



# Arapahoe County

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Relay Colorado 711

## Board Summary Report

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**File #:** 21-094

**Agenda Date:** 1/26/2021

**Agenda #:** 6.b.

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**To:** Board of County Commissioners

**Through:** Bryan Weimer, Director, Public Works and Development  
Jan Yeckes, Planning Division Manager, PWD

**Prepared By:** Kat Hammer, Planner II, Public Works and Development

**Presenter:** Kat Hammer, Planner II, Public Works and Development

**Subject:**

PUBLIC HEARING: PF20-006 East Virginia Village Final Plat (District 4)

**Purpose and Request:**

The applicant, Century Communities, on behalf of the property owner, The Mor Acres, LLC/ Jerry T. Moore is proposing a Final Plat that will create 74 townhome lots on 6.8581 acres (10.79 dwelling units per acre). The proposal also includes private streets, a water quality detention pond, a parking for future owners and visitors, and approximately 39 percent open space, including a public pocket park.

The Board of County Commissioners approved the initial zoning (case no. GDP18-005) for this project on February 26, 2019 (5-0 vote). That zoning allowed up to 74 townhome units on the property. Specific Development application SDP20-001 was approved by the Planning Commission on August 18, 2020 (7-0 vote). The SDP provides standards for development of the proposed parcels and the proposed Final Plat meets those standards. The Board of County Commissioners approved the associated Preliminary Plat (case no. PP19-002) on September 10, 2020 (5-0 vote). Staff is currently reviewing the associated Administrative Site Plan, ASP20-008. The ASP approval is contingent upon approval of this Final Plat.

Staff recommends approval of this application.

**Background and Discussion:**

The property is zoned Mixed Use (MU) and allows up to 74 townhome units (GDP18-005 and SDP20-001). The site is currently used for single-family residential. The Four Square Mile Subarea Plan classifies the property as suitable for single family with a density of 1-12 units per acre. If the Final Plat and the associated

ASP are approved the site could be developed with a two-story townhome product.

Staff review of this application included a comparison of the proposal to: 1) applicable policies and goals outlined in the Comprehensive Plan (4 Square Mile Subarea Plan); 2) review of pertinent Land Development Code regulations, including the approved Colorado and Quebec General Development Plan (GDP18-005) and Specific Development Plan (SDP20-001); and 3) analysis of referral comments.

The Comprehensive Plan/ Four Square Mile Subarea Plan/The Comprehensive Plan

Staff has determined the application is consistent with the following goals and policies identified in the Arapahoe County Comprehensive Plan and Four Square Mile SubArea Plan:

*Four Square Mile SubArea Plan - Goal: Limit higher density residential development to arterial (4 lane roads) and major collector streets with greater access to public transit.*

The proposal is located adjacent to a four-lane road, South Quebec Street. Regional Transit District provides two bus routes within a quarter mile walking distance from the proposed site. Route 73 provides transit from the Belleview Station to the Central Park Station. Route 83 provides transit from the Civic Center Station to the Nine Mile Station.

*Comprehensive Plan - Policy GM 1.2 - Encourage Infill Development and Redevelopment Arapahoe County will encourage infill development that is compatible with existing land uses in the Urban Area to take advantage of existing public infrastructure and services*

The proposal is located within the Urban Area and is expected to be serviced from existing public infrastructure and services with minimal extensions/adjustments. The applicant submitted a request for approval of a Metro District to finance improvements for this project. The BoCC will hear the request for the proposed Metro District in March or April of 2021.

*Comprehensive Plan - Policy GM 3.1 - Direct Future Development to Areas with Low Risks from Natural and Man-made Hazards*

The proposal is located within areas of low risk for natural and man-made hazards.

*Comprehensive Plan - GOAL PSF 1 - Ensure an Adequate Water Supply in Terms of Quantity and Quality for Existing and Future Development*

The proposal will be served by Cherry Creek Valley Water District. John Warford with Cherry Creek Valley Water and Sanitation indicated in his referral response that water service will be provided by Denver Water in a total service agreement with the District. A “will serve” letter was received on June 15, 2020 from the Cherry Creek Water and Sanitation District stating that they can serve the property.

*Comprehensive Plan - Policy PFS 4.3 - Require Adequate Wastewater Treatment*

Cherry Creek Valley Water District indicated sanitary sewer service will be provided by Denver Wastewater. A “will serve” letter was received on June 15, 2020 from the Cherry Creek Water and Sanitation District stating that they can serve the property.

*Comprehensive Plan - GOAL PFS 6 - Ensure the Adequacy of Electric, Natural Gas, Telephone, Cable and Internet*

The proposal will be served by Xcel Energy. Xcel Energy requested the following utility easements within all lots: 6-foot wide for natural gas facilities, where there is space and drivable pavement for service truck access and plowing, 8-foot wide for electric facilities if gas and electric are within the same trench and a 10-foot wide utility easement is required, not to overlap any wet utility easement. The applicant is showing an easement along the alley lot frontages, where there is space and drivable pavement for service truck access and plowing. The applicant is also showing a 10-foot perimeter easement for electric and gas, per Xcel’s request. The applicant and Xcel Energy plan to provide additional easements by separate document that are based on the final design that will be provided by Xcel. Staff is recommending a condition of approval requiring the applicant to meet all of the requirements for Xcel Energy. Century Link and did not provide a referral response for the proposal.

*Comprehensive Plan - GOAL PFS 7 - Ensure Existing and New Development have Adequate Police and Fire Protection Utilities in Existing and New Development*

The Arapahoe County Sheriff did not have any comments during the referral period for the Final Plat and associated ASP. The Sheriff did not express concerns about serving the site during the Preliminary Plat and SDP referral period, though they did say that having a traffic signal at East Colorado Avenue and Quebec Street could improve access. Per the Arapahoe County Engineering Services Department, traffic conditions currently do not warrant a signal at this intersection. The traffic study shows that a traffic signal is not anticipated to be warranted at this intersection through the 2025 analysis horizon. The site will be served by South Metro Fire District, who expressed no major concerns with the design of the project but they are requesting the applicant enter into the Arapahoe County Fire Lane Program, which allows the Sheriff to enforce Fire Lane parking violations on private property. Staff is recommending a condition of approval to ensure the applicant meets all of South Metro Fire District requirements. The applicant provided a letter requesting inclusion in the Fire Lane Program and staff is working to bring a resolution to the BoCC for approval of inclusion in the Fire Lane

Program.

Comprehensive Plan - GOAL PFS 9 - *Ensure that the Educational Needs of Existing and New Developments Are Met*

Cherry Creek School District indicated they can meet the educational needs for this development. During the GDP process, Cherry Creek School District requested cash-in-lieu using the Appraised Value Method at the time of Final Plat to provide adequate educational needs for the new development. Since the time of the approval of the GDP, the applicant and Cherry Creek School District have agreed upon an amount per acre to calculate cash-in-lieu for schools and land for other public purposes. Staff is recommending a condition of approval requiring the applicant to pay cash-in-lieu for schools and other public purposes (no cash-in-lieu is required for land for public parks because the development includes a public pocket park).

Comprehensive Plan - GOAL NL 1 - *Create Livable Mixed Use Neighborhoods in Designated Growth Areas*

The proposal will provide housing diversity in the Urban Growth Area and Four Square Mile neighborhood.

Comprehensive Plan - Policy NL 1.2 - *Encourage Mixed Use Neighborhoods that Are Served by a Multi-modal Transportation System*

The proposal will provide residential uses located near two bus routes. The proposal includes a sidewalk along the west side of the property that connects to the proposed park and the Denver County neighborhood to the west of the development. The site plan also includes a 10-foot sidewalk along South Quebec Street and a number of internal sidewalks providing connectivity within the site.

Comprehensive Plan - Policy NL 1.3 - *Encourage Higher Density Development in New Neighborhoods within the Urban Area*

The site is suitable for up to 12 units per acre per the Four Square Mile Sub-area Plan. The proposal anticipates a density of 10.79 units per acre.

#### Land Development Code Review

Chapter 5, Section 5-6.3 of the Land Development Code provides the review and approval criteria for Final Plats. A Final Plat may be approved upon the finding by the Board that the application will:

*Provide for a public water supply.*

A “will serve” letter was received on June 15, 2020 from the Cherry Creek Water and Sanitation District stating that they can serve the property.

*Provide for a public sewage disposal system.*

A “will serve” letter was received on June 15, 2020 from the Cherry Creek Water and Sanitation District stating that they can serve the property.

*Provide 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.*

A soils report was submitted with this application which details the existing conditions and recommendation for excavation and soil treatment for construction. The site is relatively flat along Quebec Street and the applicant has indicated no identified topographical conditions presenting natural hazards are present.

*Comply with all applicable zoning regulations governing the property as adopted by the Board of County Commissioners.*

The proposed plat does not present any conflicts with the approved General Development Plan, Preliminary Plat, and Specific Development Plan, which have been reviewed and approved by the County.

*Comply with the Mineral Resource Areas in the Regulation for Areas of Special Interest as adopted in the Arapahoe County Zoning Regulations.*

All mineral estate owners were sent notification of the first public hearing for the approved GDP and the applicant is in compliance with the Mineral Resource Areas in the Regulations for Areas of Special Interest. F.

*Provide evidence that the school district can serve the development.*

The Cherry Creek School District provided evidence that they can serve the proposed development and is requesting cash-in-lieu for land for public schools. The cash-in-lieu amounts are included in the proposed

motion.

### Referral Comments

A summary of the referral comments received during the referral process are attached to this report. Staff reviewed the referral comments and has included three conditions of approval to address outstanding concerns, conditions #2, #3 and #4.

### Staff Findings

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

1. Staff finds that the proposed PF20-006, East Virginia Village Final Plat generally conforms to the Arapahoe County Comprehensive Plan and Four Square Mile SubArea Plan.
2. The proposed PF20-006, East Virginia Village Final Plat meets the Arapahoe County Zoning Regulations and procedures, including Chapter 5, Section 5-6.3 of the Land Development Code.
3. The proposed PF20-006, East Virginia Village Final Plat is in conformance with the Preliminary Plat, General Development Plan and Specific Development Plan approved by the BoCC.

### **Fiscal Impact:**

This request might have some positive fiscal impact on the County based on increased property tax assessed valuation.

### **Alternatives:**

The Board of County Commissioners has three alternatives:

1. Approve the application with Conditions of Approval (as recommended by Staff or with changes)
2. Approve the application with revised Conditions of Approval
3. Continue to a date certain for more information
4. Deny the application

**Alignment with Strategic Plan:**

- ☐ Be fiscally sustainable
- ☐ Provide essential and mandated service
- ☒ Be community focused

The proposed development promotes thriving communities by providing moderate density townhome housing. The proposed development includes a public pocket park, which will provide recreation and opportunities for physical health.

**Staff Recommendation:**

Considering the findings and other information provided herein, Staff recommends approval of case PF20-006, East Virginia Village Final Plat subject to the following conditions of approval:

1. Prior to signature of the final copy of these plans, the applicant must address Public Works and Development Staff comments and concerns.
2. The applicant will meet all of South Metro Fire District requirements.
3. The applicant will meet all of Xcel Energy requirements and shall record any additional easements not shown on this plat, requested by Xcel Energy, by separate document.
4. The applicant will meet all of Tri-County Health Department requirements.
5. The applicant will provide cash-in-lieu for land for public schools in the amount of \$192,026.97 and cash-in-lieu for land for other public purposes in the amount of \$12,123.43 prior to the recording of the Final Plat.

**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. While the Planning Commission does not review Final Plats, the Planning Commission recommended approval for the initial zoning and the Preliminary Plat.

**Suggestion Motion(s):**

**APPROVE WITH CONDITIONS:** *This action would be consistent with the staff recommendation.* In the case of PF20-006, East Virginia Village Final Plat, the County Commissioners 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 public hearing. I hereby move to APPROVE this application based on the findings in the staff report, subject to the following conditions:

1. Prior to signature of the final copy of these plans, the applicant must address Public Works and Development Staff comments and concerns.
2. The applicant will meet all of South Metro Fire District requirements.
3. The applicant will meet all of Xcel Energy requirements and shall record any additional easements not shown on this plat by separate document.
4. The applicant will meet all of Tri-County Health Department requirements.
5. The applicant will provide cash-in-lieu for land for public schools in the amount of \$192,026.97 and cash-in-lieu for land for other public purposes in the amount of \$12,123.43 prior to the recording of the Final Plat.

**Alternative Motions** - The following motions are provided as alternatives to the recommended motion for Conditional Approval:

**DENY**: In the case of PF20-006, East Virginia Village Final Plat, the County Commissioners 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 public hearing. I hereby move to DENY this application based on the findings:

*State new or amended findings in support of denial as part of the motion. ...*

**CONTINUE TO DATE CERTAIN**: In the case of PF20-006, East Virginia Village Final Plat, I move to continue the hearing to [date], 9:30 a.m., [date] at this same location, to obtain additional information and to further consider the information presented.

**Resolution**: Attach a copy of any recommended draft resolution.