

**ARAPAHOE COUNTY PLANNING COMMISSION**  
**PUBLIC HEARING**  
**MARCH 12, 2024**  
**6:30 P.M.**

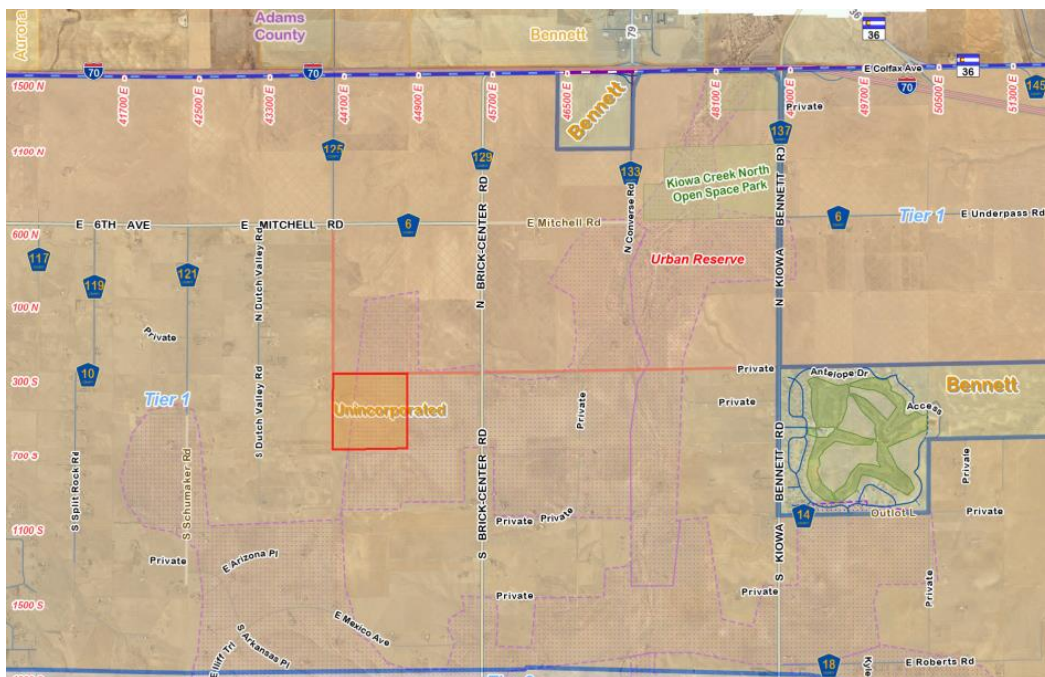
SUBJECT: CASE NO. CZ23-001, GREENLAND ESTATE ACRES REZONING

KAT HAMMER, SENIOR PLANNER

FEBRUARY 27, 2024

**LOCATION AND VICINITY MAP**

The subject property consists of one parcel, 1981-00-0-00-023, located southwest of the intersection of County Road 129 and County Road 6 in Commissioner District #3.



*Subject Property (shown in orange and outlined in red above)*

**ADJACENT SUBDIVISIONS, ZONING, AND LAND USE**

- |       |   |  |
|-------|---|--|
| North | - | A-1 zoned agricultural property                  |
| South | - | A-1 zoned agricultural property.                 |
| East  | - | A-1 zoned agricultural and residential property. |
| West  | - | A-1 zoned agricultural and residential property. |

**PURPOSE AND REQUEST**

SEE ATTACHED REZONING EXHIBIT

The applicant, Beacon Real Estate Services, on behalf of the property owner, Greenland Investments, LLC, seeks approval of a rezoning application.

The subject property is 160.7 acres and is currently zoned A-1, Agricultural, where a 19-acre minimum lot size is required. This application proposes rezoning to RR-B, Rural Residential B,

where a 2.41-acre minimum lot size is required. If approved, the proposed rezoning would permit an increase in allowable residential density from eight units to 67 residential units.

If this application is approved by the Board of County Commissioners, the applicant will be required to submit applications and receive approval of a preliminary plat and final plat prior to obtaining any building permits.

### **NEIGHBORHOOD OUTREACH AND PUBLIC COMMENT**

The applicant sent mailed notice and posted the property for a neighborhood outreach meeting held on August 9, 2023, at the Bennett Community Center. The meeting lasted for one hour and had five attendees. Comments and concerns from the public are attached to this report in the Neighborhood Outreach Packet. Attendees mentioned concerns regarding water, access to the site, access to Bennett School District, maintenance, and increased traffic.

The applicant held an additional neighborhood outreach meeting on August 26, 2023, at the Anythink Library in Bennett. The meeting lasted for approximately an hour and a half and had 25 attendees. Comments and concerns from the public are attached to this report in the Neighborhood Outreach Packet. Attendees mentioned concerns regarding water, additional traffic, law enforcement, and Accessory Dwelling Units (ADUs).

Staff has received written comments from four people during the review process. The main concerns include water usage, crime rates, noise and light pollution, traffic congestion, and impacts on the school system, law enforcement, and emergency responders. Staff will touch on each of these concerns later in this report.

### **BACKGROUND**

The property is currently zoned A-1, Agricultural, and was established with the initial zoning of Arapahoe County in 1961. The subject parcel is in Tier 1 of the Comprehensive Plan and is south of the Urban Reserve Boundary. The subject property does not have access from a public right-of-way and is accessed from a private access easement.

### **ANALYSIS OF THE REZONING APPLICATION**

Staff review of this application included a comparison of the proposal to: 1) applicable policies and goals outlined in the Comprehensive Plan; 2) review of pertinent Land Development Code regulations; and 3) analysis of referral comments.

#### **1. The Comprehensive Plan**

The site is designated as Tier 1 in the Comprehensive Plan.

The Comprehensive Plan acknowledges Tier 1 contains several square miles that have been subdivided into 2.5-acre and larger parcels with single-family homes. This land use pattern presents several challenges in accommodating urban density growth, including compatibility with existing land uses and establishing a road network to serve traffic generated by urban densities. The Comprehensive Plan indicates subdivision of parcels 55 acres or greater into urban and suburban scale lots shall only be allowed within Rural Town Center Planning Areas, subject to the availability of adequate infrastructure. The subject property is not located within a Rural Town Center Planning Area.

The Comprehensive Plan defines different development patterns in the Rural Area Goals and Policies section. Many of the goals cited below rely on those definitions, so they are reproduced here:

- Agricultural – Uses associated with farming, ranching, agri-tainment, agri-tourism, and residential lots of 35 acres or larger (A-E zoning)
- Very Large Lot Residential – Residential lots greater than 19 acres and less than 35 acres in size (generally consistent with A-1 Zoning)
- Large Lot Residential – Residential lots greater than one acre, but less than 19 acres (generally consistent with A-2, R-A, R-E Zoning)
- Urban -- Commercial, retail, and industrial uses, and residential uses on lots one acre or less in size

This proposal does not comply with the Arapahoe County Comprehensive Plan policies and goals as follows:

The proposed Greenland Estates subdivision is in Tier 1 as identified in the 2018 Comprehensive Plan. It is important to note that the parcel is not within the Urban Reserve which is an area that has been identified for a more dense development pattern, but only if specific provisions in the Comprehensive Plan are met.

Since the proposed subdivision is south of the Urban Reserve, the following policies and relevant strategies from the 2018 Comprehensive Plan apply for Tier 1.

### **Tiers 1 and 2 Goals and Policies**

#### ***GOAL T1&2 GM 1 – Ensure New Development is Compatible with Existing Land Uses***

Very large lot residential development and agricultural uses are the predominant land uses in Tiers 1 and 2. These uses are appropriate in Tiers 1 and 2 where compatible with existing development. Large lot and urban development may be compatible with existing development in certain circumstances in Tier 1.

***Interpretation: This rezoning proposes large lot development in Tier 1. Large lot development may be compatible with Tier 1 – but only in certain circumstances. As discussed below, staff does not find that this application meets those circumstances.***

#### ***Policy T1&2 GM 1.1 – Retain Very Large Lot Residential and Agricultural Uses in Tiers 1 and 2***

Agricultural uses and very large lot residential development are appropriate uses within Tiers 1 and 2.

#### ***Strategy T1&2 GM 1.1(b) – Recognize Existing Semi-urban Development within Tier 1***

The County will recognize parcels of 55 acres or less, but without urban services in 2014, within Tier 1. The County will approve continued development within these parcels at non-urban densities (parcels of 1 acre or larger), while supporting landowners who wish to move to a more urban category. This strategy will not unduly affect the role of the Urban Reserve to preserve areas for future urban development.

**Interpretation:** *For parcels of 55 acres or less in Tier 1, the County can approve the continued development **only within** these parcels. This does not apply to the proposed rezoning application since the parcel exceeds 55 acres and there is no existing semi-urban or large lot residential development in the parcel proposed for rezoning.*

**Strategy T1&2 GM 1.1(c) – Restrict the Rezoning of Properties for Large Lot Residential Development in Tiers 1 and 2**

The County will restrict the rezoning of property for large lot residential development (R-A [RR-B in the current code] and R-E [RR-C in the current code] Zone Districts) in Tiers 1 and 2. Smaller lot sizes are not considered consistent with the rural character sought to be preserved. Use of the rural cluster option is appropriate in Tiers 1 and 2 with a minimum lot size of 5 acres.

**Interpretation:** *The County will **not** rezone property in Tier 1 to the RR-b and RR-C zone districts. Per the Land Development Code, the RR-B has a minimum lot size of 2.41 acres and the RR-C zone district has a minimum lot size of 1.61 acres. These small lots are not consistent with the desired rural character of Tier 1. However, the rural cluster approach could be used or the property could be subdivide into 19-acre lots under the existing A-1 zoning, provided that the proposed subdivision would meet Arapahoe County residential subdivision design standards.*

Based on this language in the 2018 Comprehensive Plan, the proposal for rezoning from the A-1 zone district to the RR-B zone district, which has a minimum lot size of 2.41 acres, is **not** supported by the Comprehensive Plan.

**History of the Tiers in the Comprehensive Plan.**

The 2018 Comprehensive Plan and the Tier approach has the goal of allowing potential development in the Urban Reserve and preserving the continued rural and agricultural character of the eastern part of the county in Tier 1 outside of the Urban Reserve.

By way of background, an amendment to the 2001 Comprehensive Plan was approved on May 22, 2012, that introduced the Urban Reserve along the I-170 corridor, and Tiers 1, 2, and 3. The 2018 Comprehensive Plan continued the future land use map with the Urban Reserve and Tiers designations and added policies and strategies that strengthened the intent to preserve the rural character of the eastern part of the county in Tiers 1 (outside of the Urban Reserve), 2, and 3. The Urban Reserve was introduced based on a 2008 economic study that projected growth along the I-70 corridor.

**2. Land Development Code Review**

Section 5-3.2.B, Rezoning (Zoning Map Amendment/Conventional Zone District) of the Land Development Code indicates the Board of County Commissioners may approve a rezoning application if the following approval criteria are met:

1. *Recognize the limitations of existing and planned infrastructure, by thoroughly examining the availability and capability of water, sewer, drainage, and transportation systems to serve present and future land uses.*

The proposed water supply source is new wells withdrawing allocations in the Denver Basin aquifers allocated under Determination of Water Right Nos. 4576-BD, 4577-BD and 4578-BD. These determinations were approved by the Colorado Ground Water Commission for domestic, irrigation, commercial, stock watering, fire protection, and replacement purposes. The proposed residential water use is allowed by the determinations on the subject property. The opinion of The Division of Water Resources is that the water supply is adequate and can be provided without causing injury.

Arapahoe County Public Health will require an approved septic system on each lot. The separation distance from any well to any on-site septic system is a minimum of 100 feet to the drain field and 50 feet to any septic tank. Each proposed lot must also meet all applicable setbacks set out in the Arapahoe County Onsite Regulations, including any creeks or drainage ways.

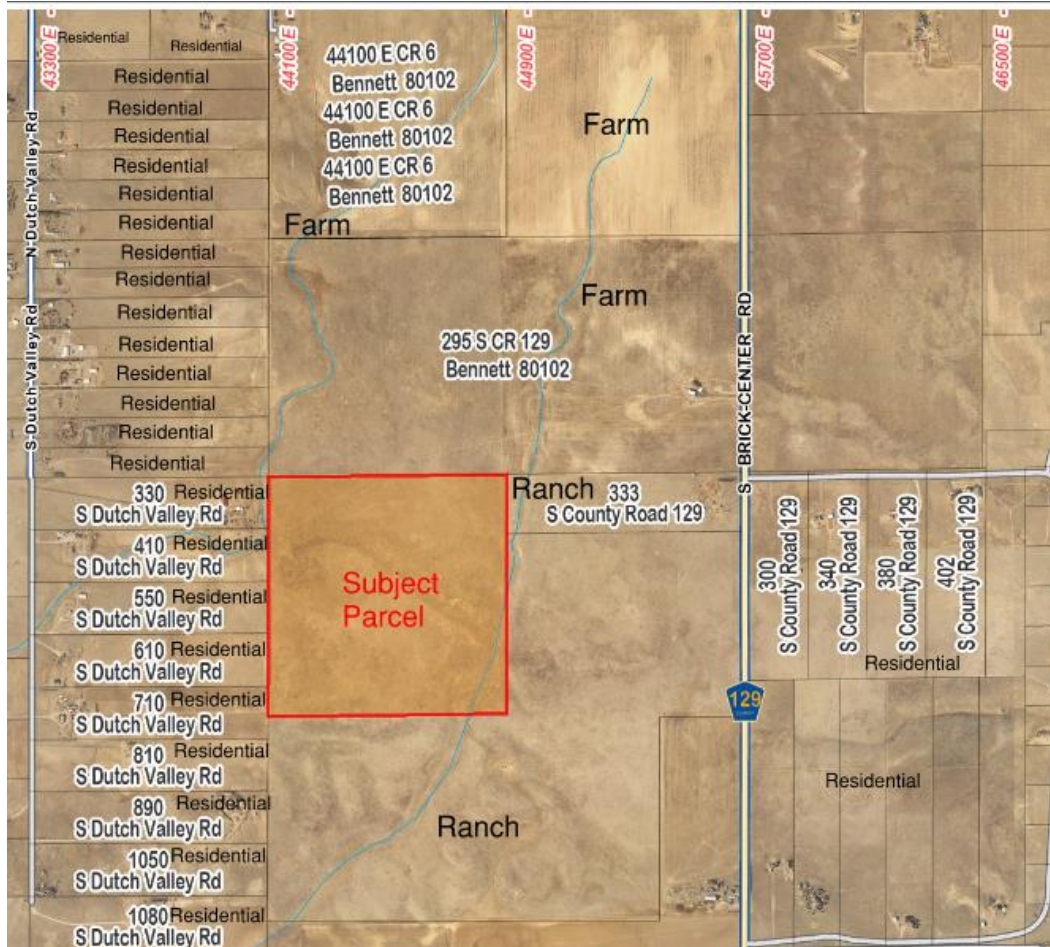
The applicant has indicated drainage will be constructed throughout the development with a new detention pond in the northeast corner of the subject parcel.

The rezone exhibit identifies the primary access via a 30-foot access easement beginning at the northwest corner of the subject parcel and extending north until intersecting with County Road 6. The standard private roadway rural cross section is 32 feet. The proposed access road will need to be at least 32 feet in width plus the roadside ditch widths (the applicant will need to size them, but if they need ditches on both sides, the minimum width is estimated to be around 40 feet).

The application indicates a second point of access near the northeast corner of the subject parcel and has indicated the second access would be for emergencies only. If this application is approved the applicant has indicated the second point of access will need to be negotiated so the proposed development can be serviced through County Road 129. The internal and access roads will be required to be built to the County and Bennett Watkins Fire and Rescue standards. The developer will be responsible for the construction of the internal and access roads and any required improvements to the existing roadway CR 129 and CR 6. The County does not want the internal or access roads to be dedicated to the County. The development will be responsible for the construction and maintenance of the private drives and access roads.

2. *Assure compatibility between the proposed development, surrounding land uses, and the natural environment.*

This proposed rezone would change the minimum lot size of a parcel from 19 acres to 2.41 acres. If the rezone were approved, the property owner would be able to subdivide this property into 67 lots where currently they would only be permitted to subdivide up to 8 lots. The surrounding properties are zoned A-1 and are primarily large lot agricultural and very large lot residential parcels with a 19-acre minimum (see image below). The proposed development is not compatible with the surrounding land uses and natural environment.



3. *Allow for the efficient and adequate provision of public services. Applicable public services include, but are not limited to, police, fire, school, park, and libraries.*

Arapahoe County Sheriff – Office of Emergency Management does not find one access into the proposed subdivision sufficient during a wildfire scenario. The Office of Emergency Management requests two public egress routes from the subdivision. Bennett-Watkins Fire and Rescue has no objection to the proposed conventional rezone provided several requirements be met, see the letter dated January 15, 2023. If this application is approved a condition of approval will be included to ensure the fire district’s requirements are met at the time of preliminary and final plat.

The applicant met with Bennett School District to discuss this proposal. Bennett School District does not support this rezone application because they do not have adequate capacity to serve the additional students that would be generated by the additional density of 59 additional homes to this area.

Due to another bond measure failing, Bennett School District cannot justifiably serve any more students in their district until the district can get more instructional space. Arapahoe County Library did not provide comment on this proposal. This proposal does not allow for the efficient and adequate provision of public services.



4. *Enhance convenience for the present and future residents of Arapahoe County by ensuring that appropriate supporting activities, such as employment, housing, leisure-time, and retail centers are in close proximity to one another.*

The subject parcel is not located within close proximity to any major employment or retail centers. Within a six-mile radius of the subject site, there is a Love's Travel, King Soopers, Tractor Supply, CORE Electric, Comfort Inn, Dollar General, and Les Schwab Tires. The applicant is not proposing any dedicated open space on the subject parcel for future residents. Centennial Park, Bennett Park and Recreation, and Bennett Community Center are at least five miles from the subject site.

5. *Ensure that public health and safety is adequately protected against natural and man-made hazards which include, but are not limited to, traffic noise, water pollution, airport hazards, and flooding.*

No adverse environmental conditions are known to exist on the property. The Colorado Geological Survey responded "no comment" to the proposed rezoning application. No floodplains are known to exist within the area depicted in this rezoning.

6. *Provide for accessibility within the proposed development, and between the development and existing adjacent uses. Adequate on-site interior traffic circulation, public transit, pedestrian avenues, parking and thoroughfare connections are all factors to be examined when determining the accessibility of a site.*

The subject property does not have access to any public roads. The applicant has indicated the main access will be provided through an established 30-foot private reciprocal ingress-egress and utility easement recorded June 7, 2005. An attendee at the neighborhood outreach meeting expressed concerns about traffic traveling within the easement which is adjacent to several 19-acre, residential lots to the west of the subject property. Arapahoe County Office of Emergency Management has requested two public accesses to the subdivision.

7. *Minimize disruption to existing physiographic features, including vegetation, streams, lakes, soil types and other relevant topographical elements.*

There are two streams located within and near the subject parcel area. The streams are not mapped Federal Emergency Management Agency (FEMA) flood hazard area, if this application is approved the applicant will need to complete a Conditional Letter of Map Revision/Letter of Map Revision (CLOMR/LOMR) process with FEMA. However, the tributary area is greater than 130 acres for each drainageway so the 100-yr floodplain for the drainageways are regulated by Arapahoe County per the Stormwater Management Manual. If this application is approved the applicant will need to map the 100-yr floodplains.

Staff received a response from Colorado Geological Survey indicating no objection to the proposed rezoning application.

8. *Ensure that the amenities provided adequately enhance the quality of life in the area, by creating a comfortable and aesthetically enjoyable environment through conventions such as, the preservation of mountain views, the creation of landscaped open areas, and the establishment of recreational activities.*

The maximum building height in the RR-B zone district is 35 feet, which is consistent with the surrounding residential buildings, and mountain views are expected to be preserved. The applicant is not proposing any dedication of open space, unobstructed open space, or recreational activity areas.

9. *Enhance the useable open spaces in Arapahoe County and provide sufficient unobstructed open space and recreational area to accommodate a project's residents and employees.*

The applicant is not proposing minimum unobstructed open space on the rezone plans. The applicant has indicated the existing drainage area will be the designated open space.

10. *Ensure the application complies with the requirements of this Resolution and is in general conformance with the Arapahoe County Comprehensive Plan.*

As previously stated in this report, the application is not in conformance with the Arapahoe County Comprehensive Plan.

### **3. Referral Comments**

Staff requested comments from referral agency partners in August 2023, and a copy of all referral agency comments is provided in the External Referral Summary & Responses document attached to this report. The main concerns were raised by the East Arapahoe County Advisory Planning Commission and the Bennett School District, who are both opposed to this rezone application. Bennett School District is concerned that they will not have adequate capacity to serve the additional students from this development with the added unanticipated density, and the East Arapahoe Planning Commission has concerns about impacts to traffic, roads, public safety and water with this increased density.



### **STAFF FINDINGS**

Staff has reviewed the plans, supporting documentation, referral comments, and external agency input in response to this application. Based upon a review of applicable policies and goals in the Comprehensive Plan, review of the development regulations, and analysis of referral comments, our findings include:

1. The proposed CZ23-001, Greenland Estate Acres Rezoning, does not generally conform to the Arapahoe County Comprehensive Plan.
2. The proposed CZ23-001, Greenland Estate Acres Rezoning, does not meet the Arapahoe County Zoning Regulations and procedures, including those stated in Section 5-3.2 Rezoning (Zoning Map Amendment/Conventional Zone District) of the Land Development Code, specifically: approval criteria 5-3.2.B.2,3,4 and 10 outlined above in this report.

### **STAFF RECOMMENDATION**

Considering the findings and other information provided herein, Staff recommends denial of Case No. CZ23-001, Greenland Estate Acres Rezoning, because the application is not in general conformance with the Arapahoe County Comprehensive Plan and does not meet the criteria for a Conventional Rezone found in Section 5-3.2 of the Land Development Code.

#### **Alternatives**

The Planning Commission has alternatives that include the following:

1. Recommend approval of the proposed rezoning.
2. Continue to a date certain for more information.
3. Recommend denial of the proposed rezoning.

### **CONCURRENCE**

The Public Works and Development Planning and Engineering Services Divisions have reviewed the application, and the Arapahoe County Public Works Department is recommending denial of this case.

**PLANNING COMMISSION DRAFT MOTIONS – CZ23-001, Greenland Estate Acres Rezoning**

**Recommendation to Deny**

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.

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

**Recommendation to Approve**

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 approval of this application based on the following findings:

1. *State new findings in support of approval as part of the motion.*

**Continue to Date Certain:**

In the case of CZ23-001, Greenland Estate Acres Rezoning, I move to continue the hearing to [date certain], 6:30 p.m., to obtain additional information and to further consider the information presented.



## Arapahoe County Public Works & Development Engineering Services Division Staff Report 3<sup>rd</sup> Submittal

Date: March 5, 2024

To: Kat Hammer, Planner, Planning Division

From: Emily Gonzalez, Case Engineer, Engineering Services Division  
Cc: Chuck Haskins, Engineering Services Division, Division Manager  
Case File

Re: Greenland Estates Acres  
Conventional Rezone  
CZ23-001

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### Scope/Location:

The project includes 160 Acres (6,969,600 square feet) and is currently zoned A-1, only allowing farming, ranching, and very large lot residential. Greenland Investments LLC would like to change the zoning to RR-B for fifty-four residential lots. Each lot would be approximately 2.41 acres.

### Items included in the application:

Plan Exhibit – CZ  
Phase I – Drainage Report

### Findings:

The Arapahoe County Division of Engineering Services has reviewed this application and has the following findings:

1. This application is for the Conventional Rezone (CZ). All civil construction plans and final design will accompany the Administrative Site Plan (ASP). The preliminary design reflected on the CZ and drainage reports may change along slightly with the final design and analysis or amendments to the CZ may be required. At the time of ASP, full site analysis will be required including but not limited to Phase 3 drainage report (with design elements), civil site construction plans, and grading plans. A presubmittal meeting will be required before applicant submits the ASP application to the County.

2. This development lies within the boundaries of the following jurisdiction:
  - Lost Creek Groundwater Management District
  - West Arapahoe Conservation District
  - Bennett Fire District
3. This property does not include FEMA designated floodplain, however, there are two drainageways on site which have greater than 130 acres of tributary area. Per Arapahoe County's floodplain management criteria, the 100-yr floodplain will be regulated for both drainageways. Currently they are unmapped, and a floodplain delineation will be required with the Phase 3 Drainage Report.
  - a) Areas that lie within the 100-year floodplain shall be included as F-Zone, Floodplain and include a floodplain easement.
  - b) A floodplain development permit will be required for work within the 100-yr floodplain.
7. This development is subject to the Rural Transportation Impact Fee (RuTIF). RuTIF fees to be collected at time of building permit.
8. This development will require a Subdivision Improvement Agreement (SIA) to guarantee on-site and off-site public improvements, at time of the Administrative Site Plan.
9. All public streets shall be complete with curb, gutter, sidewalk, and pavement that shall be constructed in accordance with the Arapahoe County IDCS.
10. The development access will need to be designed and constructed to the County rural road cross-section, at minimum.
11. An additional access to the County ROW may be necessary, depending on the Fire Department requirements.
  - a) May require 100-yr capacity at roadway crossings of drainageways.
12. The following variances have been requested/granted:
  - a) Left turn deceleration lane is not required on County Roads 129 or 6, due to traffic volumes.

**Recommendations:**

The Division of Engineering Services recommends this case favorably subject to the following conditions:

1. The applicant agrees to address the Division of Engineering Services' comments and concerns as identified within this report.
2. The applicant executes a Subdivision Improvement Agreement.
3. Improvements on County Roads 129 and 6 may be required, including but not limited to paving. This is to be determined at the time of the ASP.
4. A traffic impact study update will be required with the ASP to confirm that assumptions are still valid.

**Staff Comments:**

The Arapahoe County Division of Engineering Services has reviewed this application and has the following comments:

1. Engineering Services has no further comments on the rezoning application or associated documents.

**Agreements Required**

1. Subdivision Improvement Agreement (SIA)
  - Required for all the public improvements within County easements and/or Right of Way
  - Engineers Cost Estimate (ECE) will become “Exhibit A” of the SIA
  - Staff will prepare SIA and provide to applicant once ECE is finalized.
2. Operations and Maintenance (O&M) Agreement
  - Required for Detention or Water Quality Facilities
  - Staff will prepare the O&M Agreement and provide to applicant.
  - The O&M Agreement will be executed, and the entire O&M manual will be sent in for recording. The reception number of that recorded document will be needed to finalize the ASP (part of the Stormwater Maintenance Standard Notes).

**Permits Required**

1. Street Cut- Right of Way (ROW) Use Permit
  - Required for access onto the County ROW.
  - Required for any construction and/or lane closures within County ROW.
2. Public Improvement Permit
  - For all public improvement with a County easement or ROW (stormwater facilities, sidewalks etc.)
3. Grading, Erosion and Sediment Control (GESC) Permit
  - Arapahoe County requires that a GESC (Grading, Erosion, and Sedimentation Control) Permit be obtained prior to the start of land disturbing activities within the unincorporated areas of the County. Information on the County’s GESC permit requirements can be obtained in the Arapahoe County GESC Manual.
4. Building Permit
  - Building permits are not released until all land development documents are approved.
  - RUTIF/RTIF/CCBWQA fees are collected along with building permit as applicable.
5. Floodplain Development Permit
  - Projects that include work within designated 100-year floodplain limits of major drainageways require a Floodplain Development Permit. Additional information on the

floodplain permit can be found in Chapter 5 of the County's Stormwater Management Manual

6. Oversize/Overweight Vehicle Permit
  - This permit governs the use of Arapahoe County Roadways where vehicles exceed size or weight limitations as established by the State of Colorado or by Arapahoe County.
7. Traffic, Signing, Striping and Signalization Permit
  - Arapahoe County requires that a Traffic, Signing, Striping and Signalization Permit be obtained prior to the placement, removal or modification to any traffic signs, striping or signals maintained by Arapahoe County.
  - A Traffic, Signing, Striping and Signalization Permit is required for all signs placed within a designated fire lane. Fire Lane designation must have resolution approved by the Board of County Commissioners.