

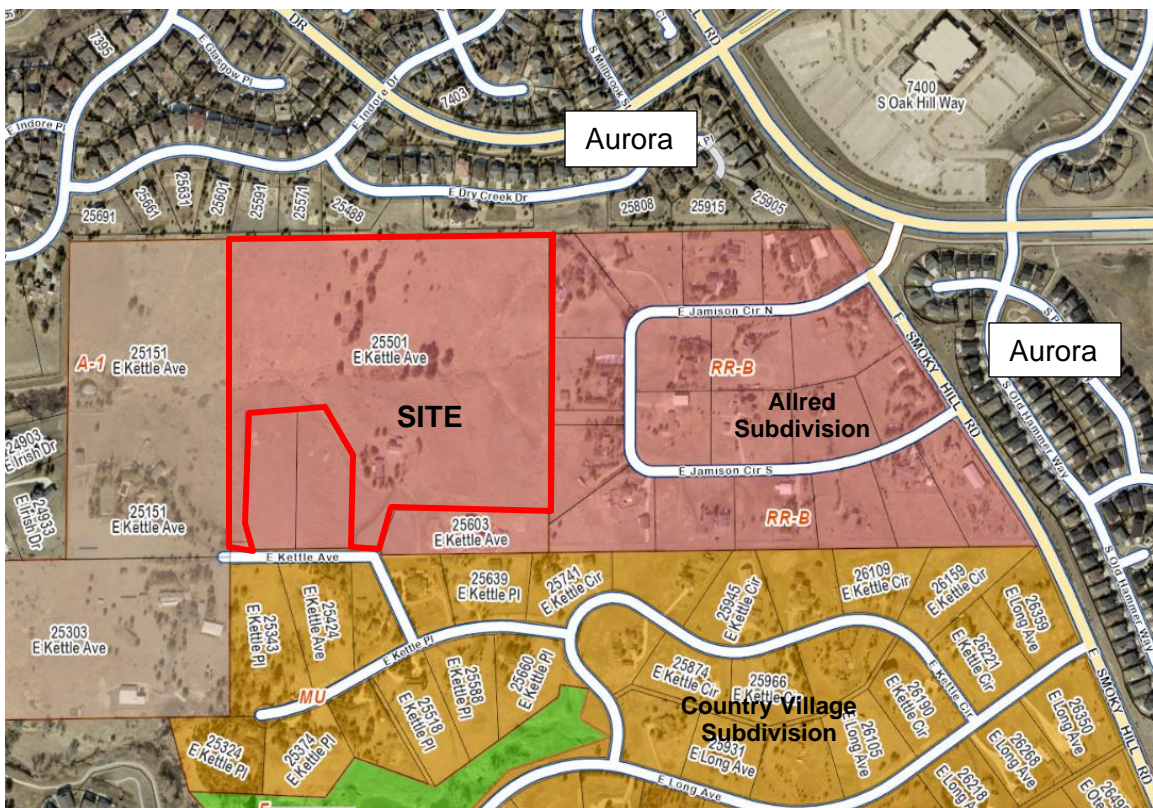
**ARAPAHOE COUNTY PLANNING COMMISSION
PUBLIC HEARING
AUGUST 6, 2024
6:30 P.M.**

**SUBJECT: PP23-001 – FOREST RIM ESTATES SUBDIVISION FILING NO. 2
PRELIMINARY PLAT**

MOLLY ORKILD-LARSON, PRINCIPAL PLANNER **JULY 19, 2024**

LOCATION:

The proposed subdivision is located in Lot 3 of the Forest Rim Estates Subdivision Filing No. 1, west and adjacent to the Allred Subdivision. The 31.21-acre parcel is in Commissioner District No. 3 and zoned Rural Residential-B (RR-B).



Vicinity and Zoning Map

ADJACENT SUBDIVISIONS, ZONING, AND LAND USES:

- North: City of Aurora – single-family residential
- South: Country Village Subdivision – Single-family residential, zoned MU
- East: Allred Subdivision – single-family residential, zoned RR-B
- West: Single-family residential – zoned A-1

PROPOSAL:

The applicant is seeking approval to subdivide a 31.21-acre parcel into ten lots and two tracts. Lots 1 through 10 will be developed for single-family residential, Tract A for drainage, water quality, and emergency access, and Tract B for a private access roadway, drainage, and utilities. Access to the subject property is through a 60-foot-wide parcel (Reception Number D5108755) owned by the applicant and is in the Allred Subdivision. This parcel connects the proposed development to E. Jamison Circle and will be documented by the subject plat by its reception number.

Of this 60-foot-wide parcel, only a 50-foot width is needed for the access road, which matches the proposed on-site private access roadway easement width. Two five-foot easements on each side of the road shall be granted to the owners of Tracts 5 and 6 of the Allred Subdivision for non-right-of-way uses. For the 50-foot road, two 30' x 30' sight triangles at the entrance to E. Jamison Drive will be required and dedicated by the owners of Tracts 5 and 6 before the signing of the final plat.

A water cistern is to be located within the development and to be used by the fire district. The location will be determined at the time of the final plat.

RECOMMENDATION:

Staff recommends the application be approved based on the findings and subject to the conditions of approval outlined herein.

I. BACKGROUND

The subject property is Lot 3 of the Forest Rim Estates Filing No. 1 (Case number PM20-003). This subdivision received the Planning Commission's recommendation of approval in April 2022 and was approved by the Board of County Commissioners in June 2022.

The parcel is zoned RR-B and is presently vacant and contains a native landscape. The proposed lots meet the RR-B zone district minimum lot size of 2.41 acres.

II. DISCUSSION

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

1. The Comprehensive Plan

Comprehensive Plan (Comp Plan): The subject parcel is located in the land use category of Urban Residential/Single-Family Detached and Attached. This category supports residential development with a variety of housing types combined with non-residential secondary land uses that are complementary and supportive. Primary uses are Single-Family Detached, Single Family Attached (duplexes, triplexes, fourplexes, townhomes, each with private entrance), and multiplex units.

The Comp Plan's density range for Single-Family Detached is 1-8 du/ac. This application proposes single-family detached homes which complies with the Comp Plan designation but doesn't comply with the 1-8 dwelling units per acre requirement. The County's Long-Range Planner recognizes that the proposed density of 0.32 du/ac is less than the minimum identified in the Urban Residential/Single Family Detached and Attached land use category, but since the zoning is already in place, this division will not object to the proposed subdivision.

This proposal 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 ten residential lots depicted on the proposed plat will be served by individual wells. The Colorado Division of Water Resources has determined that the proposed water supply is expected to be adequate and can be provided without causing material injury to existing water rights.

Policy PFS 4.3 - Require Adequate Wastewater Treatment

The proposed plat has been reviewed by the Arapahoe County Public Health Department and this agency has no objection to using On-site Wastewater Treatment Systems (OWS) for the development.

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

The development can be served by utility providers.

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 do not object to the project. The fire district has some requirements that staff will make as a condition of approval.

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

The site will be served by Cherry Creek School District. The school district reviewed the preliminary plat application and is requesting cash-in-lieu fees of \$31,837.00 for schools but these fees will be addressed at the time of the final plat.

2. Land Development Code – Subdivision Regulations

Section 5-6.2.B of the Land Development Code allows a Preliminary Plat shall be approved if the proposal meets all of 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 30-28133(6)(a) C.R.S.].*

The Colorado Division of Water Resources 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 3018-133(6)(b) C.R.S.].*

Arapahoe County Public Health Department has no concerns of the use of On-Site Wastewater Treatment System (OWTS) for the proposed lots.

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 use of these areas are compatible with such conditions. [Section 30-281 33 (6) (c) C.R.S.]*

The Colorado Geological Survey commented that there were no unusual geologic hazards or geotechnical constraints known or suspected to be present that would preclude approval of the proposed residential density. However, the developer needs to take into consideration setbacks from drainageways that traverse the site and shallow slope instability (slumping) within proposed lots 7, 10, and 13. The applicant is willing to address these issues with the grading plan and construction drawings.

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

The proposed property is zoned RR-B and the minimum lot size for this district is 2.41 acres. The proposed lots are greater than the required acreage therefore meeting the minimum lot size for this zone district.

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 LDC.*

The Mineral Resource Map B-8 doesn't indicate any mineral resources on the subject property.

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.

4. Public Comment & Neighborhood Outreach

A neighborhood meeting was held on October 26, 2023, and 14 people signed the attendance sheet. The comments received at this meeting and emails to staff are as follows:

- **Water Supply:** Concerns about the impact on private wells and water quality due to increased demand from the new development.
Response: The State Water Engineer has determined that the proposed water wells will not cause any damage or harm.
- **Road Maintenance:** E. Jamison Circle has inadequate road infrastructure and lacks maintenance, especially during winter.
Response: E. Jamison Circle is maintained by the County and road maintenance is dictated by the County's budget. When the Allred Subdivision was built, the County Road standards at that time only required gravel with no sidewalks. Typically, road maintenance is based on the original conditions of a road and is maintained as such. However, in this case, the County upgraded this road by paving it.
- **Impacts to E. Jamison Circle by the Development:** If damage occurs to this road by the new development, it should be repaired by the applicant.
Response: The applicant has indicated that any damage caused to E. Jamison Circle resulting from the construction of the development will be repaired by the contractor. Photos will be taken before the project begins to establish a record of the condition of this road before the commencement of work.
- **Environmental Impact:** Displacement of wildlife and destruction of habitats, including endangered species.
Response: As part of the review for preliminary plats, a wildlife study is not required. Colorado Parks and Wildlife (CPW) has not identified any rare or endangered species on the property but has provided recommendations regarding burrowing owls, raptor nesting, weed management, and wildlife-friendly fencing. The staff has made the CPW recommendations as conditions of approval for this application.
- **Flooding/Drainage:** Concerns about floodwater management, drainage issues, and potential damage to existing homes.
Response: The applicant will design a development that will manage stormwater and decrease the risk of any further drainage issues/potential damage to any homes in the area. As part of the application review, drainage and stormwater of the development are reviewed in order to prevent impacts to adjacent properties.
- **Tree Preservation:** Preserve the existing trees on-site.

Response: The applicant indicated that they would try to preserve the trees on-site, but some will be removed by the construction of the road.

- Community Impact: There will be a decrease in property values and quality of life for existing residents in the Allred Subdivision and there will be disruption to the peaceful, country atmosphere of the neighborhood.

Response: The applicant has indicated that the new homes in the development will have a value of over 2.5 million dollars and believes property values in Allred Subdivision will only go up. These new homes will be custom estates, subject to square footage minimums detailed in the covenants, with values in line with new custom homes being built on similar lots in the area. Every effort will be made through engineering and HOA covenants to maintain the country feel of the area. This is one of the key selling points for these lots, and very important to the applicant, as people are looking to leave the city for this type of lifestyle.

- Lack of Notification: The Allred Subdivision was not notified of the development process.

Response: As required by the Land Development Code (LDC), referrals were sent to County staff, referral agencies, and surrounding Homeowner Association representatives. Shortly after the referrals were sent, the County was contacted by Allred Subdivision residents indicating that they didn't receive a referral letter requesting their comments. Staff explained that only the Homeowner Association contacts are sent this information, not the individual homeowners and it is the responsibility of the HOA representatives to inform the community. It was also conveyed that a neighborhood meeting would be held by the applicant to inform them of the development at which time they could ask questions and express their concerns. The applicant held a neighborhood meeting on October 26, 2023, to present the project, answer questions and take comments.

- Traffic Impact and Safety: Increased traffic congestion and safety hazards, especially at intersections and blind spots in the Allred Subdivision.

Response: Arapahoe County waived the requirement for a traffic study, as the traffic impact of ten new residences will be minimal. The County is requiring the installation of 30' x 30' sight triangles at the intersection of E. Jamison Circle and the development's access road to increase the safety of this intersection.

- Property Rights and Development Process: Lack of control over the type and size of homes being built.

Response: The County requires the developer to adhere to the RR-B zone district standards and does not enforce architectural style. In addition to these requirements, the developer is proposing to have covenants that could place further restrictions on the residential homes.

- Request for Transparency: Want the developer to be open with the community on what's being proposed.

Response: The applicant held a neighborhood meeting to discuss the application and is working with the property owners adjacent to the access road to resolve the implementation of sight triangles.

5. Cash in Lieu of Land Dedication

The school district is requesting a \$31,837.00 cash-in-lieu fee for the schools. However, land dedication for public schools, public parks, and other public purposes or cash-in-lieu instead of land dedication will be addressed at final plat.

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 Preliminary Plat generally conforms to the Arapahoe County Comprehensive Plan.
2. The proposed Preliminary Plat complies with the General Submittal Requirements contained in Section 2-15 enumerated in the Arapahoe County Development Application Manual.
3. The proposed Preliminary Plat complies with the Approval Standards contained in Section 5-6.2.B enumerated in the Arapahoe County Land Development Code.

STAFF RECOMMENDATION:

Considering the findings and other information provided herein, staff recommends approval of Case No. PP23-001 Forest Rim Estates Filing No. 2 Preliminary Plat, with the following conditions of approval:

1. Prior to signature of the final copy of these plans, the applicant will address all Public Works and Development Staff comments.
2. Prior to the signature of the final plat, the 30' x 30' sight triangle at the entrance of E. Jamison shall be dedicated by the property owners of Tract 5 and Tract 6 of the Allred Subdivision.
3. Prior to the signature of the final plat, the property owner shall grant the five-foot easements of the access road to the property owners of Tract 5 and Tract 6 of the Allred Subdivision.
4. Prior to the signature of the final plat, the Applicant shall address the South Metro Fire Rescue and Xcel Energy's requirements.

5. Prior to the signature of the final plat, a weed management plan shall be provided for review and approval by the County Planning Division.
6. If prairie dog towns are present within the subject property, a burrowing owl survey shall be conducted if any earthmoving is to occur between March 15 and August 31. This survey shall be submitted to the County Planning Division and Colorado Parks and Wildlife for review and approval.
7. If the start of construction occurs during the raptor nesting season, a nesting raptor surveys shall be conducted prior to the start of construction to identify active nests within 0.25 miles of the project workspace. In the event that an active raptor nest is discovered at the time of construction, the Applicant shall notify the Colorado Parks and Wildlife and identify appropriate measures in order to minimize impacts. This survey shall be submitted to the County Planning Division and the Colorado Parks and Wildlife for review and approval.
8. The subdivision shall use Colorado Parks and Wildlife's recommended wildlife-friendly fencing.

The Planning Commission has alternatives that include the following:

1. Recommend approval of the proposed Preliminary Plat.
2. Continue to a date certain for more information.
3. Recommend denial of the proposed Preliminary Plat.

CONCURRENCE:

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

PLANNING COMMISSION DRAFT MOTIONS – CASE NO. PP23-001 FOREST RIM ESTATES FILING NO. 2 PRELIMINARY PLAT:

Conditional Recommendation to Approve

In the case of PP23-001 Forest Rim Estates Filing No. 2 Preliminary Plat, 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 signature of the final copy of these plans, the applicant will address all Public Works and Development Staff comments.

2. Prior to the signature of the final plat, the 30' x 30' sight triangle at the entrance of E. Jamison shall be dedicated by the property owners of Tract 5 and Tract 6 of the Allred Subdivision.
3. Prior to the signature of the final plat, the property owner shall grant the five-foot easements of the access road to the property owners of Tract 5 and Tract 6 of the Allred Subdivision.
4. Prior to the signature of the final plat, the Applicant shall address the South Metro Fire Rescue and Xcel Energy's requirements.
5. Prior to the signature of the final plat, a weed management plan shall be provided for review and approval by the County Planning Division.
6. If prairie dog towns are present within the subject property, a burrowing owl survey shall be conducted if any earthmoving is to occur between March 15 and August 31. This survey shall be submitted to the County Planning Division and Colorado Parks and Wildlife for review and approval.
7. If the start of construction occurs during the raptor nesting season, a nesting raptor surveys shall be conducted prior to the start of construction to identify active nests within 0.25 miles of the project workspace. In the event that an active raptor nest is discovered at the time of construction, the Applicant shall notify the Colorado Parks and Wildlife and identify appropriate measures in order to minimize impacts. This survey shall be submitted to the County Planning Division and the Colorado Parks and Wildlife for review and approval.
8. The subdivision shall use Colorado Parks and Wildlife's recommended wildlife-friendly fencing.

Staff provides the following Draft Motions listed below as general guidance in preparing an alternative motion if the Planning Commission reaches a different determination:

Recommendation to Deny

In the case of PP23-001 Forest Rim Estates Filing No. 2 Preliminary Plat, 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 PP23-001 Forest Rim Estates Filing No. 2 Preliminary Plat, 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 Letter
Exhibit