

**MINUTES OF THE REGULAR MEETING OF THE
ARAPAHOE COUNTY PLANNING COMMISSION
TUESDAY, MARCH 12, 2024**

ATTENDANCE	<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; Kathryn Latsis; Randall Miller, Chair Dave Mohrhaus; Richard Sall; Lynn Sauve, Chair Pro-Tem; and Jamie Wollman.</p> <p>Also, present were Robert Hill, Senior Assistant County Attorney; Jason Reynolds, Planning Division Manager; Ava Pecherzewski, Development Review Planning Manager (moderator); Loretta Daniel, Long Range Planning Manager; Molly Orkild-Larson, Principal Planner; Kat Hammer, Senior Planner; Emily Gonzalez, Engineer; and Kim Lynch, Planning Technician.</p>
CALL TO ORDER	<p>Mr. Miller 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>
GENERAL BUSINESS ITEMS:	
APPROVAL OF THE MINUTES	<p>The motion was made by Ms. Wollman and duly seconded by Ms. Sauve to accept the minutes from the February 20, 2024, Planning Commission meeting, with 3 typographical error changes to page 4.</p> <ul style="list-style-type: none"> • 1st full paragraph, line 3 - remove, add s to “develop,” and delete the word “developed.” • Last paragraph, line 2 – delete hyphen from Piney-Creek <p>The vote was:</p> <p>Mr. Brockelman, Yes; Ms. Latsis, Abstain; Mr. Miller, Yes; Mr. Mohrhaus, Yes; Ms. Sauve, Yes; Mr. Sall, Yes; Ms. Wollman, Yes.</p>
PUBLIC HEARING ITEMS:	



ITEM 1

CASE NO. CZ23-001, GREENLAND ESTATES / CONVENTIONAL REZONE (CZ) – KAT HAMMER, SENIOR PLANNER; EMILY GONZALEZ, ENGINEER – PUBLIC WORKS AND DEVELOPMENT (PWD)

Mr. Miller asked the County Attorney if the case had been properly noticed. Mr. Hill agreed it had and said that the PC had jurisdiction to proceed. Ms. Hammer said the applicant, on behalf of the property owners, Greenland Investments, LLC, sought a recommendation of approval for a rezoning application. She stated the subject property was 160.7 acres and was currently zoned A-1, Agricultural-One, where a 19-acre minimum lot size was required and this application proposed rezoning to RR-B, Rural Residential B, where a 2.41-acre minimum lot size was required. She added that if approved, the proposed rezoning would permit an increase in allowable residential density from eight units to up to 67 residential units. She said if this application was approved by the Board of County Commissioners (BOCC), the applicant would then be required to submit additional applications and receive approval of a preliminary plat and final plat prior to obtaining any building permits. She described how the applicant sent mailed notice and posted the property for a neighborhood outreach meeting held on August 9, 2023, at the Bennett Community Center. She said the meeting lasted for one hour and had five attendees and comments and concerns from the public were attached to this report in the Neighborhood Outreach Packet. She described attendees mentioned concerns regarding water, access to the site, ability for the Bennett School District to accommodate future students, road maintenance, and increased traffic. She added the applicant held an additional neighborhood outreach meeting on August 26, 2023, at the Anythink Library in Bennett that had 25 attendees whose comments and concerns were also attached to this report in the Neighborhood Outreach Packet. She summarized attendees' concerns as regarding water, additional traffic, law enforcement service, and the potential for Accessory Dwelling Units (ADUs). She stated staff had received written comments from four people during the review process and highlighted their main concerns included water usage, crime rates, noise and light pollution, traffic congestion, and impacts on the school system, law enforcement, and emergency responders. She concluded that staff was recommending denial of the Greenland Estate Acres Rezoning application, because it was not in general conformance with the Arapahoe County Comprehensive Plan and did not meet the criteria for a Conventional Rezone found in Section 5-3.2 of the Land Development Code. She reminded those present a recommendation of the application was sought here of the Planning Commission tonight and the matter would be approved or denied in a hearing by the BOCC later in the coming months.

Ms. Hammer introduced Mr. Justin Reyher, of Beacon Real Estate Services, who spoke as the development representative for the various

owners. He presented a PowerPoint slide presentation also attached in the agenda materials. He cited Nationwide Housing Supply shortage statistics, as well as state, city and local examples of data indicative of this shortage and strains to the housing markets, discussed the dramatic gap in affordable options for mortgages for 1st time home buyers (citing an average \$3,500-3,600/month mortgage payment for a \$480,000 house as unattainable for most), population increase projections statewide and in Arapahoe County and the resultant large number of housing units needed by 2030. He then provided a lengthy explanation of the amount of time needed to meet future development citing 3.5 – 4 years to get to built homes to meet current increased population needs. He concluded this project provided options to meet some of the affordable and attainable housing needs he had outlined. He discussed the potential for the Greenland property to be considered a part of the urban reserve tier of the Arapahoe County Comprehensive Plan. His stated responses to the main public outreach concerns are summarized here:

Water

He explained that rezoning Greenland Acres from A-1 to RR-B allowed on site well/septic for 54 possible lots, roads, drainage, and infrastructure that would be built more slowly than if a nationwide builder were to develop the proposed project.

Traffic

He mentioned that a 2nd point of access would be required if more than 30 units were decided upon in the next phase of development. He said that increased traffic on County Road 6 and County Road 125 could result in up to 509 daily trips per 54 additional homes. He stated he understood the sentiment of not wanting to live in Denver proper because there only 509 daily trips were considered a low and reasonable level of traffic for urban dwellers and did not meet desired expectation of those living a country lifestyle.

Water Access

He described surface and ground water levels currently present 50-1,600 ft below the surface and outlined the projected 10-year change drop in aquifer levels. He agreed that there was no regionally sourced provider currently available such as the Bennett services of water for communities north of I-70 and that the development of such a source would be expensive and require many years of development. He said that the proposed 0.4 dwelling unit/acre in this application was the best possible development design for today. He said the water rights adjudicated for the 160 acres would be a part of this development and moved to the direction of the 300-year plan for water usage. He concluded the 54 additional homes this project proposed would be supported.

School Crowding

He discussed the many challenges Bennett School District 29J was facing such as the proposed High School bond not passing, serious staff shortages, and the fact they were only running four of 12 existing bus routes at this time. He agreed that having no building moratoriums in Bennett could also be adding to pressure on the district. He stated this project, if approved, had a student forecast of 32.4 students for 54 new properties, who would likely not be pressuring the system for several years and some of these pressures could be alleviated by then.

There was discussion around the following questions:

- Was the assemblage complete for 160 acres proposed?
- How did Greenland Investments, LLC arrive at 2.41 acres per lot? Was development cost the primary reason?
- What would be the price/lot and what cost range of homes were proposed?
- Were water concerns for the added wells considered and what was the expected impact on these if surrounding neighbors decided to go for similar development? Wouldn't this totally impact and overwhelm water resources?
- Who would maintain roads within the parcel?
- Had wildlife migration been considered?
- Was floodplain of the creek built into the design?
- Had the number of lots to develop an HOA been communicated to the applicant?

Mr. Reyher said that the ownership assemblage was complete at the time of this application. He stated Greenland Investments, LLC had arrived at 2.41 acres per lot as the highest and best use for the land, provided the most opportunity for economy and lot size met the individual well-septic system requirement that could be provided to support the development whereas a smaller 1.6-acre lot required too great an investment in a public water source at this time. He described property pricing to be around \$150,000 per lot and did not include the cost of much infrastructure development and an estimated one million plus for the cost/home and therefore they would not be targeting 1st time buyers. He said Bennett was working toward obtaining additional S. Platte River water and more renewable options which could be expanded to the south of I-25. He stated however this possibility was currently not knowable. He reported the tentative plan was to design paved roads built to AC standards and these could be dedicated to the county for maintenance, or if that was not available, an HOA could be created to maintain them, and this was to be addressed in the next phase application for development.

Ms. Hammer reported Colorado Department of Wildlife had not responded to the request for comment and had not mentioned antelope

or prairie dogs in this case. She also said the existing creek had not been mapped by FEMA yet, but this would happen in the next phase of applications if approved. She confirmed that private roadway standards had been discussed with the applicant but not HOA requirements.

Mr. Miller opened the hearing for public comments. There were 12 members of the public present, eight of whom wished to speak in opposition of the application. There were five callers, all of whom spoke in opposition. One caller was a representative of the Bennett School District who confirmed they would not have sufficient school resources to support the increase in students from proposed development. The concerns voiced are summarized here:

- Strain of additional wells to existing well resources
- School overcrowding
- Access roads backing up to property lines.
- Impacts to antelope migration route and prairie dogs moving onto established resident properties when development began.
- Traffic increase to existing and proposed roads not acceptable
- Not a solution to Bennet housing shortage
- Not enough public services as it was for current residents.
- Not the highest and best use of this type of property
- Cost of proposed property, new wells, roads, and maintenance well over two million therefore not affordable or attainable

The public hearing was closed.

Ms. Hammer read a hand delivered letter from an additional resident who was in opposition. Mr. Reyher said there were no plans for a second point of access at this time and none of the neighbors would be in support based on initial inquiries. He said that if this rezone was not granted there would still be further development of the 160 acres, and they would likely add an additional eight lots as allowed in the A-1 zoning to the community.

The motion was made by Ms. Sauve and duly seconded by Ms. Wollman, in the case of CZ23-001, Greenland Estate Acres Rezoning, 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 recommend denial of this application based on the findings in the staff report.

The vote was:

Mr. Brockelman, Yes; Ms. Latsis, Yes; Mr. Miller, Abstain; Mr. Mohrhaus, Yes; Mr. Sall, Yes; Ms. Sauve, Yes; Ms. Wollman, Yes.

Commissioner Latsis questioned why this application had been allowed because so many of the unknown answers to questions about this application would have been resolved by this point for any other application of this type, in other words, denials were rare.

STUDY SESSION ITEMS:

ITEM 1

CASE NO. LDC24-002, SIGN REGULATIONS / LAND DEVELOPMENT CODE (LDC) AMENDMENT – KAT HAMMER, SENIOR PLANNER – PUBLIC WORKS AND DEVELOPMENT (PWD)

Ms. Hammer introduced this County-initiated project that proposed amending the Land Development Code (LDC), specifically, Section 4-1.5, Signs, Section 5-4.4, Planned Sign Program, and Chapter 7, Definitions. She said staff was requesting Planning Commission discussion and direction on the proposed changes. She reminded the PC that the LDC was meant to be a “living document” that reflects current practices in the community. She stated staff proposed when various updates to the LDC to reflect such current practices or in response to new or changing needs was necessitated. She reported staff worked with Clarion Associates to produce proposed revisions to the LDC to match more common practices and simplify the sign regulations and process. She said the proposed revisions allowed for increased freestanding signage depending on the adjacent street context and the size of parcel (s) and were intended to simplify the permitted number and size of fascia signs, remove special sign allowances for specific uses, update and include definitions for certain types of signs, and revise the process and clarify the regulations of the Planned Sign Program. She clarified the details of each proposed change (See attached PowerPoint presentation for specific details). She concluded staff expected to take this proposal to the BOCC for discussion and direction on March 25, 2024, after which staff would make any necessary revisions prior to conducting public outreach, and then prepare this item for public hearing with the PC and BOCC.

There was discussion regarding the regulation of New Definitions of Agricultural Entry Feature Signs and Ms. Hammer agreed there was currently no good answer, but she would investigate Weld and Douglas practices that were suggested as potential sources of practical regulations. She explained this county-initiated effort was designed to further reduce visual pollution even though some changes now would increase sizes of lettering and signage.

GENERAL BUSINESS ITEMS:



<p>ELECTION OF 2024 OFFICERS</p>	<p><u>ELECTION OF PLANNING COMMISSION CHAIR</u></p> <p>It was moved by Ms. Wollman to nominate Ms. Sauve to serve as Chair. The motion was duly seconded by Mr. Mohrhaus. Ms. Sauve accepted the nomination. The vote to elect Ms. Sauve as Chair was affirmed, as follows:</p> <p>Mr. Brockelman, Yes; Ms. Latsis, Yes; Mr. Miller, Yes; Mr. Mohrhaus, Yes; Mr. Sall, Yes; Ms. Sauve, Yes; Ms. Wollman, Yes.</p> <p><u>ELECTION OF PLANNING COMMISSION CHAIR PRO-TEM</u></p> <p>It was moved by Ms. Latsis to nominate Mr. Mohrhaus to serve as Chair Pro-Tem. The motion was duly seconded by Mr. Brockelman. Mr. Mohrhaus accepted the nomination. The vote to elect Mr. Mohrhaus as Chair Pro-Tem was affirmed, as follows:</p> <p>Mr. Brockelman, Yes; Ms. Latsis, Yes; Mr. Miller, Yes; Mr. Mohrhaus, Yes; Mr. Sall, Yes; Ms. Sauve, Yes; Ms. Wollman, Yes.</p> <p><u>APPOINTMENT OF THE PLANNING COMMISSION RECORDING SECRETARY</u></p> <p>Ms. Latsis moved to nominate the Planning Division Manager or his designee as Recording Secretary. The motion was duly seconded by Ms. Wollman. The vote was:</p> <p>Mr. Brockelman, Yes; Ms. Latsis, Yes; Mr. Miller; Mr. Mohrhaus, Yes; Mr. Sall, Yes; Ms. Sauve, Yes; Ms. Wollman, Yes.</p>
<p>ANNOUNCEMENTS</p>	<p>Ms. Orkild-Larson said the Planning Commission meeting for March 19, 2024, had been canceled. She added that there were no items currently scheduled for the April 2, 2024 meeting, so it might be canceled as well.</p>
<p>ADJOURNMENT</p>	<p>There being no further business to come before the Planning Commission, the meeting was adjourned.</p>