE (LDC) AMENDMENT FOR SOLAR REGULATIONS – PUBLIC WORKS AND DEVELOPMENT (PWD) – DIANE KOCIS, ENERGY SPECIALIST AND JOSEPH BOATENG, ENGINEER</b></p> <p>Ms. Kocis stated the case had been properly noticed and that the PC had jurisdiction to proceed. She presented a PowerPoint, a copy of which was retained for the record. She explained this was a county-initiated application to amend the LDC to update the administrative process and requirements for small solar systems, also known as community solar gardens. She said the new regulations would replace the existing Memorandum of Understanding (MOU) provisions for administrative approval with the regulations and the administrative process that was set forth therein. She stated staff recommended revision of the LDC sections 5-3.5.A and B (Use by Special Review for Energy Facilities) proposed as described in Attachment A, the revised draft Administrative Small Solar System regulations. She reported that the County’s draft administrative small solar system rules had provisions for the following: Detailed application material requirements; Application public noticing; Compliance with County Building and Engineering Standards; Setbacks Conforming with the Zone District; Setbacks from Designated Outside Activity Areas and from Surface Water and Riparian Areas; Floodplain Restriction; Health and Safety (including the requirement for emergency service providers “Will Serve” letter, 24-hour contact information, directional signage and incident reporting); Compliance with the Relevant Fire District’s Solar Development Standards; Fire Prevention procedures; Locked perimeter gates; Vegetation Management Plan; Incident Reporting; Weather-Related Emergency Responses; Glare Analysis; Access Roads; Visual Mitigation; Fencing; Perimeter Fence Locks; Decommissioning; Insurance; and Transfer or Sale of Facilities to a New Operator. She explained additional requirements were provided for wildlife, such as avoidance of High Priority Habitat, a prohibition on fencing that bisects streams and an annual report to document wildlife species and numbers that became entrapped or injured. Ms. Kocis concluded that that staff recommended approval to proceed to the Arapahoe County Board Of County Commissioners hearing of changes to the LDC as described in the presentation.</p> <p>There were discussions regarding the following questions:</p>

- Would existing facilities be grandfathered under the old standards?
- If an existing operator made improvements, must those meet the new standards?
- What would prevent adjacent facilities from becoming one large facility?
- Were these recommendations balanced between county and residents?
- Would these administrative applications be streamlined as O&G applications have been? Would there be fewer solar applications now?
- How would the county ensure compliance with a vegetation maintenance requirement?
- What would be expected in the narrative requirement?
- What are the decommissioning plan requirements?
- How would change of ownership be handled? Could there be some specific language included to ensure that change was more easily communicated to those needing that information?

Ms. Kocis stated that existing facilities would be grandfathered under the old standards. She added that any expansion or changes, however, must come back for review with an amendment to its existing application. She said that all solar applications would have to have their own setbacks, fire breaks and permits and this would prevent them from growing into one large facility. She reported that the public was provided opportunities to comment on the regulations submitted and this had led to the incorporation of visual mitigation rules. She stated that landscaping and fencing with maintenance was required. She explained that there were solar applications, as well as oil and gas applications, waiting in the wings to utilize the administrative process rather than a full Use by Special Review or 1041 process. She clarified that the Fire District would be granted access to sites as a mechanism for removing any vegetation zoning violation for compliance in order to mitigate fire dangers. She said the narrative would require descriptions of operator's company; how long in business; relative experience in the business; zoning; height of equipment; planned access road and planned visual mitigation. She added the presubmittal process would help flesh out this detailed information requirement. She described the decommissioning plans as including required compliance with all state and federal regulations for removal of facility and recycled metals that were in effect at the time of decommissioning. She noted there would be some expansion of the language regarding decommissioning in the update presented to the BOCC.

Ms. Kocis outlined the process for updating contacts in the event of a change of ownership as notices required on gate signage. Mr. Hill confirmed that a transfer of ownership required a formal 7-day notice to the county, applicable fire district and emergency service as a requirement of the application. Ms. Kocis noted that more specific verbiage about this requirement would be added to the update of the LDC as well.



	<p>Ms. Wollman opened the hearing for public comments. There were no members of the public present or wishing to speak. The public hearing was closed.</p> <p><b>The motion was made by Mr. Miller and duly seconded by Mr. Brockelman, in the case of LDC22-001, Arapahoe County Land Development Code Amendment, the PC has reviewed the staff report, including all exhibits and attachments and have listened to the staff 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 stipulation:</b></p> <p><b>1. Staff is authorized to make minor corrections or revisions to the proposed language, with approval of the County Attorney, if necessary to incorporate the approved amendment into the text of Land Development Code.</b></p> <p><b>The vote was:</b></p> <p><b>Mr. Brockelman, Yes; Ms. Latsis, Absent; Mr. Miller, Yes; Ms. Rieck, Yes; Ms. Sauve, Yes; Mr. Sall, Yes; Ms. Wollman, Yes.</b></p>
<b>ADJOURNMENT</b>	There being no further business to come before the Planning Commission, the meeting was adjourned.