

**MINUTES OF THE REGULAR MEETING OF THE
ARAPAHOE COUNTY PLANNING COMMISSION
TUESDAY, NOVEMBER 16, 2021**

ATTENDANCE	<p>A regular meeting of the Arapahoe County Planning Commission was called and held in accordance with the statutes of the State of Colorado and the Arapahoe County Land Development Code. The following Planning Commission members were in attendance:</p> <p>Kathryn Latsis, Chair; Jamie Wollman, Chair Pro-Tem; Rodney Brockelman, Randall Miller, Jane Rieck, Richard Sall and Lynn Sauve.</p> <p>Also present were: Robert Hill, Senior Asst. County Attorney; Sue Liu, Engineer; Bill Skinner, Senior Planner; Kelsea Dombrovski, Planner II; Jason Reynolds, Current Planning Program Manager; Jan Yeckes, Planning Division Manager; Kim Lynch, Planning Technician, and members of the public.</p>
CALL TO ORDER	<p>Ms. Latsis called the meeting to order at 6:30 p.m. and noted a quorum of the Board was present.</p> <p>The meeting was held in person in the Arapahoe Room with the additional option of telephone call-in for public participation in public hearing items.</p> <p>Mr. Reynolds explained the format of the meeting and how the public could provide public comment.</p>
DISCLOSURE MATTERS	<p>There were no Planning Commission (PC) member conflicts with the matters before them. Ms. Rieck disclosed that she lived in the Cherry Creek Vista neighborhood and was a board member with the Parks and Recreation District.; However, she felt she could make a fair and impartial decision on the application being heard as Item 1.</p> <p>Mr. Hill indicated that Ms. Rieck was eligible to participate in the public hearing for Item 1.</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 November 2, 2021, Planning Commission meeting, with one correction to page 5 to add a missing word “offices”.</p>



	The motion passed unanimously.
REGULAR ITEMS:	
ITEM 1	<p>CASE NO LE21-003, CHERRY CREEK VISTA #13 / TRACT Q / CHERRY CREEK VISTA PARK AND RECREATION DISTRICT [ORCHARD POOL] / LOCATION AND EXTENT(LE); KELSEA DOMBROVSKI, PLANNER – PUBLIC WORKS AND DEVELOPMENT (PWD)</p> <p><i>Notification requirements of the Land Development Code had been met; therefore, the Planning Commission had jurisdiction for the hearing.</i></p> <p>Ms. Dombrovski introduced the project and reviewed staff findings and recommendation for approval with conditions, as outlined in the staff report.</p> <p>Ms. Sarah Shepherd, District Manager for Cherry Creek Vista Park & Recreation District, was present for the meeting. Christa Plaza with Essenza Architects joined the meeting by phone and walked the PC through a PowerPoint presentation (a copy of which was retained for the record). She highlighted the improvements to be made to the pool and park facilities for the Cherry Creek Vista residential neighborhood. She explained the facilities were managed by the Cherry Creek Vista Park & Recreation District. Ms. Shepherd spoke to the public outreach that had occurred during project planning and the financial and tax elements of the request. Ms. Plaza summed up the benefits of the proposal and offered to answer questions.</p> <p>Ms. Wollman asked how many homes were represented in the District and how many years payout was associated with the loan.</p> <p>Ms. Shepherd stated there are around 1600 homes and the payout was approximately 20 years.</p> <p>Ms. Sauve asked about the need for asbestos testing before demolition of structures.</p> <p>It was noted that asbestos testing had been completed, and there was none present.</p> <p>Ms. Latsis opened the hearing for public comments. There were no public comments. The public hearing was closed.</p>



	<p>It was moved by Ms. Wollman and duly seconded by Mr. Brockelman, in the case of LE21-003, Cherry Creek Vista Park & Recreation District [Orchard Pool Project] / Location and Extent, that the Planning Commissioners reviewed the staff report, including all exhibits and attachments, listened to the applicant's presentation and any public comment as presented at the public hearing, and moved to approve the 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 must address Public Works and SEMSWA Staff comments and concerns.2. The applicant must execute an Intergovernmental Subdivision Improvement Agreement as recommended by the Engineering Services Division. <p>The vote was:</p> <p>Ms. Rieck, Yes; Ms. Sauve, Yes; Mr. Miller, Yes; Mr. Sall, Yes; Ms. Latsis; Yes; Ms. Wollman, Yes, Mr. Brockelman, Yes.</p>
	<p>CASE NO CZ18-001, 21111 STATE HIGHWAY 30 / CONVENTIONAL REZONE (CZ); BILL SKINNER, PLANNER – PUBLIC WORKS AND DEVELOPMENT (PWD)</p> <p><i>Notification requirements of the Land Development Code had been met; therefore, the Planning Commission had jurisdiction for the hearing.</i></p> <p>Mr. Skinner asked the Planning Commission (PC) to conduct the public hearings for Item 2, CZ18-001 and Item 3, PM18-001, together. He said the PC would need to make separate motions on the two applications. Mr. Skinner noted that PM18-001 was inadvertently noticed as PM18-002, but all other details of the application were correct.</p> <p>Mr. Hill indicated that the PC could proceed with the hearing and that a new notice was not required, as the case number was incidental and the facts of the application, relevant to the proposal, were all correct in the notice.</p> <p>Mr. Skinner showed an exhibit to clearly note the portion of the property being rezoned to B-4 (Commercial) and the portion being rezoned to F (Floodplain). He provided some additional details on the proposal and showed an exhibit of the property configuration as</p>



	<p>it existed today; Mr. Skinner explained that the property was being combined into a single parcel.</p> <p>Mr. Tom Reck, applicant, referred to some printed exhibits that were distributed to the PC. He noted that the floodplain designation existed prior to 2010. He stated there was a new floodplain line also shown on the map and that some buildable property had been lost with the new designation. Mr. Reck reported that the floodplain occupied approximately two-thirds of the property. He said the military base used to have access through the property, but no longer used it. He reported that one adjoining property was used primarily for sand and gravel storage and another adjoining property had a home and some commercial buildings. Mr. Reck indicated that the rezoning would not interfere with other properties. He indicated there were a number of flights over the property, which created noise, and much of the surrounding area was floodplain. He reported the plat included a dedication of right-of-way to allow expansion of Highway 30 from 130 feet to 140 feet.</p> <p>Ms. Wollman asked what the planned use of the property would be.</p> <p>Mr. Reck indicated the request was for B-4 zoning and that the owners were interested in office-warehouse space. He stated the property was not suitable for building a residence.</p> <p>Ms. Latsis opened the hearings for public comments. There were no public comments. The public hearings were closed.</p> <p>Mr. Miller asked for clarification on whether the plan was for light industrial and residential.</p> <p>Mr. Skinner explained that the B-4 zone district was a conventional zone district, and everything permitted in the B-4 zone would be allowable as a use on the property. He said there would be no residential component.</p> <p>Mr. Miller asked about the floodplain and potential subterranean flows and whether water and sewer service could be provided.</p> <p>Mr. Skinner responded that Tri-County Health Department provided requirements for use of onsite wastewater treatment (septic tank) and would not provide approval of OWTS for a commercial development until a site plan could be reviewed. Mr. Skinner reminded the board that the application before them was strictly to rezone the property. He explained that without the zoning in place, the owner did not want</p>
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	<p>to invest in costs associated with preparing an Administrative Site Plan.</p> <p>Mr. Hill also called the PC's attention to the recommended conditions of approval for the plat, which addressed the issue.</p> <p>Ms. Latsis asked about the size of the property once the floodplain was eliminated, given the minimum 2.5-acre property size typically considered acceptable for OWTS.</p> <p>Mr. Skinner noted that the property outside the floodplain was approximately 1.7 acres. He reported there were are other properties, in a similar situation, currently using OWTS for residential uses.</p> <p>It was moved by Ms. Rieck and duly seconded by Mr. Miller, in the case of CZ18-001, 21111 Highway 30 / Conventional Rezone, that the Planning Commission had reviewed the staff report, including all exhibits and attachments, listened to the applicant's presentation and any public comment as presented at the hearing, and moved to recommend approval of the 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 must address Public Works and Development Staff comments and concerns.2. Prior to signature of the final copy of these plans the applicant must provide a letter from either a municipal water utility, or evidence of rights to access water from the State Division of Water Resources.3. Prior to scheduling a hearing before the Board of County Commissioners, the applicant must provide a will-serve letter from either a sanitary services provider, or confirmation from the Tri-County Health Department that the site is eligible for an onsite wastewater treatment system. <p>The vote was:</p> <p>Ms. Rieck, Yes; Ms. Sauve, Yes; Mr. Miller, Yes; Mr. Sall, Yes; Ms. Latsis; Yes; Ms. Wollman, Yes; Mr. Brockelman, Yes.</p>
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Item 3	<p>CASE NO PM18-002, 21111 STATE HIGHWAY 30 / MINOR SUBDIVISION (MS); BILL SKINNER, PLANNER – PUBLIC WORKS AND DEVELOPMENT (PWD)</p> <p><i>Notification requirements of the Land Development Code had been met; therefore, the Planning Commission had jurisdiction for the hearing.</i></p> <p>The presentation and public hearing for this case was combined with Agenda Item 2; however, motions were made separately.</p> <p>It was moved by Ms. Wollman and duly seconded by Ms. Sauve, in the case of PM18-001, 21111 Highway 30 / Minor Subdivision, that the Planning Commission had reviewed the staff report, including all exhibits and attachments, listened to the applicant’s presentation and any public comment as presented at the hearing, and moved to recommend approval of the 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 must address Public Works and Development Staff comments and concerns.2. Prior to scheduling a hearing before the Board of County Commissioners, the applicant must provide a letter from either water utility provider that guarantees access to a water supply, or evidence of an adequate water supply from the State Division of Water Resources.3. Prior to scheduling a hearing before the Board of County Commissioners, the applicant must provide a will-serve letter from either a sanitary services provider, or confirmation from the Tri-County Health Department that the site is eligible for an onsite wastewater treatment system.4. Prior to signature of the final copy of these plans, easements requested by Xcel Energy will be established and depicted on the plat. <p>The vote was:</p> <p>Ms. Rieck, Yes; Ms. Sauve, Yes; Mr. Miller, Yes; Mr. Sall, Yes; Ms. Latsis; Yes; Ms. Wollman, Yes; Mr. Brockelman, Yes.</p>
Item 4	<p>CASE NO PP21-001, COMANCHE CROSSING #03 / PRELIMINARY PLAT (PP); BILL SKINNER, PLANNER – PUBLIC WORKS AND DEVELOPMENT (PWD)</p>



	<p><i>Notification requirements of the Land Development Code had been met; therefore, the Planning Commission had jurisdiction for the hearing.</i></p> <p>Mr. Skinner introduced the application and explained that a Preliminary Plat was the first step in a two-part subdivision process. He stated the Preliminary Plat would move forward to the Board of County Commissioners with the Planning Commission's recommendation. Mr. Skinner reported that a future Final Plat would go directly to hearing with the Board of County Commissioners. He stated that the property in the subdivision was the subject of a rezoning that occurred to take property from an earlier commercial PUD zoning to a residential zoning to permit a development of single-family detached homes on individual lots of a minimum lot size of 2.41 acres allowable in the RR-B zone district. He stated the preliminary plat was consistent with the approved zoning, and staff recommended approval with conditions.</p> <p>Ms. Rieck asked for clarification on whether the State Engineer's review of water rights for the property was based on the residential proposal for 19 lots or based on the earlier land development proposal.</p> <p>Mr. Skinner responded that the State Engineer's Office provided a letter based on the current residential proposal.</p> <p>Applicant Justin Reyher, Beacon Real Estate Services, noted that a 20th tract was for drainage purposes. He provided additional details to answer questions. He confirmed there was no actual creek running through the property, that there would be no road realignment with this project, and the lots were similar to existing residential development in the surrounding area.</p> <p>Ms. Latsis asked whether there was a plan for water conservation, such as guidelines for landscaping.</p> <p>Mr. Reyher indicated there was sufficient water for the homes, anticipated 4,000 square feet of landscaping, and up to two horses for each lot. He reported the water would come from the Arapahoe aquifer. Mr. Reyher noted that he was not a water engineer, but would do his best to provide the board with a basic explanation. He noted another east county development that was limited to the Laramie Fox Hills aquifer; whereas, there were three aquifers in this region. He explained the adjudication process determined where the water rights lie. Mr. Reyher said there were some wells in the 60-</p>
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	<p>100-foot depth and a number of other wells in the range of 300-foot in depth in other filings of Comanche Crossing.</p> <p>Mr. Brockelman asked why the development was not being served by Strasburg.</p> <p>Mr. Reyher explained that it was cost prohibitive.</p> <p>Mr. Miller asked about electrical utilities and heating of homes.</p> <p>Mr. Reyher indicated the homes would not be on propane; they would have gas and electric service.</p> <p>Mr. Miller said he appreciated that the lot layout did not look like bowling alley lanes.</p> <p>Ms. Latsis opened the hearing for public comments.</p> <p>Deb Deitchel, a member of the County's East Arapahoe County Advisory Planning Commission and a resident of Comanche Crossing, called in by phone and indicated the residents in the area had been in contact with the applicant going into the earlier rezoning application. She reported that the neighbors were pleased with the proposal for the residential subdivision.</p> <p>There were no further public comments. The public hearing was closed.</p> <p>It was moved by Ms. Sauve and duly seconded by Mr. Miller, in the case of PP21-001, Comanche Crossing No. 3 / Preliminary Plat, that the Planning Commission had reviewed the staff report, including all exhibits and attachments, listened to the applicant's presentation and any public comment as presented at the hearing, and moved to recommend approval of the application based on the findings in the staff report, subject to the following conditions:</p> <p>1. Prior to signature of the final copy of these plans the applicant must address Public Works and Development Staff comments and concerns.</p> <p>The vote was:</p> <p>Ms. Rieck, Yes; Ms. Sauve, Yes; Mr. Miller, Yes; Mr. Sall, Yes; Ms. Latsis, Yes; Ms. Wollman, Yes; Mr. Brockelman, Yes.</p>
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ANNOUNCEMENTS AND QUESTIONS	Ms. Yeckes thanked Kelsea Dombrovski for her excellent work for Arapahoe County as part of the Planning Division.
ADJOURNMENT	There being no further business to come before the Planning Commission, the meeting was adjourned.