

**MINUTES OF THE REGULAR MEETING OF THE  
ARAPAHOE COUNTY PLANNING COMMISSION  
TUESDAY, DECEMBER 3, 2024**

<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; Brooke Howe; Kathryn Latsis; Randall Miller; Dave Mohrhaus, Chair Pro-Tem; Richard Sall; Lynn Sauve, Chair.</p> <p>Also, present were Robert Hill, Senior Assistant County Attorney (attending by phone); Jason Reynolds, Planning Division Manager; Ceila Rethamel, Engineering Services Division Manager; Ava Pecherzewski, Development Review Planning Manager (moderator); Loretta Daniels, Long Range Planning Manager; Gretchen Ricehill, Long Range Planner; Emily Gonzalez, Engineer; Kat Hammer, Senior Planner; and Kim Lynch, Planning Technician.</p>
<b>CALL TO ORDER</b>	<p>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 public.</p>
<b>GENERAL BUSINESS ITEMS:</b>	
<b>APPROVAL OF THE MINUTES</b>	<p><b>The motion was made by Mr. Mohrhaus and duly seconded by Ms. Latsis to accept the minutes from the <u>November 12, 2024</u>, Planning Commission meeting, with corrections to paragraph 1 of page six, “Mr. Sall” seconded changed to “Mr. Mohrhaus”. Vote modified to read Mr. Mohrhaus, Yes and Mr. Sall, No.</b></p> <p><b>The vote was:</b></p> <p><b>Mr. Brockelman, Yes; Ms. Howe, Abstain; Ms. Latsis, Yes; Mr. Miller, Yes; Mr. Mohrhaus, Yes; Mr. Sall, Yes; and Ms. Sauve, Yes.</b></p>
	<p><b>The motion was then made by Mr. Mohrhaus and duly seconded by Ms. Latsis to accept the minutes from the <u>November 19, 2024</u>, Planning Commission meeting, as submitted.</b></p> <p><b>The vote was:</b></p> <p><b>Mr. Brockelman, Abstain; Ms. Howe, Abstain; Ms. Latsis, Yes; Mr. Miller, Yes; Mr. Mohrhaus, Yes; Mr. Sall, Yes; and Ms. Sauve, Yes.</b></p>
<b>PUBLIC HEARING ITEMS</b>	

**ITEM 1**

**CASE NO LR22-008, COPPERLEAF O / COMPREHENSIVE PLAN AMENDMENT (COMP PLAN) – GRETCHEN RICEHILL, LONG RANGE PLANNING – PUBLIC WORKS AND DEVELOPMENT (PWD)**

Ms. Sauve asked the County Attorney if the PC had jurisdiction to proceed. Mr. Hill said that LR22-008 had been properly noticed and the PC had jurisdiction to proceed.

Ms. Ricehill stated Norris Design, on behalf of the owner of three vacant parcels located on the west side of S. Gun Club Road in the vicinity of E. Belleview Avenue, proposed a revision to the 2018 Arapahoe County Comp Plan to change the land use designation of the parcels from “Urban Residential / Single Family Detached and Attached” to “Multi-Family”. She demonstrated how the Comp Plan’s Urban Area Land Use Plan map designated the subject properties as appropriate for “Urban Residential, Single Family Detached and Attached” land uses which included detached residential (1-8 dwelling units per acre), duplexes, triplexes, fourplexes, townhomes, and multiplex units (8-16 dwelling units per acre). She explained supporting uses included neighborhood commercial centers, parks and recreation facilities, places of worship, and schools. She said the applicant requested that the PC consider modifying the land use map to change the land use designation of the three subject parcels to “Multi-Family” to accommodate a multifamily residential community. She added this would match the Comp Plan’s “Multi-Family” definition of apartments and condominiums, as well as a range of housing types including townhomes, multiplexes, fourplexes, triplexes, and duplexes that would have a gross density of 13 or more dwelling units per acre, with shared parking facilities, and convenient connections to work, commercial centers and leisure-time areas. She suggested these multi-family residential communities provided a transition between non-residential areas and lower-density residential uses. She concluded staff found the “Multi-Family” land use classification better characterized the intended use because the applicant was considering a multi-story apartment complex at this location, and this proposed land use change to the Comp Plan could allow other projects as well. She described the outreach efforts of the project and reported there was ongoing communication between the project’s and Aurora’s engineering teams and the Transportation Division to organize funding and an action plan to address the traffic concerns along Gun Club Road and for the Belleview overpass as raised by the public throughout the outreach meetings. She said this proposed project would increase traffic but fell within Engineering standards as discussed in the Transportation Plans section of the staff report. She qualified this project would need to conform to the use-types, densities, and characteristics of the “Multi-Family” land use definition, before the property could be developed, and the property owner would need to request a zoning change to amend the current Copperleaf PUD or to seek approval of a new PUD plan, which would have to be brought before the PC for its recommendation and before the Board of County Commissioners (BOCC) for its approval. She stated the action on this Comp Plan amendment application would not change the zoning on the subject property without these additional approvals through the public hearing process. She said Staff had reviewed the proposal and supporting documentation and referral comments and based on the review of applicable goals and policies as stated in the Comprehensive Plan, Staff found:

1. This proposed amendment complied with several goals and policies of the 2018 Arapahoe County Comp Plan.
2. Amending the Comprehensive Plan Urban Area Land Use Plan map was consistent and compatible with the surrounding area.
3. The PC had the authority to amend provisions of the 2018 Arapahoe County Comp Plan proposed by this revision.

She concluded based on the three findings described above, Staff recommended approval of this Amendment request, and that the PC was the deciding authority for such Comp Plan Amendments.

Mr. Philip Dunham, project engineer from Felsburg Holt & Ullevig, spoke regarding Gun Club roadway concerns and related plans for the widening that had been discussed to accommodate the over capacity of this roadway. He reported a Request for Proposal was anticipated in Quarter 1 of 2025 for a project to provide relief to the congestion. He explained the project resulting from this application for 300-600 units and could generate up to 10 trips per day per resident which was within the accepted range for such a project. He added that the market rate rents that apartments are commanding now were actually greater than single family mortgage rates in many cases and this was a positive in light of concerns regarding property values.

Ms. Sauve opened the public hearing. There were 8 members of the public present and 11 callers who spoke in opposition and raised concerns of traffic, crime, too much density, school capacity, not enough open space, Bellevue extension across E-470, and that Tollgate Crossing neighborhood did not get individual notification of public comment opportunity. Ms. Sauve closed the public hearing.

There was discussion regarding the following questions or concerns:

- When was public outreach sent? How were minimum requirements met with notifications?
- Where was public outreach meeting and what was its purpose? Was the virtual outreach meeting well attended?
- Is the Belleview crossing of E-470 a recently proposed development? Was there consideration for this need and the Gun Club traffic situation by the developers for this project?
- How would the Transportation Network goal of multi modal transportation needs be addressed?
- Is the county looking at traffic for all the developments currently underway and not just this development?
- What were the height limits for Multi-Family construction? How did this compare with neighboring area construction?
- What would the rent price range be for the proposed development?
- Would Copperleaf provide amenities for this development?
- What schools would residents attend?
- Why was the Comp Plan and then the rezone change needed?

Ms. Ricehill reported notifications were sent for this hearing on 11-5-2024 and newspaper legal notices were made on 11-14-2024. She explained the method of outreach was to notify homeowners .25 miles from proposed site and reach out to the HOAs within that distance. She noted the outreach mailings only reached those whose contact information was current with the Assessor's office and the Department of Regional Affairs (DORA) which was dependent on the HOA organization's efforts to keep HOA contact information current. She stated many of the letters were returned to sender, but the effort made did meet the minimum requirement even though some HOA members said they were not notified. She discussed the virtual meeting that was held back in 2023 to provide information for those impacted by the project which was not well attended and said a summary of outreach was included in the packet for tonight's proceedings. She noted the 2023 outreach was limited while transportation issues with Gun Club and Belleview were addressed by the project team. Mr. Dunham confirmed the widening for Gun Club and the Belleview projects had been planned for many years and were included in the last iterations of the Transportation Plan. He reported that Denver Regional Council Of Government had allocated \$2.5 million and had been in discussions with Aurora, Arapahoe County and the developer to enact Agreements for funding shares all of which would need to be spent by the end of 2027. He added the Developer was trying to address these safety concerns about traffic and congestion in good faith and would address them more with the coming applications that dealt more concretely with such specifics. He said that multi-modal transportation would be a part of the further development and sidewalks would be required along with open space trail connectivity and would include Belleview access to Highline trails, and to Southland for retail, groceries, and job opportunities. Ms. Ricehill reminded all that any traffic study was only applicable for a specific site and added the Comp Plan was used to estimate what the traffic might be with the estimated growth, and the Master Traffic study that was made in 2004 referenced it and updated it. Mr. Reynolds stated the Multi-Family zone had a current height limit of 50 feet, but this was not relevant to what was under consideration tonight. Mr. Dunham said that the upcoming GDP would propose 4 story structures which was close to the height restriction. Mr. Reynolds said standard single-family residential heights in Arapahoe County were 35 feet, but Tollgate was Aurora's jurisdiction, and their height restrictions were not known. Mr. Dunham said the public should reach out to the Management group who would have more insight on what rents would be proposed but current market prices for rent ranged between \$1700-3447 and this would be likely for the project. He added the provision of amenities would be addressed at the site development phase along with requirements that would need to be met for trails, parks, and schools. Ms. Ricehill said the Cherry Creek school district had been notified and had provided a no comment or no response. Mr. Reynolds said the school district had indicated they could meet the community's needs. Mr. Dunham explained this change was needed because current the Comp Plan and zoning didn't allow Multi-Family style of products even though the allowed multi-plex style of products had a similar cap 16 dwelling units/acre. He reiterated that this was not a high-rise development plan but rather only 3-4 story buildings at 60-foot maximum heights while the adjacent single family 3 story homes topped out at 38 feet.

**The motion was made by Ms. Latsis and duly seconded by Mr. Mohrhaus, in the case of LR22-008, Copperleaf O, consideration of an application to amend the 2018 Arapahoe County Comprehensive Plan in the vicinity of S. Gun Club Road and E. Belleview Avenue, I have 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 approve this application based on the findings in the staff report with the following condition:**

- 1. An attachment to this report illustrates the changes to be made to the 2018 Arapahoe County Comprehensive Plan Urban Area Land Use Plan map if the Planning Commission approves the request. Staff, in conjunction with the County Attorney’s Office, is hereby authorized to update the map.**

**The Commissioners discussed their concerns that notification of those impacted, and traffic were such resounding themes in the public hearing that their votes to this motion would reflect their concern.**

**The vote was:**

**Mr. Brockelman, No; Ms. Howe, No; Ms. Latsis, No; Mr. Miller, No; Mr. Mohrhaus, No; Mr. Sall, No; and Ms. Sauve, No.**

**The motion was made by Ms. Latsis and duly seconded by Mr. Brockelman, in the case of LR22-008, Copperleaf O, consideration of an application to amend the 2018 Arapahoe County Comprehensive Plan in the vicinity of S. Gun Club Road and E. Belleview Avenue, I have 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 table this item to a future date.**

**The vote was:**

**Mr. Brockelman, Yes; Ms. Howe, No; Ms. Latsis, Yes; Mr. Miller, Yes; Mr. Mohrhaus, Yes; Mr. Sall, Yes; and Ms. Sauve, Yes.**

**ITEM 2**

**CASE NO. LR24-001, CLUB CAR WASH / COMP PLAN AMENDMENT – GRETCHEN RICEHILL, LONG RANGE PLANNING – PUBLIC WORKS AND DEVELOPMENT (PWD)**

Ms. Sauve asked the County Attorney if the PC had jurisdiction to proceed. Mr. Hill said that LR24-001 had been properly noticed and the PC had jurisdiction to proceed.

Ms. Ricehill stated the owner of a vacant 1.5-acre property located at the southwest corner of E. Mississippi Avenue and S. Valencia Street proposed a revision to the County’s 2005 Four Square Mile Sub-Area Plan, an element of the Arapahoe County Comprehensive Plan, to change the land use designation for the property from “Community” to “Convenience Commercial”. She explained changing this

property's land use category would not change its underlying zoning designation or approve any development plan, and those actions would require separate applications and public hearings before the PC and the BOCC. She said the applicant requested that the PC consider modifying the land use map in the Sub-Area Plan to change the subject property's designation from "Community" to "Convenience Commercial" to accommodate a tunnel car wash facility on the property. She described the Four Square Mile Sub-Area Plan definition of "Convenience Commercial" as mini-markets, packaged goods, fast-food restaurants, and gasoline sales which ideally were located at the intersections of collector and arterial streets and typically had minimum lot sizes of one to two acres and building sizes of 3,000 to 5,000 square feet of gross leasable space. She stated that although the subject property was just 1.5 acres, and the likely building size would be less than 3,000 square feet, staff believed that "Convenience Commercial" was the most applicable of the four commercial classifications in the sub-area plan that best accommodated the proposed use. She added Staff believed that this request was consistent with other commercial uses near and to the west of the site including a gas station (now vacant), auto repair, self-service car wash, and a small commercial center. She added before the property could be developed as a car wash facility, the property owner would need to request a zoning change, and this proposed change to the Four Square Mile Sub-Area Plan would allow other convenience commercial uses as well. She reiterated any such subsequent rezoning would have to be brought before the PC for its recommendation and before the BOCC for its approval and would not change the zoning on the subject property without these additional approvals through the public hearing process. She concluded Staff had reviewed the proposal and supporting documentation and referral comments and based on the review of applicable goals and policies as stated in the Comp Plan, Staff found:

1. This proposed Comp Plan amendment complied with the goals of the Comp and Four Square Mile Sub-Area Plans.
2. Amending the Four Square Mile Sub-Area Plan map would make the affected area consistent with some adjacent land uses and would be compatible with the surrounding area.
3. The PC had the authority to amend provisions of the Four Square Mile Sub-Area Plan as proposed by this revision.

She concluded based on the three findings described above, Staff recommended approval of this Amendment and the PC was the deciding authority for Comp Plan Amendments, including changes to the related Four Square Mile Subarea Plan.

Mr. McClean with Galloway and Co., representing Club Car Wash LLC, agreed with staff's findings. He reported the team had been working with the neighborhood association regarding their request that a specific suite of undesirable uses, termed the "Dirty 13", would not be at issue in the upcoming proposed development for the car wash site. He explained, for example, the Specific Development Plan (SDP) would not have a 24-hour use. He described other such undesirable uses included mini marts or gas stations with 24-hour operations.

Ms. Sauve opened the public hearing. There were two members of the public present and one caller who spoke in opposition. Ms. Sauve closed the public hearing.

There was discussion regarding the following:

- Would there be a fence surrounding the Car Wash?
- Was Four Square Mile neighborhood association in support if the car wash wasn't developed?  
Wouldn't approving this make it more possible for undesirable uses?
- Could other possibilities for use such as house of worship be developed in a wide style design on this site?
- What about future development and how this impacts the redevelopment of the Sub Area Plan?
- What is a tunnel car wash? Were there noise concerns?
- Was this a Corporate or Franchise entity?

Mr. McClean said that drainage and fencing would be addressed at the time of the Specific Development Plan. He also reported that RTD would be consulted and worked with to address whether existing bus stops should be relocated with the new use for the property. He suggested that a Mini Mart or gas station could be allowed if the "Convenience Commercial" designation would allow for alternative development. He spoke to the challenge of the site's narrowness and setbacks limitations and stated this would limit the possibility for most of the undesirable uses that might be proposed. He said that a house of worship could possibly be proposed but this was not likely as the site was too narrow. He posited an overlay district was a possible solution to restrict undesirable types of development in the future. He described a tunnel car wash as a conveyor belt type facility that operated while owner sat in the car, operating from 7 am to 7 pm, and closed for holidays. He said the dryer, vacuums and engine idling would be mitigated by landscape buffering toward the Club Valentia development. The next phase of development would continue in close contact with the Four Square Mile neighborhood association. He stated that noise studies would proceed at next stage of development. He affirmed that Car Wash LLC was family owned with investors and not currently franchised.

**The motion was made by Ms. Latsis and duly seconded by Mr. Brockelman, in the case of LR24-001 Club Car Wash LLC, consideration of an application to amend the Four Square Mile Sub-Area Plan, I have 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 approve this application based on the findings in the staff report with the following condition:**

- 1. Staff, in conjunction with the County Attorney's Office, is hereby authorized to update the map.**

**The vote was:**

	<b>Mr. Brockelman, Yes; Ms. Howe, No; Ms. Latsis, Yes; Mr. Miller, No; Mr. Mohrhaus, No; Mr. Sall, Yes; and Ms. Sauve, Yes.</b>
<b>STUDY SESSION ITEMS:</b>	
<b>ITEM 1</b>	<p><b>CASE NO. LDC24-004, AFFORDABLE HOUSING / LAND DEVELOPMENT CODE (LDC) AMD – KAT HAMMER, SENIOR PLANNER; AVA PECHERZEWSKI, DEVELOPMENT REVIEW PLANNING MANAGER – PUBLIC WORKS AND DEVELOPMENT (PWD)</b></p> <p>This Study Session item was postponed due to the lateness of the hour and will be rescheduled in the near future.</p>
<b>ANNOUNCEMENTS</b>	Ms. Sauve stated there would be a public hearing on December 17, 2024.
<b>ADJOURNMENT</b>	There being no further business to come before the Planning Commission, the meeting was adjourned.