

**MINUTES OF THE REGULAR MEETING OF THE
ARAPAHOE COUNTY PLANNING COMMISSION
TUESDAY, OCTOBER 17, 2023**

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 PC 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 (Moderator); Ava Pecherzewski, Development Review 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.</p> <p>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 Mr. Brockelman to approve the minutes from the September 5, 2023, Planning Commission meeting, as submitted.</p> <p>The vote was:</p> <p>Mr. Brockelman, Yes; Ms. Latsis, Abstain; Mr. Miller, Abstain; Mr. Mohrhaus, Yes; Ms. Sauve, Yes; Mr. Sall, Yes; Ms. Wollman, Yes.</p>
PUBLIC HEARING ITEMS:	
ITEM 1	<p>CASE NO PM22-004, SKYLARK SUB #01 / MINOR SUBDIVISION (PM) – KATHLEEN HAMMER, SENIOR PLANNER; EMILY GONZALEZ, ENGINEER – PUBLIC WORKS AND DEVELOPMENT (PWD)</p> <p>Mr. Miller asked the County Attorney if the PC had jurisdiction to proceed.</p> <p>Mr. Hill stated the case had been properly noticed under the Land Development Code and the PC had jurisdiction to proceed.</p>

Kat Hammer, Senior Planner, gave a PowerPoint presentation, a copy of which was retained for the record. She stated that Frank Linnebur, on behalf of the owner, was requesting approval of a Minor Subdivision Plat to create four lots from two existing parcels through the County's subdivision process for single-family residences. She explained the northern parcel was approximately 36 acres, and the southern parcel was approximately 41 acres and neither parcel was platted. She described each of the four proposed lots would be at least 19 acres and that the minimum lot size in the A-1 zoning district was 19 acres and the minimum lot width was 330 feet. She explained that access to the parcels would be through access easements off County Road 26 (Lloyd Road) and Strasburg Road. She reported that there were neighborhood concerns regarding adequate water, fire department access and powerline location, setback requirements and HOA/Maintenance. She concluded that staff supported the approval of the application as it complied generally to the Arapahoe County (AC) Comprehensive Plan and with the approval standards enumerated in the AC Land Development Code and complied with the terms of a minor subdivision plat.

Mr. Frank Linnebur, speaking on behalf of owner/applicant Amber Craig, mentioned that Pat Conroy, of the Strasburg Fire District, had been consulted regarding easements needed to provide adequate service to the property and had been assured what was planned was appropriate. He said the Colorado Division of Water Resources reported that adequate water existed there as well for the four proposed lots. He stated that most neighboring properties were not provided well water from the same aquifer as the newly created lots.

There was discussion about the following questions and concerns:

- Would there be a well with septic system per parcel created?
- Were all parcels meeting acreage per the zoning requirements ?

Ms. Hammer confirmed that there would be a well and septic system for each newly created lot. She reported the Arapahoe County Comprehensive Plan designated this area as Tier 3 rural so if somebody were to ask for smaller lots, this would not be consistent with comp plan and would not likely receive support from staff to proceed with smaller lot development both in the A-1 zoning (19 acre lot minimum) and in the A-E zone (35 lot minimum) in the vicinity of this project.

Mr. Miller opened the hearing for public comments. There was one member of the public present and one caller who spoke against the project. Concerns were raised by both about this project encouraging the development of even smaller lots, increased traffic on roads, crime and the subsequent strain on already limited water resources. The public hearing was closed. Mr. Miller echoed these concerns as a rural County resident himself, but said this application was within the regulations.

	<p>The motion was made by Ms. Sauve and duly seconded by Ms. Latsis, in the of case of PM22-004, Skylark Subdivision Filing No. 1, I have reviewed the staff report, including all exhibits, 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:</p> <ol style="list-style-type: none"> 1. Prior to signature of the final copy of these plans, the applicant will address all Public Works and Development Staff comments. 2. The applicant will comply with the Colorado Ground Water Commission Findings and Orders, Determination No. 4535-BD. 3. Prior to recording the final mylar, the applicant shall pay a total cash-in-lieu fee of \$6,800.59. This cash-in-lieu fee shall be distributed as follows: Strasburg School District: \$4,858.09; Public Parks: \$1,864.80; and Other Public Purposes: \$77.70. <p>The vote was:</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>ITEM 2</p>	<p>CASE NO GDP23-001, COPPERLEAF COMMERCIAL DEVELOPMENT / GENERAL DEVELOPMENT PLAN (GDP) – AVA PECHERZEWSKI, DEVELOPMENT REVIEW PLANNING MANAGER; EMILY GONZALEZ, ENGINEER – PUBLIC WORKS AND DEVELOPMENT (PWD)</p> <p>Mr. Miller asked the County Attorney if the PC had jurisdiction to proceed.</p> <p>Mr. Hill stated the case had been properly noticed and the PC had jurisdiction to proceed.</p> <p>Ms. Pecherzewski gave a PowerPoint presentation, a copy of which was retained for the record. She stated that the applicant, Galloway & Company, Inc, on behalf of owner, Quincy West 30 LLC, proposed a GDP for 32.2 acres consisting of three parcels located southwest of the intersection of E. Quincy Avenue and the E-470 toll road. She said this application sought approval of a rezoning that brought forward commercial, retail, and neighborhood services uses previously approved by the Copperleaf Preliminary Development Plan (PDP) and subsequent amendments to that plan. She explained that because the applicant chose to request signage that was not part of the previously-approved PDP, an Arapahoe County three-step planned unit development (PUD) process was required to bring this plan forward out of the discontinued PDP and Final</p>

Development Plan (FDP) PUD format, and into the current GDP, Specific Development Plan (SDP), and/ Administrative Site Plan (ASP) PUD format. She added the GDP established broad zoning parameters like allowed uses, maximum and minimum limits for dimensional controls like building height and setbacks, allowed density, and possible design guidelines or standards. She concluded that if this GDP was approved, a subsequent SDP must be approved by Planning Commission and a detailed ASP must be reviewed and approved before construction could proceed. She described how the site was broken out into two planning areas: Area 1 on the west half and Area 2 on the east half, with a proposed road going through the center of the site between the two planning areas (an extension of Versailles St. going south from E. Quincy Ave.). She said a full access traffic signal was proposed at E. Quincy Avenue and the new Versailles St. intersection and a ¾-access was proposed adjacent to Copperleaf Blvd. She explained that building heights in Planning Area 1 were limited to 60-ft and building heights in Area 2 were limited to 45 ft for buildings abutting E. Quincy Ave., 65 ft for buildings abutting the apartments on the south side, and up to 100 ft interior to the site. She affirmed Area 1 would be allowed a 1:1 floor-area-ratio (FAR) while Area 2 would be permitted a 2:1 FAR. She said at least 20% of the site would be landscaped with open space, ample building setbacks were also proposed along all property lines and a stormwater detention pond was proposed on the NE corner of the site adjacent to the E-470 right-of-way. She summarized the proposed GDP listed a variety of commercial land uses that would either be permitted by-right or would require approval of a Use by Special Review that would require a public hearing before the Board of County Commissioners. She added among the land uses, day care centers and hospitals were listed as permitted land uses. She explained that staff sent the proposed GDP to the Arapahoe County Health Department and because of the site's proximity to the Lowry Landfill Superfund Site, the health department was recommending that land uses that could impact vulnerable populations, such as young children and the elderly, should not be permitted at this location. She said staff was recommending a condition of approval on the GDP that the daycare center and hospital land uses be eliminated from the table of allowed uses. She concluded that staff recommended approval of the project.

Jeff Weeder, of Galloway & Co., further described the two different planning areas bisected by Versailles. He explained that this project upgrading process added value as development proceeded. He said that using the existing detention facility – water quality pond in the area where the Lowry Landfill impacted the property would make a complete use table available to the developers going forward.

There were discussions regarding the following:

- Why repeat this application process?
- Where were the closest daycare centers located?
- Why is grocery in Planning Area 1?

- Why was detention facility–water quality pond left as proposed?
- What was square footage of the potential medical office building?
- Why was there a ¾ turn at the Versaille light and would this be a public right away?

Ms. Pecherzewski explained that a need for signage visible from E-470 had prompted this application. She added that this change from PDP to GDP would provide more specific types of conditions and entitlements for the project as well.

Rick Miller, of QW 30 LLC, reported there was a tremendous need for additional daycare and urgent care in the Copperleaf area. He said there were several daycare providers nearby and three he knew of were completely full. He stated the grocery anchor was driving the central location of the store. He discussed the decision to leave the water quality pond as proposed since this location provided a huge buffer with the Lowry Landfill impact area. He described the proposed medical office building as 30,000 square feet. He said the three-quarter access turn was still under review, it needed to be clearly demonstrated it was a safe left-in turn to the development and that there would need to be a median preventing a left-out turn. Staff confirmed that traffic engineering was evaluating this option.

Mr. Miller opened the hearing for public comments. There was one member of the public present who wished to speak and raised traffic concerns and concerns about how many other tenants had committed to lease space near the grocery anchor. There were no callers.

There were discussions about the question of percentage of commitment to occupy the 10 proposed commercial pads excluding the grocery with fuel station and the medical offices.

Mr. Rick Miller stated that demand was high for eight of the ten pads and level of commitment ranged from letters of intent to discussions. He reminded all that the Copperleaf initial development had assured neighbors that there would be some commercial development in the area. He said the response from outreach to the neighbors was that of relief and support for this development.

The public hearing was closed.

The motion was made by Ms. Latsis and duly seconded by Ms. Wollman, in the case of GDP23-001 Copperleaf Commercial Development / General Development 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 recommend approval of this application

	<p>based on the findings in the staff report, subject to the following conditions:</p> <ol style="list-style-type: none"> 1. The applicant shall ensure the daycare centers/nursery school and hospitals/other public health facilities would not be located within ¼ mile of the Lowry Landfill impact area. 2. Prior to signature of the final copy of these plans the applicant must address Public Works and Development Staff comments and concerns. <p>The vote was:</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>ANNOUNCEMENTS</p>	<p>Mr. Reynolds announced the BOCC had adopted Phase 1 of the Oil and Gas Regulations last Tuesday. He added they had requested additional setback proposals for reservoirs, occupied structures, and platted lots smaller than 15 acres, potentially for landfills, and for designated outside activity areas, and a revised definition of planned reservoirs. Mr. Reynolds reported that staff would be bringing forward a proposal for air and water quality monitoring with respect to Oil and Gas regulations as well. He thanked the PC for being available for this special PC Meeting on the Oil and Gas Amendments to the LDC Phase 2 that would be held Wednesday, November 8, 2023, at the Administration Building East Hearing Room in Littleton.</p> <p>Ms. Wollman recommended the enforcement of a public comment time-limit; possibly to reduce the time from 3 to 2 minutes with no duplication.</p> <p>Mr. Hill agreed this was possible if ground rules were established ahead of time.</p> <p>Mr. Reynolds said he would work towards having the public presenters organize to tighten up presentations where 2 or 3 representatives could speak on each of the previously raised concerns to limit repetitive testimonies. He suggested that public attendees who did not speak could be asked to raise hands if they agreed with the presenter regarding that concern.</p> <p>Ms. Orkild-Larson said staff had been organizing an Open Spaces Study Session for Nov. 21st but due to the retirement of the OS Director, OS staff would likely not be available for this until the 2nd Tuesday of January 2024.</p>
<p>ADJOURNMENT</p>	<p>There being no further business to come before the Planning Commission, the meeting was adjourned.</p>