

ADJACENT SUBDIVISIONS, ZONING, AND LAND USE

North: Little Learners Subdivision and Mountain View Gardens Subdivision, Planned Unit Development Mixed Use (MU) and R-3 Residential, Single-family residences.

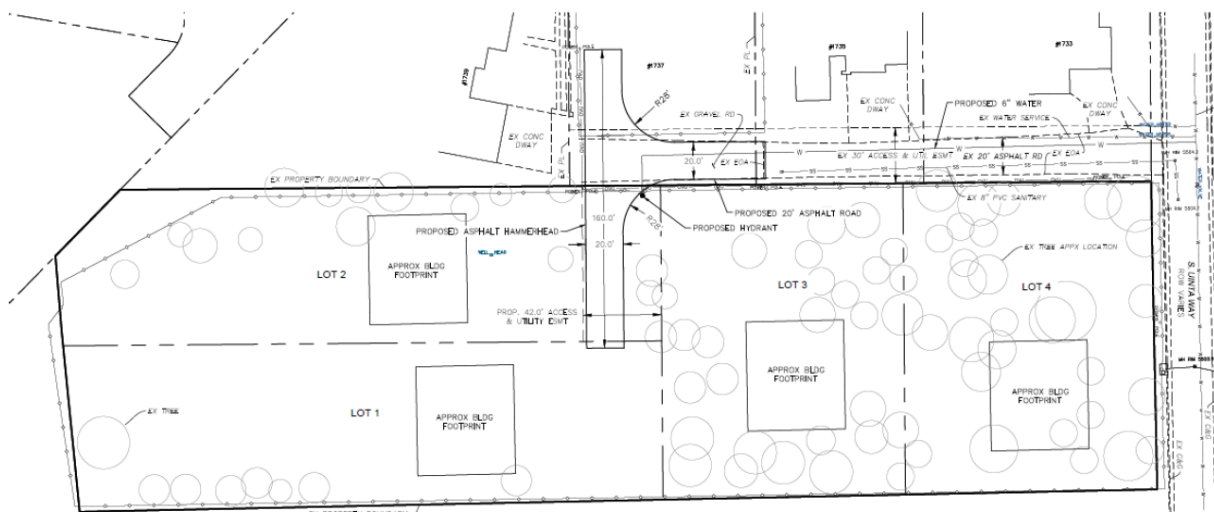
East: Mountain View Gardens Subdivision, R-1 PUD and RR-B, Single-family residences.

South: No subdivision, RR-B, Highline Canal.

West: Mountain View Gardens and City and County of Denver, R-3 and Suburban-Row House 2.5 Stories (S-RH-2.5), Single-family residences

PURPOSE AND REQUEST

The applicant, Latsis Custom Homes, on behalf of the property owner, Latsis Custom Homes LLC, and Tree Farm LLC, is requesting a positive recommendation to the Board of County Commissioners (BoCC) for a Minor Subdivision application to allow for the development of four lots for four single-family residences. Public Works and Development staff are reviewing an associated Conventional Rezone application, Case No. CZ25-002, which was approved by the Board of County Commissioners on March 31, 2026; Case No. CZ25-002 rezoned this property from Rural Residential-B (RR-B) to Residential 1-C (R-1-C).



PM26-001 Proposed Lot Configuration

BACKGROUND

The property is part of Tract 12 of Mountain View Gardens Subdivision, which was platted in 1924 (Attachment A). No portion of Tract 12 was ever subdivided; the entirety of Tract 12 was partitioned by six separate deeds. The Public Works Department Mapping Division staff reviewed and plotted all six deeds from 1949 to 2024 (see Attachment B for further explanation of the partitioning of Tract 12). The subject parcel is the remnant of Tract 12 after the surrounding properties were created. The property previously functioned as a tree farm and horse pasture. The subject 2.38-acre parcel is currently undeveloped and vacant. As mentioned above, the Board of County Commissioners approved a Conventional Rezone application on March 31, 2026; rezoning this property to R-1-C. The minimum lot size in the R-1-C zone district is 12,500 square feet; however, the applicant is proposing lot sizes ranging from 18,055 to 22,254 square

feet, similar to the single-family residences northwest of the property, which range from 15,246 to 27,007 square feet.



Partitioning of Tract 12

ANALYSIS OF THE MINOR SUBDIVISION APPLICATION

1. The Comprehensive Plan

The site is designated as Single-Family Detached, allowing 1-2 dwelling units per acre in the Four Square Mile SubArea Plan. This designation is intended to “Accommodate the primary use of single-family dwellings on individual lots with direct or shared access to public streets.”

This proposal complies with the Arapahoe County Comprehensive Plan and Four Square Mile SubArea Plan as follows:

Four-Square Mile SubArea Plan - Limit new residential development on local streets to 1 du/acre, 1-2 du/acre, 1-3 du/acre, with a maximum of 1-6 dwelling units per gross acre according to the attached land use map.

The proposal is in conformance with the Four-Square Mile SubArea Plan’s recommendation of 1-2 dwellings per acre. This Minor Subdivision application proposes four lots on 2.38 acres

at a density of 1.68 dwelling units per acre.

Policy GM 1.2 – Encourage Infill Development and Redevelopment.

The proposed application is located in the county's urban area and is classified as “infill” development.

GOAL PSF 1 – Ensure an Adequate Water Supply in Terms of Quantity and Quality for Existing and Future Development

This proposed development will be served by Cherry Creek Valley Water and Sanitation District (Attachment C) and they have stated they have adequate capacity to serve the additional density as part of this application.

Policy PFS 4.3 - Require Adequate Wastewater Treatment

This proposed development will be served by Cherry Creek Valley Water and Sanitation District (Attachment C), and they have stated they have adequate capacity to serve the additional density as part of this application.

GOAL PFS 7 – Ensure Existing and New Development have Adequate Police and Fire Protection Utilities in Existing and New Development

The proposed development, as submitted, can be served by existing public and emergency services as evidenced by referral agency responses.

GOAL NL 2 - Ensure Compatibility between New Development and Existing Neighborhoods

This Minor Subdivision application is consistent with the existing neighborhood, which comprises single-family residences on lots with dimensions similar to the proposed lot layout.

2. Land Development Code Review

Section 5-6.6 of the Land Development Code states that a Minor Subdivision is any subdivision that:

A. Creates no more than four parcels.

This application proposes four lots.

B. Does not require the extension of municipal/public facilities or the creation of significant public improvements as determined by the PWD Department.

The property will be served by Cherry Creek Water and Sanitation District, and the proposed development associated with this plat will not require significant public

improvements. There are dedicated access easements across 1733, 1735, and 1737 S. Uinta Way, which were paved by the applicant in 2015 and connect the site to the right-of-way. As part of this development, the existing private drive will be extended and enhanced to improve fire service access.

C. Fronts an existing street and does not involve any new streets.

The subject property fronts S. Uinta Way and does not involve any new streets. As mentioned above, the existing private drive will be improved as part of this development.

D. Does not adversely affect the remainder of the parcel or adjoining property.

This subdivision does not adversely affect the remainder of the parcel or adjoining property.

E. Is not in conflict with any provisions of the Arapahoe County Comprehensive Plan, Zoning Resolution, or these regulations.

This application is generally consistent with the Arapahoe County Comprehensive Plan and Four Square Mile SubArea Plan, as stated earlier in this report. The associated Conventional Rezoning application, Case No. CZ25-002, approved by the BoCC on March 31, 2026, rezoned the property to R-1-C zoning, and this application is not in conflict with the R-1-C zone district.

A Minor Subdivision follows the Final Plat process, as outlined in Section 5-6.3 of the Land Development Code. A Minor Subdivision may be approved upon the finding by the Board that the application meets 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 30-28-133(6)(a) C.R.S.].

The proposed development will be served by Cherry Creek Valley Water and Sanitation District, see Attachment C.

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 30-28-133(6)(b) C.R.S.].

The proposed development will be served by Cherry Creek Valley Water and Sanitation District, see Attachment C.

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 uses of these areas are compatible with such conditions. [Section 30-28-133 (6) (c) C.R.S.]

Colorado Geological Survey (CGS) provided comments during the associated Conventional Rezoning application, indicating concerns based on regional, not site-specific, data. CGS concerns are detailed in the staff report and attached letters from CGS. In summary, CGS comments include the following concerns:

1. Collapsible soils
2. Feasibility of connecting to a stormwater sewer system
3. Location of the infiltration basin

The applicant has indicated that “Due to the direction of natural drainage and fall across the site, a gravity outfall for developed runoff to this existing storm sewer is not feasible.” Additionally, the applicant stated that “storm sewer system in S. Uinta Way does not currently receive runoff from the project site. Introducing a new connection would alter existing drainage patterns and potentially overburden downstream infrastructure not sized to accommodate this development.”

The applicant hired Complete Engineering Services, Inc. (CES) to conduct a site analysis. The CES letter dated February 7, 2026 (Attachment D) indicates that CES concludes this site is suitable for the proposed development of four single-family residences. The CES letter provides three conclusions supported by their analysis, specifically:

- 1. Soils beneath this site are suitable for supporting lightly loaded foundations from residential structures.*
- 2. Soils beneath the proposed stormwater infiltration basin are well suited for managing the anticipated storm runoff.*
- 3. Groundwater mounding that may occur from the proposed infiltration basin will be minimal and will not affect surrounding properties.*

The Engineering Services Division supports the CES professional opinion and is not recommending a condition of approval.

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

The proposed application complies with the R-1-C zoning regulations and meets the required dimensional standards of the zone district. Approval of this application is contingent upon approval of the associated Conventional Rezone application, Case No. CZ25-002, which was approved by the BoCC on March 31, 2026.

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 Zoning Regulations.

The subject parcel is not located within a Mineral Resource Area as per the Mineral Resource Map (Comprehensive Plan Map B-8).

- F. For property zoned for residential uses, written evidence must be presented to show that the applicable school district can adequately serve the student population expected to be generated from the development. The Board may deny a subdivision request for which the evidence shows that the applicable school district cannot adequately serve the student population generated by the development.*

The Cherry Creek School District provided a letter dated February 6, 2026 (Attachment E) indicating the District has the capacity to serve the future residents of this application. The District requests cash-in-lieu of land dedication calculated using the Appraisal Land Value Method, to determine the fair market value as outlined in the Land Development Code (LDC). The District is requesting \$23,051.60 cash-in-lieu of land dedication; staff is recommending a condition of approval requiring the applicant pay cash-in-lieu prior to recording of the Minor Subdivision.

3. Referral Comments

Comments received during the referral comment period and throughout the review of this application are attached to this report (Attachment F). Staff is not proposing any conditions of approval since all referral comments have been addressed, except for the cash-in-lieu of land dedication requested by the Cherry Creek School District and for other public purposes.

4. Cash in Lieu of Land Dedication

Section 5-6.3. F of the LDC requires “property zoned for residential uses, written evidence must be presented to show that the applicable school district can adequately serve the student population expected to be generated from the development.” In this matter, the projected burden placed on the Cherry Creek School District has prompted the District to request cash-in-lieu of land dedication in the amount of \$23,051.60 to address the impacts of this development. The District requests cash-in-lieu of land dedication based on the 2025 assessed value; the per-acre valuation applied is \$286,000.00. The school district is requesting cash-in-lieu of land dedication because the parcel’s size and location do not meet the district’s standards for a new school or facility site.

The LDC requires land dedication for public schools, public parks, and other public purposes, or cash-in-lieu of land dedication, for any subdivision. The cash-in-lieu amounts for public parks and other public purposes are based on the land value used for the school districts, which is \$286,000.00 per acre. Based on this land value, the total cash-in-lieu of land dedication will be:

Cherry Creek School District: \$23,051.60

Public Parks: \$20,317.44

Other Public Purposes: \$846.56

Total cash-in-lieu: \$44,215.60.

STAFF FINDINGS

Staff has reviewed the plans, supporting documentation, and referral comments. Based upon review of applicable policies and goals in the Comprehensive Plan, The Four Square Mile SubArea Plan, review of the subdivision regulations, and analysis of referral comments, our findings include:

1. The proposed Minor Subdivision is not in conflict with the Arapahoe County Comprehensive Plan and Four Square Mile SubArea Plan.
2. The proposed Minor Subdivision complies with the Approval Standards contained in Section 5-6.3, enumerated in the Arapahoe County Land Development Code.
3. The proposed Minor Subdivision complies with the Intent Requirements contained in Section 5-6.6.A, enumerated in the Arapahoe County Land Development Code.

STAFF RECOMMENDATION

Considering the findings and other information provided herein, Staff recommends approval of Case No. PM26-001, Mountain View Gardens T12 – Minor Subdivision, with the following conditions of approval:

1. Prior to recording the Minor Subdivision plat, the applicant shall pay a total cash-in-lieu fee of \$44,215.60. This cash-in-lieu fee shall be distributed as follows: Cherry Creek School District: \$23,051.60; Public Parks: \$20,317.44; and Other Public Purposes: \$846.56.
2. Execution and Recordation of the Subdivision Improvement Agreements, SOP for Vegetative Infiltration Basin and Access Easements.
3. Applicant Shall develop a common maintenance agreement/life cycle cost analysis or otherwise provided for an agreed maintenance plan, as contemplated and required under the Arapahoe County Infrastructure Design and Construction Standards for private roads.
4. A note on the plat will be added prior to final approval with regards to the maintenance of the private road and vegetative infiltration basin to comply with the Arapahoe County Infrastructure Design and Construction Standards and Stormwater Manual Criteria.

Alternatives

The Planning Commission has alternatives that include the following:

1. Recommend approval of the Minor Subdivision application.
2. Recommend approval with alternative or additional conditions and justification for those conditions.
3. Continue to a date certain for more information.
4. Recommend denial of the Minor Subdivision application.

CONCURRENCE

The Public Works and Development Planning and Engineering Services Divisions have reviewed the application, and the Arapahoe County Public Works Department is recommending approval of this case based on the review criteria noted above.

PLANNING COMMISSION DRAFT MOTIONS

Recommend Conditional Approval

In the case of PM26-001, Mountain View Gardens T12 – 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 recommend approval of this application based on the findings in the staff report, with the following conditions of approval:

1. Prior to recording the Minor Subdivision plat, the applicant shall pay a total cash-in-lieu fee of \$44,215.60. This cash-in-lieu fee shall be distributed as follows: Cherry Creek School District: \$23,051.60; Public Parks: \$20,317.44; and Other Public Purposes: \$846.56.
2. Execution and Recordation of the Subdivision Improvement Agreements, SOP for Vegetative Infiltration Basin and Access Easements.
3. Applicant Shall develop a common maintenance agreement/life cycle cost analysis or otherwise provided for an agreed maintenance plan, as contemplated and required under the Arapahoe County Infrastructure Design and Construction Standards for private roads.
4. A note on the plat will be added prior to final approval with regards to the maintenance of the private road and vegetative infiltration basin to comply with the Arapahoe County Infrastructure Design and Construction Standards and Stormwater Manual Criteria.

Below are Draft Motions that can serve as general guidance for preparing an alternative motion if the Planning Commission reaches a different determination.

Recommend Denial the Application

In the case of PM26-001, Mountain View Gardens T12 – 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 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 PM26-001, Mountain View Gardens T12 – Minor Subdivision, I move to continue the hearing to [date certain], 6:30 p.m., to obtain additional information and to further consider the information presented.



BRYAN D. WEIMER, PWLF
Director

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Planning Commission's Summary Report

Date: April 01, 2026

To: Arapahoe County Planning Commissioners

Through: Kathleen Hammer, Planning Division

From: Joseph Boateng, PE
Engineering Services Division

Case name: **PM26-001 Minor Subdivision**
Mountain View Gardens



Purpose and Recommendation

The purpose of this report is to communicate the Engineering Services Staff findings, comments, and recommendations regarding the land use application(s) identified above.

Scope/Location:

The proposed development is located southwest of the intersection of S Uinta Way and S Willow Court. The High line Canal Borders the Site to the Southwest and currently accepts flows from undeveloped sites. The project consists of 2.64-acre property, comprised of one individual 0.39-acre residential lot and one 2.25-acre tract proposed to be subdivided into four lots, for a proposed total of five residential lots.

The proposed improvements include vegetated infiltration basin, hammerhead turnaround, and utilities to serve the lots.

Engineering Services Staff has reviewed the land use application(s) and has the following findings and comments:

1. The site lies in the lower Cherry Creek/High line Canal Drainage Basin.
2. This development lies within the boundaries of the jurisdiction:
 - Southeast Metro Stormwater Authority (SEMSWA)
 - South Metro Fire Rescue
 - Cherry Creek Valley Water and Sanitation District
3. The Traffic Impact Study Waiver was accepted by the county.
4. The following variances have been requested and received positive recommendations by the Technical Review Committee:
 - a) Variance Request to Section 13.1.1(Detention shall be provided for all new development, redevelopment, and expansion) of the Stormwater Management manual.

TRC Recommendation:

- TRC supported the Variance Request and gave directions. The request needed to be revised to include a variance from Chapter 14.6 to allow for a non-standard Water Quality Control Measure. The applicant needed to create an SOP for the Infiltration Basin, since there is no standard SOP for this type of facility.

- b) Vegetated Infiltration Basin Revised Variance Request to use Non-Standard Water Quality Control Measure.

TRC Response:

- TRC approved the variance request.

Attached to the staff report is the TRC Exhibits and Responses.

Engineering Services Staff is recommending the land use application(s) favorably subject to the following conditions:

1. Execution and Recordation of the Subdivision Improvement Agreements, SOP for Vegetative Infiltration Basin and Access Easements.
2. Applicant Shall develop a common maintenance agreement/life cycle cost analysis or otherwise provided for an agreed maintenance plan, as contemplated and required under the Arapahoe County Infrastructure Design and Construction Standards for private roads.
3. A note on the plat will be added prior to final approval with regards to the maintenance of the private road and vegetative infiltration basin to comply with the Arapahoe County Infrastructure Design and Construction Standards and Stormwater Manual Criteria.