

BOCC DRAFT MOTIONS PM22-006 – ARCADIA CREEK SUBDIVISION FILING NO. 1 - MINOR SUBDIVISION

Conditional Approval

In the case of PM22-006, Arcadia Creek Subdivision Filing No. 1, Minor Subdivision, 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, 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 plat, 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 provide 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.
7. The applicant shall cause the entirety of the Arcadia Creek Subdivision to at all times be an age restricted community for persons aged fifty-five and older (55+) consistent with, and as defined by, Public Law 104-76 - Housing Of Older Persons Act of 1995 (as may be amended) and as further set forth at 42 U.S.C. § 3607(b) (as may be amended) and at all times compliant with the same.

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

Denial

In the case of PM22-006, Arcadia Creek Subdivision Filing No. 1, Minor Subdivision, 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 deny 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, Minor Subdivision, I move to continue the hearing to [*date certain*], 9:30 a.m., to obtain additional information and to further consider the information presented.