

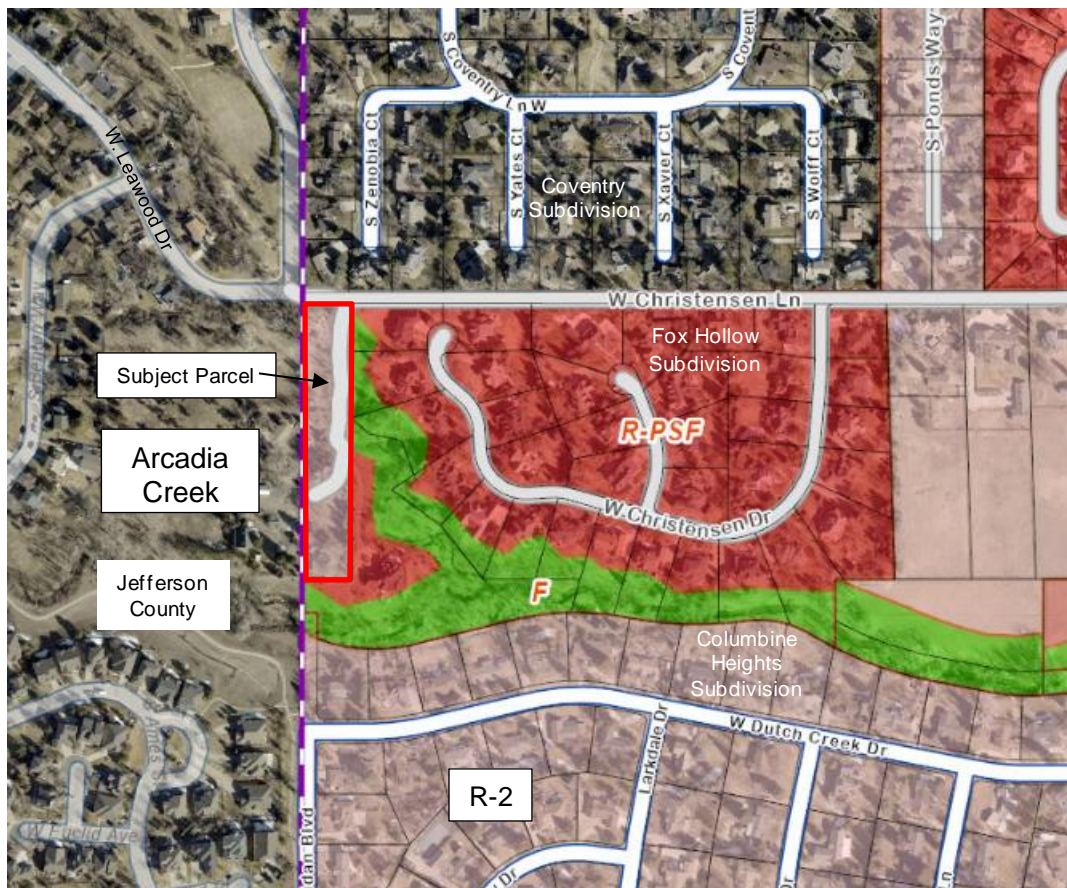
**ARAPAHOE COUNTY PLANNING COMMISSION
PUBLIC HEARING
MARCH 18, 2025
6:30 P.M.**

SUBJECT: PM22-006 – ARCADIA CREEK SUBDIVISION FILING NO. 1

MOLLY ORKILD-LARSON, PRINCIPAL PLANNER

LOCATION:

The subject property is located south of and adjacent to W. Christensen Lane and is between Jefferson County and the Fox Hollow Subdivision. The parcel is in Commissioner District No. 1 and is zoned R-2.



Vicinity and Zoning Map

ADJACENT SUBDIVISIONS, ZONING, AND LAND USES

- North: City of Littleton - Coventry Subdivision, single-family detached residential
South: Fox Hollow Subdivision, single-family detached residential and floodplain, zoned R-PSF and F, and further south, Columbine Heights Subdivision, zoned R-2
East: Fox Hollow Subdivision, single-family detached residential, zoned R-PSF

West: Jefferson County - single-family detached residential

PROPOSAL AND REQUEST

The applicant, Arcadia Creek, LLC, is seeking approval to subdivide a 1.92-acre parcel into two single-family lots with a minimum lot size of 20,000 square feet. The proposed lots are located in Arapahoe County and are part of a gated 55+ age-restricted development situated in both Jefferson and Arapahoe Counties. The Arcadia Creek development will consist of 25 detached single-family homes, 23 in Jefferson County and two in Arapahoe County. Access to this development will be from W. Leawood Drive (in Jefferson County) and W. Christensen Lane (in Arapahoe County). Access to W. Leawood Drive is an important feature; in the event of flooding, the proposed lots would have egress through Jefferson County. A 20-foot-wide private drive within the subject parcel will connect W. Christensen Lane to the project's development within Jefferson County.

BACKGROUND

The parcel was zoned R-2 in August 1961. A single-family residence was located on the south portion of the property but was demolished in 2024. A private drive off W. Christensen Lane transects the site, providing access to the Jefferson County portion of the property to the west and a single-family residential home built in 2015 on Lot 1 of the Fox Hollow – Filing 2 (5090 W. Christensen Lane). This residence can use the existing private drive on the subject property through an access easement.

Coon Creek bisects the parcel from the northwest to the southeast and flows under the existing private drive and continues into the Fox Hollow development to the east. This creek connects to Dutch Creek near the southeast property line of the Fox Hollow subdivision. The applicant proposes to improve the private drive and install a new culvert to accommodate the flows of Coon Creek.

W. Christensen Lane is approximately 3,360 linear feet long, commencing at S. Platte Canyon Road and extending west to the Arapahoe/Jefferson County line. The road features a locked fire access gate at the county line, preventing vehicular traffic from crossing to or from W. Leawood Drive in Jefferson County. W. Christensen Lane is paved from S. Platte Canyon Road to the entrance of the Fox Hollow subdivision (W. Christensen Drive), with the remaining 1,200 feet consisting of asphalt crusher fines. West of W. Christensen Drive, W. Christensen Lane varies in width and parcel ownership and access, as well as maintenance responsibilities, has been defined by the courts and private agreements. For this portion of the road, the maximum width is 30.5 feet. The applicant is proposing to improve this section of W. Christensen Lane from the county line east to the entrance of the Fox Hollow development.



The applicant asserts that he can legally use W. Christensen Lane. This is based on the July 13, 2020, Arapahoe District Court ruling that the applicant has the right to access this road and has "unrestricted and unlimited permanent rights of ingress and egress through W. Christensen Lane" (see attached document).

The Jefferson County Board of County Commissioners has reviewed and approved the Official Development Plan (a document that identifies the property's standards - uses, setbacks, heights) and the Final Plat for the portion of the Arcadia Creek development in Jefferson County. The applicant is finalizing the final plat documents for resubmittal to Jefferson County.

ANALYSIS OF THE MINOR SUBDIVISION APPLICATION

Staff review of this application included a comparison of the proposal to: 1) applicable policies and goals outlined in the Comprehensive Plan; 2) Minor Subdivision Regulations; and, 3) an analysis of referral comments.

1. The Comprehensive Plan

Comprehensive Plan (Comp Plan): The subject parcel is identified as urban residential/single-family detached and attached. The proposed single-family detached residential development is supported by the Comp Plan.

This proposal also complies with the Comp Plan as follows:

GOAL PSF 1 – Ensure an Adequate Water Supply in Terms of Quantity and Quality for Existing and Future Development

The proposed lots will be served by the Platte Canyon Water and Sanitation District. The Colorado Division of Water Resources has determined that the water supply is adequate and can be provided without causing injury.

Policy PFS 4.3 - Require Adequate Wastewater Treatment

The proposed lots will be served by the Platte Canyon Water and Sanitation District.

GOAL PFS 6 – Ensure the Adequacy of Electric, Natural Gas, Telephone, Cable, and Internet in Existing and New Development

The proposal can be served by Xcel Energy and Lumen.

GOAL PFS 7 – Ensure Existing and New Development have Adequate Police and Fire Protection Utilities in Existing and New Development

The Arapahoe County Sheriff's Office and South Metro Fire Rescue will serve this development. The sheriff's office has no concerns about this application, and the fire district indicated that all issues and concerns have been addressed.

GOAL PFS 9 – Ensure that the Educational Needs of Existing and New Developments Are Met

The site will be served by the Littleton School District. The school district reviewed the Minor Subdivision plat application and is requesting a valuation of \$40,000 per acre, which generates a cash-in-lieu fee of \$1,612.00 for schools.

2. Land Development Code Review

Section 5-6.6 of the Land Development Code states a Minor Subdivision is any subdivision that:

A. Creates no more than four parcels.

This application is proposing two lots.

B. Does not require the extension of municipal/public facilities or the creation of significant public improvements as determined by the PWD Department.

This development does not require the extension of public facilities or the creation of significant public improvements. The site is currently served by the Platte Canyon Water and Sanitation District.

C. Fronts an existing street and does not involve any new streets.

This property fronts an existing street (W. Christiansen Lane) and does not involve any new streets. The development will be served by a private driveway.

D. Does not adversely affect the remainder of the parcel or adjoining property.

This development does not adversely affect the remainder of the parcel or adjoining property. The existing vegetation on the property provides some buffering between the two proposed lots and the surrounding parcels.

The traffic study indicates that the Arcadia Creek development is anticipated to generate a very low traffic volume, and the surrounding street network will successfully accommodate this project's traffic volume.

- E. Is not in conflict with any provisions of the Arapahoe County Comprehensive Plan, Zoning Resolution, or these regulations.*

This application is generally consistent with the Arapahoe County Comprehensive Plan, as stated earlier in this report.

A Minor Subdivision follows the Final Plat process, as outlined in Section 5-6.3 of the Land Development Code. A Minor Subdivision may be approved upon the finding by the Board that the application meets the following criteria:

- A. The Applicant has provided evidence that provision has been made for a public water supply system, and if other methods of water supply are proposed, adequate evidence that a water supply is sufficient in terms of quantity, quality, and dependability for the type of subdivision proposed [Section 30-28-133(6)(a) C.R.S.].*

The lots will be served by the Platte Canyon Water and Sanitation District, and the State Water Engineer has determined that the water supply is adequate and can be provided without causing injury.

- B. The Applicant has provided evidence that provision has been made for a public sewage disposal system, and, if other methods of sewage disposal are proposed, adequate evidence that such system shall comply with State and local laws and regulations [Section 30-28-133(6)(b) C.R.S.].*

The lots will be served by the Platte Canyon Water and Sanitation District.

- C. The Applicant has provided evidence to show that all areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the subdivider and that the proposed uses of these areas are compatible with such conditions. [Section 30-28-133 (6) (c) C.R.S.]*

The property appears to have no soil or topographic conditions presenting hazards.

- D. The application is in compliance with all applicable zoning regulations governing the property as adopted by the Board of County Commissioners.*

The proposed application complies with the zoning regulations. The proposed lots meet the minimum area (20,000 square feet) and lot width (75 feet) standards in the Land Development Code.

- E. The application is in compliance with the Mineral Resource Areas in the Regulations for Areas of Special Interest as adopted in the Arapahoe County Zoning Regulations.*

The subject parcel is not located within a mineral resource area as per the Mineral Resource Map (Map B-8).

- F. For property zoned for residential uses, written evidence must be presented to show that the applicable school district can adequately serve the student population expected to be generated from the development. The Board may deny a subdivision request for which the evidence shows that the applicable school district cannot adequately serve the student population generated by the development.*

The school district can serve the plat and is requesting a \$1,612 cash-in-lieu fee for schools. The applicant is willing to pay this fee.

3. Referral Comments

Comments received during the referral process are summarized in the chart attached to this report. Any late responses will be conveyed verbally at the public hearing. The applicant has agreed to comply with the school district and fire district requests. Staff did receive public comments throughout the review of this application (see Public Comments below and Public Comment attachment).

4. Arapahoe County Engineering Service Comments

This Minor Subdivision is more complicated than the typical subdivision plat due to the site's drainage and W. Christensen Lane access. The following items were reviewed as per their compliance with the Arapahoe County Infrastructure Design and Construction Standards and Stormwater Management Manual. All proposed deviations from these standards were reviewed by the Arapahoe County Technical Review Committee (TRC), with recommendations given to meet the existing level of service of the road and to assist in addressing public comments received.

A. W. Christensen Lane

This road does not meet the private roadway cross-section as required by the Arapahoe County Infrastructure Design and Construction Standards. The applicant requested a variance to the private roadway cross-section as follows:

- Two eight-foot asphalt travel lanes.
- Two two-foot asphalt shoulders on each side of the road.
- One 4-foot asphalt sidewalk/bike lane.
- Sidewalk/bike lane identified by flexible or breakaway delineator adjacent to the travel lane.
- A 3.4-foot-wide drainage area with swale. The proposed swale and inlets along W. Christensen Lane are to improve drainage conditions in the area.
- Total road cross-section width is 27.4 feet.

The TRC recommended approval of the proposed roadway, and the South Metro Fire and Rescue (SMFR) also approved the proposed roadway cross-section.

B. 20-foot North/South Private Drive

The existing private driveway provides access to 5090 W. Christensen Lane, the two proposed residential lots on the property, along with the remainder of the Arcadia Creek development adjacent and to the west of the subject property. This road is to be improved as follows:

- The driveway will be widened and repaved with asphalt to a minimum 20-foot width.
- Replacement of existing corrugate metal pipe culvert with cast-in-place concrete box culvert.
- Five “No Parking Fire Lane” signs.
- Two “Road May Flood” signs.
- Mountable curb and gutter only along the fronts of the two proposed lots.

The TRC and SMFR reviewed and approved the proposed private driveway cross-section.

C. Culvert Upgrade for Coon Creek

The existing pipe is to be replaced with a culvert to better accommodate the existing flows of Coon Creek and to reduce the overtopping of water on the driveway during rain events. The existing pipe is designed to pass a two-year storm event. The proposed culvert is to be improved as follows:

- Replace the existing 72-inch corrugated metal pipe with a 21’ x 6’ cast-in-place concrete box culvert to pass the 10-year storm event, which is the current standard for culverts under private drives in Chapter 11-Culvert and Bridges of the Stormwater Management Manual.
- The proposed riprap for this culvert extends into the adjacent property. A condition of approval has been set stating that the improvements on the private driveway within the subject site are to stay within the confines of this driveway. The applicant will need to work with the adjacent property owners regarding the culvert design to meet this condition of approval.

The TRC recommended approval for the proposed cast-in-place culvert, and SMFR and Mile High Flood District have approved the proposed box culvert.

5. Public Comments

The County received many comments from the public, surrounding neighbors, Homeowner Associations, and Homeowner Association attorneys. The concerns are listed by topic, with each concern listed followed by the staff’s response.

- Safety/Health

1. Concern: Increased vehicular traffic on W. Christensen Lane will impact pedestrians, bicycles, golf carts, and equestrians, along with school children walking to the nearby elementary school who currently use the entire road for their travel.

Staff Response: Presently, this portion of W. Christensen Lane is used by vehicles, pedestrians, and cyclists, and there is no separation between the different modes of travel. With this development, the proposed road cross-

section provides a separate four-foot lane for pedestrians and bike travel, including vertical markers to separate vehicles from more vulnerable road users. The traffic impact study considered all the dwelling units, including the Jefferson County portion of the Arcadia Creek development, and determined that the additional traffic volume would be low and could be accommodated by W. Christensen Lane without an effect on levels of service.

2. Concern: W. Christensen Lane serving as a road will affect the health and well-being of the public.

Staff Response: The County can't say at this time what the effects will be on the community's health.

- Proposed W. Christensen Lane Road Design

1. Concern: The proposed design of this road will change the character of the neighborhood.

Staff Response: The development of this road will change the appearance of the road; the Arapahoe County review criteria do not include "character."

2. Concern: The proposed cross-section of this road is not sufficient to safely accommodate pedestrian, bicycle, etc. traffic.

Staff Response: The proposed roadway cross-section proposes a four-foot bike/walk lane, separated with vertical markers. The standard pedestrian path for an Arapahoe County private roadway is four feet, therefore, the proposed four feet conforms to the County's design standards. The vertical delineators between the roadway and pedestrian /bike path are proposed to enhance safety.

3. Concern: Increased traffic will add dust, noise, and vehicle exhaust to the area.
Staff Response: The proposed paving will reduce dust, and the road having a lower speed limit (anticipate it will reflect what exists now, which is 15 mph) will help with the noise generated from this road.

4. Concern: This road cross-section will remove existing trees and other vegetation.

Staff Response: The portions the developer will be improving on the lane will, unfortunately, remove the existing vegetation and trees. The alternative would be to leave W. Christensen Lane unimproved and partially paved, with poor drainage.

5. Concern: This road should serve as an emergency access only for the proposed development.

Staff Response: This request appears to be contrary to the 2020 District Court decision granting the applicant permanent, unrestricted, and unlimited right to ingress and egress over W. Christensen Lane. In addition, the South Metro Fire Rescue District did not ask that the road be restricted as an emergency access.

6. The proposed pedestrian path on this road should be on the north side, which will allow the snow and ice to melt during the winter months.

Staff Response: The proposed pedestrian/trail lane is located on the north side of the road.

7. Concern: The proposed pedestrian path is not wide enough for two-way traffic.
Staff Response: The standard pedestrian path for an Arapahoe County private roadway is four feet; therefore, the proposed four feet conforms to the County's design standards.

8. Concern: The developer doesn't own this road and, therefore, can't make improvements.
Staff Response: The ownership of this private road is unclear, but access, use, and maintenance have been the subject of agreements and court rulings. The applicant does have the right to use this road as per a court ruling. The developer shall develop a common maintenance agreement or otherwise provide for an agreed maintenance plan, as contemplated and required under the Arapahoe County Infrastructure Design and Construction Standards for private roads. The development of a maintenance plan has been made a condition of approval.
9. Concern: How will the three driveways along W. Christensen Lane be accommodated?
Staff Response: The driveways along the proposed W. Christensen Lane have been reviewed by County Engineering and does not present any safety concerns.
10. Concern: W. Christensen Lane will be a cut-through for non-residents and commercial vehicles to W. Leawood Drive.
Staff Response: The Arcadia Creek development is a gated community with a gate at the entrance of W. Leawood Drive and another at the private road's entrance off W. Christensen Lane. The restricted access will prevent cut-through traffic to and from Jefferson County.
11. Concern: There are concerns about the effects of the irrigation ditch/pipe along the south side of W. Christensen Lane.
Staff Response: The question is not clear. If the question is referring to directing runoff to the south, then the design and analysis show no adjacent impact to the ditch/pipe along the south side.
12. Concern: The proposed portion of W. Christensen Lane goes against the Settlement Agreement (Book 7428, Page 631), which requires: 1. The Fox Hollow HOA is responsible for the maintenance of W. Christensen Lane, all the way to and including the emergency access gate at the west end; 2. That any access from W. Leawood Drive to W. Christensen Lane be limited to emergency vehicles only; 3. That existing improvements, including vegetation along the sides of the lane, are to remain; and, 4. The agreement shall not be changed, altered, amended, or modified except in writing by all parties to the agreement. See the Public Comment attachment for this agreement.
Staff Response: The County staff reviews on this are limited to technical requirements related to Engineering Standards, the Stormwater Management Manual, and Infrastructure Design and Construction Standards. Conditions of approval regarding the improvements and maintenance to W. Christensen Lane have been specified to address the above-mentioned concerns.
13. Concern: There are problems with the sight distance triangles at the intersection of the private drive and W. Christensen Lane.
Staff Response: The County has worked with the applicant to meet the standards for sight distances and sight triangles.
14. Concern: Proposed changes on W. Christensen Lane will affect the access to some parcels with farm and horse trailers.

Staff Response: The parcel owner concerned about trailer access is east of the Fox Hollow subdivision access, and the applicant is not proposing to alter the eastern section of the road.

15. Concern: Who will maintain W. Christensen Lane?

Staff Response: Private parties will maintain the private roadway. The recommended conditions of approval include a requirement that the applicant work with the Fox Hollow HOA to develop a maintenance plan for W. Christensen Lane. The applicant has stated that they are willing to assume the cost of the improvements and the long-term maintenance for the section of W. Christensen Lane from W. Christensen Drive to the county line.

- Traffic Study

1. Concern: The study doesn't represent the traffic generated for 55+ community development.

Staff Response: The trip generation of the traffic study is based on the Senior Adult Housing-Single Family land use category. The traffic study concluded that the development's traffic assignment shows a very low traffic volume assigned to the surrounding street network. Based on these results, Arcadia Creek will have a minimal traffic impact, and the public street roadways and adjacent intersections are anticipated to successfully accommodate this project's traffic volume.

2. Concern: Traffic will back up on W. Christensen Lane due to light timing and increased traffic on this road.

Staff Response: The traffic impact study does not support this claim. W. Christensen Lane can accommodate the anticipated traffic from the development, including the 23 lots proposed in Jefferson County.

- Utilities

1. Concern: Is the overhead power to be put underground?

Staff Response: The local utility company will determine this requirement.

- Drainage

1. Concern: How will the drainage on the private road on the subject property be modified so that it doesn't impact the surrounding subdivisions?

Staff Response: The proposed culvert design will pass a larger storm event than the existing culvert. This will reduce overtopping in the more frequent storm events. On W. Christensen Lane, the roadside ditches and inlets are being improved, allowing for improved drainage conditions. The road will also be designed with a crown for better drainage.

- Development

1. Concern: Increased water usage of the development may affect the aquifer and water supply in the area.

Staff Response: For the two lots in Arapahoe County, the State Water Engineering indicated the following, "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." The Platte Canyon Water and Sanitation District can serve the proposed lots.

- Property Value

1. Concern: The value of homes in the surrounding area will be affected by the increased vehicle trips on W. Christensen Lane.

Staff Response: The County has no data to substantiate that home costs will be affected, nor are property values a review criteria for approval or denial.

- New Culvert Design

1. Concern: The new design will increase the flow during flooding and affect downstream properties.

Staff Response: There is a hydraulic model of the proposed culvert, and it did not increase the depth and width of the floodplain. A no-rise certification letter was issued to support this by the developer's professional engineer, and the County reviewed and approved it.

2. Concern: There will be impacts on surrounding properties when the culvert is built.

Staff Response: The proposed culvert will not increase the depth or width of the floodplain; therefore, impacts to surrounding parcels are not anticipated. The present culvert design does propose wing walls and riprap on the adjacent property to the east. As per Condition of Approval No. 5, the applicant will need to keep the improvements of the "driveway" within the confines of the "driveway," or they may reach an alternative agreement with the servient property owner.

3. Concern: There will be flooding and debris from the stormwater.

Staff Response: The existing culvert design was at a much lower storm event, requiring any larger storms to overtop the culvert and allowing floodwater to spread out into the floodplain based on the topography. The proposed culvert design would minimize the frequency of overtopping of the private drive as storms up to the 10-year events would flow through the larger culvert. Storms more than the 10-year storm event would still cause flooding; however, the frequency and volume of the flooding should be minimized. The post-development condition significantly improves flood safety compared to the existing conditions, bringing this culvert into current County standards.

6. Neighborhood Meeting

The applicant had a neighborhood meeting on May 9, 2022. Thirty-two attendees signed the attendance sheet for the meeting. The applicant conducted a presentation and answered questions regarding the development's design, density, access, traffic study, trip generation, safety, utilities, maintenance, and design of W. Christensen Lane, the future of existing trees along W. Christensen Lane, the Fox Hollow Settlement Agreement, and whether there will be a metropolitan district or homeowner's association (see attached Neighborhood Meeting summary).

7. Public Land Dedication

The Land Development Code requires land dedication for public schools, public parks, and other public purposes, or cash-in-lieu instead of land dedication, with any subdivision. The cash-in-lieu amounts for parks and other public purposes are based on the assumed land value of \$40,000 per acre in suburban areas of the County.

Littleton School District is requesting \$1,612 cash-in-lieu. Based on those values, the total cash-in-lieu of land dedication will be:

Littleton School District: \$1,612.00

Public Parks: \$1,420.80

Other Public Purposes: \$59.20

Total cash-in-lieu: \$3,092.00

STAFF FINDINGS

Staff has visited the site and reviewed the plans, supporting documentation, and referral comments in response to this application. Based on the review of applicable policies and goals, as set forth in the Comp Plan, review of the subdivision regulations, and analysis of referral comments, our findings include:

1. The proposed Minor Subdivision is in general conformance with the Arapahoe County Comprehensive Plan.
2. The proposed Minor Subdivision complies with the Approval Standards contained in Section 5-6.3, enumerated in the Arapahoe County Land Development Code.
3. The proposed Minor Subdivision complies with the Intent Requirements contained in Section 5-6.6, enumerated in the Arapahoe County Land Development Code.

STAFF RECOMMENDATION

Considering the findings and other information provided herein, the staff recommends approval of Case No. PM22-006 Arcadia Creek Subdivision Filing No. 1, with conditions of approval:

1. Prior to the signature of the final copy of these plans, the applicant will address all Public Works and Development Staff comments.
2. Prior to recording the final plan, the applicant shall pay a total cash-in-lieu fee of \$3,092.00. This cash-in-lieu fee shall be distributed as follows: Littleton School District: \$1,612.00; Public Parks: \$1,420.80; and Other Public Purposes: \$59.20.
3. The improvements to West Christensen Lane required to be constructed by the County Engineering Service Division and under County Standards or as approved by the Technical Review Committee for adequate access to the subdivision must be built within the surveyed bounds of the Lane as described in the Court Orders from *Jefferson Bank and Trust v. Russell, et al.*, Arapahoe County District Court Case No. 92CV2564 and in *Arcadia Creek LLC v. Absher, et al.*, Arapahoe County District Court Case No. 2019CV31104, recognizing multiple rights of egress and ingress, and

shall be constructed so as not to interfere with the use of existing recorded easements across, along or within West Christensen Lane.

4. Applicant shall develop a common maintenance agreement or otherwise provided for an agreed maintenance plan, as contemplated and required under the Arapahoe County Infrastructure Design and Construction Standards for private roads, with Fox Hollow HOA holding rights of egress and ingress under the Court Order in *Jefferson Bank and Trust v. Russell, et al.*, Arapahoe County District Court Case No.92CV2564. No building permits will be issued until such agreement or plan has been approved by County staff.
5. All approved improvements to the “Driveway” for access shall be installed within the confines of the “Driveway” as defined in the Stipulated Quiet Title Decree in *Laguna Builders, Inc., et al. v. Wieder, et al.*, Case No.94CV2094, unless otherwise agreed with the servient estate property owner as defined in said Decree.
6. Christensen Lane shall not be used for construction access.

CONCURRENCE

The Public Works and Development Planning and Engineering Services Divisions have reviewed the application, and the Arapahoe County Public Works and Development Department is recommending approval of this case.

PLANNING COMMISSION DRAFT MOTIONS

Conditional Recommendation to Approve

In the case of PM22-006, Arcadia Creek Subdivision Filing No. 1, 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 recommend approval of this application based on the findings in the staff report, subject to the following conditions:

1. Prior to the signature of the final copy of these plans, the applicant will address all Public Works and Development Staff comments.
2. Prior to recording the final plan, the applicant shall pay a total cash-in-lieu fee of \$3,092.00. This cash-in-lieu fee shall be distributed as follows: Littleton School District: \$1,612.00; Public Parks: \$1,420.80; and Other Public Purposes: \$59.20.
3. The improvements to West Christensen Lane required to be constructed by the County Engineering Service Division and under County Standards or as approved by the Technical Review Committee for adequate access to the subdivision must be built within the surveyed bounds of the Lane as described in the Court Orders from *Jefferson Bank and Trust v. Russell, et al.*, Arapahoe County District Court Case No. 92CV2564 and in *Arcadia Creek LLC v. Absher, et al.*, Arapahoe County District Court Case No.2019CV31104, recognizing multiple rights of egress and ingress, and

shall be constructed so as not to interfere with the use of existing recorded easements across, along or within West Christensen Lane.

4. Applicant shall develop a common maintenance agreement or otherwise provided for an agreed maintenance plan, as contemplated and required under the Arapahoe County Infrastructure Design and Construction Standards for private roads, with Fox Hollow HOA holding rights of egress and ingress under the Court Order in *Jefferson Bank and Trust v. Russell, et al.*, Arapahoe County District Court Case No.92CV2564. No building permits will be issued until such agreement, or plan has been approved by County staff.
5. All approved improvements to the “Driveway” for access shall be installed within the confines of the “Driveway” as defined in the Stipulated Quiet Title Decree in *Laguna Builders, Inc., et al. v. Wieder, et al.*, Case No.94CV2094, unless otherwise agreed with the servient estate property owner as defined in said Decree.
6. Christensen Lane shall not be used for construction access.

Recommendation to Deny

In the case of PM22-006, Arcadia Creek Subdivision Filing No. 1, 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 recommend denial of this application based on the following findings:

1. *State new findings in support of denial as part of the motion.*

Continue to Date Certain:

In the case of PM22-006, Arcadia Creek Subdivision Filing No. 1, I move to continue the hearing to [date certain], 6:30 p.m., to obtain additional information and to further consider the information presented.

Engineering Staff Report
Referral Comments/Applicants' Response
Public Comments/Applicant’s Response
Neighborhood Meeting
Exhibits