

**MINUTES OF THE REGULAR MEETING OF THE
ARAPAHOE COUNTY PLANNING COMMISSION
TUESDAY, MARCH 18, 2025**

ATTENDANCE	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. The following Planning Commission members were in attendance: Rodney Brockelman; Brooke Howe; Kathryn Latsis; Randall Miller; Rick Sall; Dave Mohrhaus, Chair Pro-Tem; and Lynn Sauve, Chair. Also, present were Matt Hader, Senior County Attorney; Bryan Weimer, PWD Director; Jason Reynolds, Planning Division Manager; Ava Pecherzewski, Development Review Planning Manager (moderator); Molly Orkild-Larson, Principal Planner; Ceila Rethamel, Engineering Services Division Manager; Joseph Boateng, Engineer; John Svechovsky, Mapping Manager; Tiffany Clark, SEMSWA, and Kim Lynch, Planning Technician.
CALL TO ORDER	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 the public.
GENERAL BUSINESS ITEMS:	
APPROVAL OF THE MINUTES	The motion was made by Mr. Mohrhaus and duly seconded by Mr. Brockelman to accept the minutes from the <u>March 4, 2025</u>, Planning Commission meeting, as submitted. The vote was: Mr. Brockelman, Yes; Ms. Howe, Yes; Ms. Latsis, Yes; Mr. Miller, Yes; Mr. Mohrhaus, Yes; Mr. Sall, Absent; and Ms. Sauve, Yes.
PUBLIC HEARING ITEMS:	
ITEM 1	CASE NO. PM22-006 – ARCADIA CREEK SUBDIVISION FILING NO. 1 – MOLLY ORKILD-LARSON, PRINCIPAL PLANNER; JOSEPH BOATENG, ENGINEER – PUBLIC WORKS AND DEVELOPMENT (PWD) Ms. Sauve asked Mr. Hader if the PC had jurisdiction to proceed. Mr. Hader said that Case No. PM22-006, consistent with Chapter 5 Section 2 of the Arapahoe County Land Development Code, indicating that notice was provided by signage and mailing; therefore the PC had jurisdiction to proceed.

Ms. Orkild-Larson said the applicant, Arcadia Creek, LLC, was seeking approval to subdivide a 1.92-acre parcel into two single-family lots with a minimum lot size of 20,000 square feet. She said the proposed lots were located in Arapahoe County and were part of a gated 55+ age-restricted development situated in both Jefferson and Arapahoe Counties. She explained the Arcadia Creek development would consist of 25 detached single-family homes, 23 in Jefferson County and two in Arapahoe County. She described how access to this development would be from W. Leawood Drive (in Jefferson County) and W. Christensen Lane (in Arapahoe County). She stated that access to W. Leawood Drive was an important feature of the project because in the event of flooding, the proposed lots would have egress through Jefferson County by a 20-foot-wide private drive within the subject parcel that would connect W. Christensen Lane to the project's development within Jefferson County. She said the parcel was zoned R-2 in August 1961, and a single-family residence was located on the south portion of the property but was demolished in 2024. She demonstrated the private drive off W. Christensen Lane that transected 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). She said this residence could use the existing private drive on the subject property through an access easement where Coon Creek bisected the parcel from the northwest to the southeast and flowed under the existing private drive and continued into the Fox Hollow development to the east. She explained this creek connected to Dutch Creek near the southeast property line of the Fox Hollow subdivision and the applicant proposed to improve the private drive and install a new culvert to accommodate the flows of Coon Creek. She added W. Christensen Lane was approximately 3,360 linear feet long, commencing at S. Platte Canyon Road and extending west to the Arapahoe/Jefferson County line, featured a locked fire access gate at the county line, preventing vehicular traffic from crossing to or from W. Leawood Drive in Jefferson County, and varied width and parcel ownership and access, as well as maintenance responsibilities that were defined by the courts and private agreements. She said the applicant was proposing to improve this section of W. Christensen Lane from the county line east to the entrance of the Fox Hollow development and asserted that he could legally use W. Christensen Lane based on the July 13, 2020, Arapahoe District Court ruling that the applicant had the right to access this road and had "unrestricted and unlimited permanent rights of ingress and egress through W. Christensen Lane". She added the Jefferson County Board of County Commissioners had 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 and the applicant was finalizing the final plat documents for resubmittal to Jefferson County. She reported there was public comment posted for the record available through the Agenda link. She addressed the four most often mentioned concerns of safety, access and maintenance of Christensen Lane, and culvert design for the private drive.

Ms. Rethamel, Engineering Services Division Manager, discussed specifics of the road design on the private road and Christensen Lane, specifically addressing

bike lane and paving to address many noted safety and maintenance problems. She stated that visual reflective vertical delineators are proposed for the four foot wide pedestrian lane to separate this path from the new roadway in order to increase the safety of walkers and bikers. She explained that culvert size and capacity design increased the current 2 year flood capacity to a 10 year flood capacity which would reduce overtopping of the private driveway in normal weather event. She added there would likely be a significantly decreased overtopping in a 10 year event and this limited overtopping would be seen less often since timing of larger flood events was much less frequent. She addressed the traffic study waiver as less than 250 trips per day now and with the development only a traffic impact letter was required. She stated that 75 trips/day was estimated and reminded all the community gates would limit traffic to residents and not permit general public access.

Mr. Tschetter of Arcadia Creek, LLC stated that to date there had been no objections to the design construction and vision of the development, and it maintained longstanding access rights to Christensen Lane. He reported that a move to reduce or restrict this access was the reason it has taken so long to finish the project. He reiterated this project was a gated community for those aged 55+ for aging in place with dignity where they could maintain independence as long as possible. He stated the barn renovation would be used by community residents only and it was not proposed to be a commercial event center. He described this 9.5 acre infill project that would work with Denver Water to move a problematic watermain out of the floodplain to make it easier to maintain and serve the existing subdivisions as well as this project. He reiterated the old growth landscaping was a big part of the development and the project retained 30% of open space in the area. He affirmed the HOA would maintain structure exteriors, landscaping, the private drive and Christensen Lane therefore funding for road maintenance would not be required by the counties. He concluded that gated access on Christensen Lane would address the issue of cut-thru traffic. He reaffirmed the project's commitment to pedestrian and bicycle traffic safety and noted this access improvement would expand trail system access through Fox Hollow and other neighbors to the C-470 trail system.

Staff were asked to restate what specifics the Commissioners were asked to consider in this hearing. Ms. Orkild-Larson said the PC was asked to determine if there was appropriate access; if the property could be served by water, sewer and utilities; if the zoning requirements have been met; if the property can be served by the schools, sheriff, and the fire district; and was the development proposed compatible with what was surrounding it. She stated culvert and drainage was not usually addressed at the subdivision level but was provided here due to known problems requiring mitigation.

Mr. Hader stated a common agreement must be reached between Fox Hollow and the applicant per the LDC requirement of a maintenance agreement between these parties in order for construction to proceed and this was called out in Note 13 on the plat specifically addressing this maintenance.

Ms. Sauve opened the hearing for public comments. There were forty-eight members of the public present, twenty-two of whom spoke mostly in opposition, and there was one caller who also spoke in opposition. The public hearing was closed. These comments were reflective of the extensive documentation of public comment provided in the Agenda materials for this hearing.

Ms. Sauve expressed her sympathy of safety issues and quality of life concerns of the residents but recognized the need to balance the rights of the developer in this matter and would therefore support this project. Ms. Howe said she felt this project demonstrated thoughtful development and was in support. Mr. Mohrhaus said he would support this vote and reiterated this hearing did not constitute a PC decision on access, but it was a recommendation of approval on the division of the two Arapahoe County lots in the development.

The motion was made by Ms. Latsis and duly seconded by Mr. Sall, 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. The vote was: Mr. Brockelman, No; Ms. Howe, Yes; Ms. Latsis, Yes; Mr. Miller, No; Mr. Mohrhaus, Yes; Mr. Sall, Yes; Ms. Sauve, Yes.
ANNOUNCEMENTS	Ms. Orkild-Larson announced the April 15 th PC meeting would have PC Officer elections, one subdivision hearing, and one study session on Location and Extent and would be held at the usual location, the Lima Arapahoe Room.
ADJOURNMENT	There being no further business to come before the Planning Commission, the meeting was adjourned.