



## Staff Report

**To:** Planning Commission

**Through:** Jan Yeckes, Planning Division Manager, PWD

**Presenter:** Bill Skinner, Senior Planner, PWD

**Subject:** Case No. CZ20-001 Peoria Crossing Road Rezoning

### **Purpose and Request**

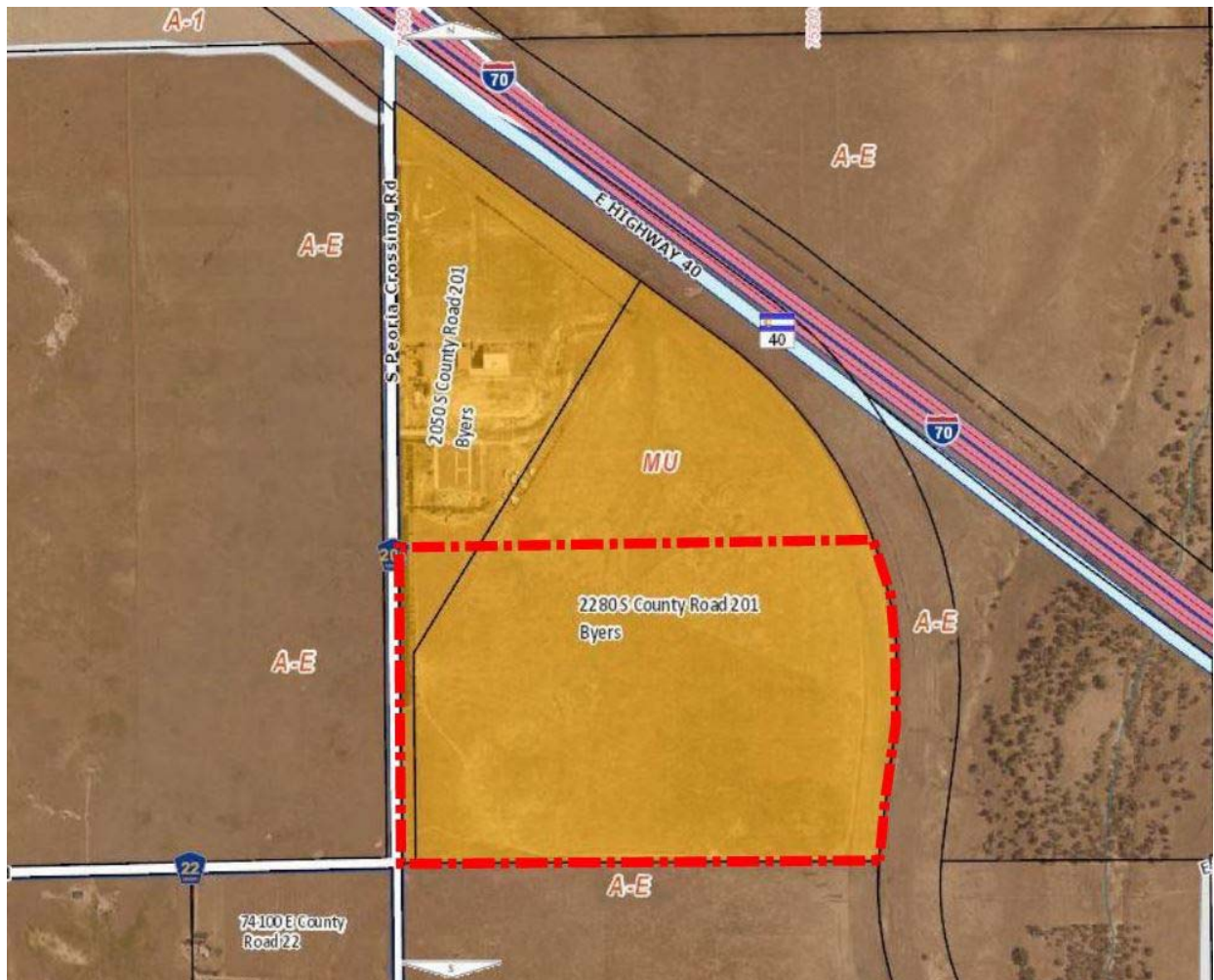
Owner Lonnie Clark proposes rezoning 140 acres of land currently that is currently a part of the Colorado Motor Sports Park Mixed Use Planned Unit Development (MU-PUD) from MU-PUD to Agricultural Estate (A-E).

### Location and Vicinity Map

The subject property consists of part of 2050 S County Road 201 and part of 2280 S County Road 201. This property is located in Commissioner District 3.



Adjacent Subdivisions, Zoning, And Land Use



- North - The existing Colorado Motorsports MU-PUD will remain in place
- South - Agricultural lands zoned A-E
- East - Agricultural lands zoned A-E and a seasonal stream corridor
- West - Agricultural lands zoned A-E

Background

The following is a summary of previous zoning actions on the subject property.

1972: The subject property was zoned A-E as part of the initial establishment of zoning in Arapahoe County.

1976: The subject property was included in the approval of Preliminary Development Plan Z75-032. Application Z75-032 requested approval of a dog racing facility that included a track, parking for 2,000 vehicles, housing, and kennels on a 238.1 acre site.

2007: Approval of application A05-002 expanded the uses approved in the Z75-032 PDP to include those shown here:

ATHLETIC EVENTS, AGRICULTURAL EXHIBITS FAIRS, AUTOMOBILE SHOWS, TRACK EVENTS, CONCERTS, ENTERTAINMENT EVENTS, FAIRS, FARMERS MARKET, GO CART RACES, LIVESTOCK EVENTS AND SHOWS, OTHER USES WITH SIMILAR CHARACTERISTICS, PUBLIC AND PRIVATE GATHERINGS, RODEOS, SCHOOL EVENTS

2015: The subject property is included in the approval application Z14-003 Colorado Motorsports PDP which sought to modify the defunct dog racing facility for use as a motorsport venue. Uses approved as part of Z14-003 are shown here:

MOTOR SPORTS AND TRACK EVENTS SUCH AS CAR, TRUCK AND MOTORCYCLE EVENTS, MONSTER TRUCK SHOWS, TRUCK AND TRACTOR PULLS, OFF-ROAD SHORT COURSE RACING, MUD PIT RACING, MOTOCROSS, SUPER CROSS, ENDURO CROSS, DRAG BOAT, STUNT SHOW EVENT OR DEMOLITION DERBY, AGRICULTURAL EXHIBITS FAIRS. INDOOR OR OUTDOOR ENTERTAINMENT EVENTS SUCH AS FAIRS, SWAP MEETS, SCHOOL EVENTS, CONCERTS, CAR/TRUCK SHOWS, TRADE SHOWS, ATHLETIC OR RECREATION EVENTS. USES NOT SPECIFICALLY LISTED ABOVE MAY BE PERMITTED IF, IN THE OPINION OF THE PLANNING DIVISION MANAGER, THEY ARE SIMILAR IN CHARACTER TO PERMITTED USES IN THIS PDP, AND ARE IN CONFORMANCE WITH THE INTENT OF THIS PDP.

2021: This application, CZ20-001 seeks to remove 140 acres from the PUD zoning described above and return it to A-E zoning similar to that established in 1972. The requested A-E zoning matches that of the surrounding properties with the exception of the 98 acres that remain in the Z14-003 Colorado Motorsports PUD.

### Discussion

Staff review of this application included a comparison of the proposal to policies and goals outlined in the Comprehensive Plan, the Rezoning section of the Land Development Code, existing uses, and an analysis of referral comments.

#### 1. The Comprehensive Plan

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

#### GOAL RA GM 1 – Preserve the Rural Character of the Rural Area

Policy RA GM 1.3 - Prohibit Urban and Large Lot Residential Development in the Rural Area - The County will maintain the rural character by limiting development to very low densities in the Rural Area, in accordance with existing County zoning, and prohibiting higher densities other than for cluster residential development.

#### Strategy RA GM 1.3(a) - Maintain Agricultural Zoning

The County will restrict rezoning of land in the Rural Area for urban development or large lot residential. – Approval of Application CZ20-001 would remove 140 acres of rural land from the Colorado Motorsports PDP, reducing the area of this very non-rural PUD to roughly 41% of its current size.

The Comprehensive Plan designates this site as Tier 2. Tier 2 properties are intended to remain rural with agricultural and related uses and low density residential uses. If approved, the rezoning to A-E will establish a 35 acre minimum lot size. This is aligned with the intent of the Tier 2 designation.

## 2. Land Development Code Review

Chapter 5, Section 5-3.2 of the Land Development Code provides the review and approval criteria for rezonings. All rezoning applications must meet the following standards:

- a. *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.*

Application CZ20-001 requests approval of A-E zoning which includes a 35 acre minimum lot size requirement. Given the 35 acre minimum lot size requirement, the location of the site, and the lack of access to municipal water and sewer infrastructure for the foreseeable future, it is assumed the subject property will rely on well water and septic field sanitation. Tri-County Health Department reviewed the proposed zoning and offered direction pertaining to the implementation of onsite waste water treatment (septic fields) and domestic wells.

South Peoria Crossing Road (County Road 201) is adjacent to the west edge of the subject property and could provide access. Access to public roads for any lots created will be required if the property is subdivided.

In terms of access to water, sanitation, drainage, and access to transportation infrastructure the proposed rezoning complies with criteria stated in the Land Development Code.

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

The requested A-E zoning matches that of the surrounding properties with the exception of the 98 acres that will remain in the Z14-003 Colorado Motor Sports PUD.

The natural short grass prairie ecosystem that predated establishment of ranching and farming activities in this part of Colorado is not known to exist on the subject property.

- c. *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.*

Rezoning the property from MU-PUD to A-E will not affect the level of services available to the subject property. Service levels will be comparable to other A-E zoned properties surrounding the subject property.

- d. *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.*

Rezoning the property from MU-PUD to A-E would not affect convenience for present and future residents.

- e. *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.*

Rezoning the property from MU-PUD to A-E will remove the potential motorsports activities allowed in the current Colorado Motorsports PDP. This reduces the potential for hazards such as traffic, noise, and pollution on the subject property and in the area.

- f. *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 requested A-E zone district standards include a 35-acre minimum lot size requirement. No internal roads or pedestrian circulation systems (aside from private driveways) are required to serve A-E zoned properties.

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

There are no significant physiographic features on the subject property.

- h. *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 minimum lot size in the requested A-E zone district is 35 acres. Lots of this size provide abundant opportunities for outdoor open areas and recreation.

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

The minimum lot size in the requested A-E zone district is 35 acres. Lots of this size provide abundant opportunities for outdoor open areas and recreation.

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

The application complies with the intent of the Comprehensive Plan as discussed above.

3. Referral Comments

Comments received during the referral process are summarized in the chart below.

<b>Referral Agency</b>	<b>Response</b>
Arapahoe County Assessor	No response
Arapahoe County Engineering	Comments have been addressed
Arapahoe County Mapping	Comments have been addressed
Arapahoe County Open Space	No response
Arapahoe County Planning	Comments have been addressed
Arapahoe County Sheriff	No comments
Arapahoe County Zoning	No comments
Arapahoe Library District	No response
Bijou Telephone Co-Op	No response
CDOT	Minimal comments – If the property develops a TIS and [additional] access permits may be required.
Deer Trail & East Adams Conservation District	No response
Deer Trail Planning	No response
Deer Trail Post Office	No response
Deer Trail Rural Fire Protection District	No response
Deer Trail School District 26 j	No response
Intermountain Rural electrical Assoc.	No response
Department of Regulatory Agencies	No comment
North Kiowa Bijou Groundwater District 4483	No response
Public Utilities Commission - Railroad Crossings	No response
I-70 Corridor Regional Advancement Partnership	No comment
Tri County Health Department	Specific direction given regarding onsite waste water treatment and water well management.
Adjacent Property Owner / west – Mr. & Ms. Moreno	No Objection – “Race Track was never a fit for the surrounding area” with additional suggestions for stop and speed limit signs.

**Staff Findings**

Staff has visited the site, reviewed the plans, supporting documentation, and referral comments. Based upon review of applicable development regulations and analysis of referral comments, our findings include:

1. Rezoning application CZ20-001 generally conforms to the Arapahoe County Comprehensive Plan.



2. Rezoning application CZ20-001 complies with standards established in Section 5-3.2 Rezoning of the Land Development Code.

**Fiscal Impact**

Approval of this request does not appear to have a direct fiscal impact to Arapahoe County.

**Alignment with Strategic Plan**

Provide Essential and Mandated Services: Review and approval of appropriate zoning in Arapahoe County is an essential service.

**Staff Recommendation**

Considering the findings and other information provided herein, Staff recommends approval of Case No. CZ20-001 Peoria Crossing Road Rezoning 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.

**Alternatives**

The Planning Commission has alternatives that include the following:

1. Recommend approval the proposed Rezoning with conditions of approval
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 approval of this case.



**BRYAN D. WEIMER, PWLF**  
Director

Lima Plaza  
6924 South Lima Street  
Centennial, Colorado 80112-3853  
720-874-6500  
arapahoegov.com

## **Planning Commission's Summary Report**

**Date:** March 30, 2021

**To:** Arapahoe County Planning Commission

**Through:** Bill Skinner, Planning Division

**From:** Chuck Haskins, PE  
Engineering Services Division, Manager



**Case name: CZ20-001 Peoria AG Rezoning Plan**

### **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 applicant, HW and LF Clark LLC, is requesting approval of an application for Peoria AG Rezoning Plan. This application includes 140 Acres located near the intersection of CR 201 and CR 22. The site is located within the Middle Bijou Creek Drainage Basin.

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

1. The site lies within the Middle Bijou Creek drainage basin.
2. TRC approved a variance to Appendix R of the Rural Engineering Standards for the cul-de-sac length exceeding 1200 feet based on support of the Deer Trail Fire District.

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

1. The applicant agrees to address the Division of Engineering Services' findings, comments, and concerns as identified within the staff report.





**Public Works and Development**

6924 S. Lima Street Centennial, Colorado 80112 Phone: 720-874-6650; FAX 720-874-6611

[www.co.arapahoe.co.us](http://www.co.arapahoe.co.us)

**Planning Division - Referral Routing**

Case Number/Name: CZ20-001, S. Peoria Crossing Road Ag Land - Conventiaonl Rezoning

Planner: Bill Skinner

Engineer: Chuck Haskins

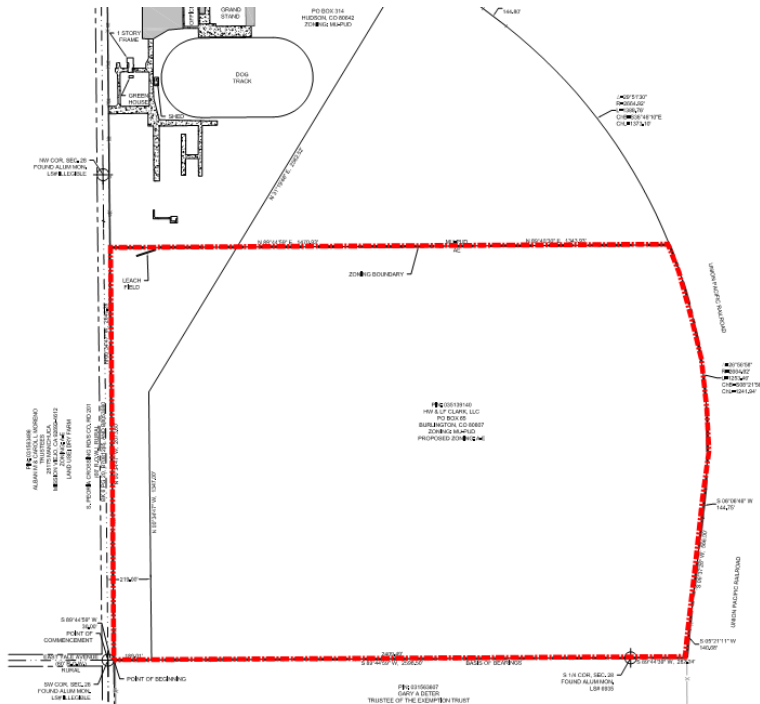
Date sent: March 12, 2021

Date to be returned: March 22, 2021 if possible, later as your agency is able.

The enclosed development application has been submitted to the Arapahoe County Planning Office for consideration. Due to the close proximity of the proposed development to your property or area of influence, this development proposal is being referred to your agency for comment. Please examine the referenced materials and check the appropriate line before returning the form to the Arapahoe County Planning Office. Responding on or before the date indicated above is appreciated.

**This application proposes** rezoning the property shown here out of the Colorado Motorsports Planned Unit Development, and back to the A-E conventional zoning that predates the Colorado Motorsports PUD. The proposed zoning matches that of similar surrounding properties. No subdivision, improvements, or modifications to the property are proposed with this rezoning.

With apologies, a short turnaround is requested. Agencies requiring additional time should feel free to submit responses as you are able.



	COMMENTS	INSERT YOUR ORGANIZATION & NAME/SIGNATURE
<input checked="" type="checkbox"/>	CDOT has minimal	
<input checked="" type="checkbox"/>	I have no comments to make on the cases as submitted:	This rezone appears to convert land back to an Agricultural status. No TIS was provided for our review.
<input type="checkbox"/>	I have the following comments to make related to the cases:	In the event the property eventually develops, a TIS will be requested to ID and mitigate traffic impacts at the I-70 interchange (mm 322) Depending on the assessment, Access permits may be required.

**Comments:** (responding by email, letter, or an email att

March 17, 2021

Bill Skinner  
Arapahoe County Public Works and Development  
6924 S. Lima Street  
Centennial, CO 80112

RE: S Peoria Cross Road Ag Land, CZ20-001  
TCHD Case No. 6835

Dear Mr. Skinner,

Thank you for the opportunity to review and comment on Rezoning of 140.04 acres from Planned Unit Development (PUD) in the Colorado Motor Sports Park PUD to Agricultural-Estate (A-E) located at 2280 S County Road 201. Tri-County Health Department (TCHD) staff has reviewed the application for compliance with applicable environmental and public health regulations and principles of healthy community design. After reviewing the application, TCHD has the following comments.

**On-Site Wastewater Treatment System (OWTS) – New or Expanded**

Proper wastewater management promotes effective and responsible water use, protects potable water from contaminants, and provides appropriate collection, treatment, and disposal of waste, which protects public health and the environment. TCHD has no objection to the properties being served by an OWTS provided that the systems are permitted, inspected and operated in accordance with TCHD's current OWTS Regulation. Based on the applicant's description, a permit for the installation and final approval of the OWTS is required. In order to start the process, the applicant may contact our Greenwood Village Office by phone at 720-200-1670 or in-person at 6162 S Willow Drive, Suite 100. More information is available at <http://www.tchd.org/269/Septic-Systems>.

**Domestic Well**

Drinking water contaminated with pathogens can cause a variety of illnesses in humans. It is important to protect source water from contamination, and to treat drinking water to eliminate pathogens before it is provided for human consumption. Individual well owners have primary responsibility for the safety of the water drawn from their own wells. Well owners with questions about wells or well water can call the Wellcare® Hotline operated by the Water Systems Council, a national organization focused on well systems not regulated under the Safe Drinking Water Act., at 888-395-1033 or online at [www.wellcarehotline.org](http://www.wellcarehotline.org). Well owners may also contact Jennifer Charles, Water Quality Specialist, at (720) 200-1583 with water quality questions.

The applicant may want to consider having the well water analyzed for a number of contaminants as a baseline of the water quality. A baseline water quality analysis is valuable for future reference in the case of possible contamination. Certain parameters such as coliform bacteria and nitrate, pH and Total Dissolved Solids (TDS) are recommended to be analyzed annually as these can indicate possible breaches in the well. The Colorado Department of Public Health and Environment (CDPHE), Laboratory Services Division can assist you with water analyses. The CDPHE offers individual water tests as well as testing packages to choose from depending on your needs. The CDPHE laboratory web site is located at: <https://www.colorado.gov/pacific/cdphe/water-testing>.

Please feel free to contact me at 720-200-1585 or [aheinrich@tchd.org](mailto:aheinrich@tchd.org) if you have any questions on TCHD's comments.

Sincerely,

A handwritten signature in dark ink, appearing to read 'AHF', is positioned above the printed name.

Annemarie Heinrich Fortune, MPH/MURP  
Land Use and Built Environment Specialist

cc: Sheila Lynch, Laura DeGolier, Michael Weakley, TCHD

## Bill Skinner

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**From:** Alban Moreno <alban.moreno@yahoo.com>  
**Sent:** Sunday, March 21, 2021 5:30 PM  
**To:** Bill Skinner  
**Subject:** Case No.CZ20-001, S. Peoria Crossing Road Rezoning

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Bill Skinner- Senior Planner Arapahoe County Planning Division


This email is in response to your letter dated March 15, 2021 regarding the request by Justin Reyher of Beacon Real Estate Services for Rezoning of Certain property located at 2280 S County Road 201, Byers, CO 80103. Carol and i have no objection of the granting of the requested rezoning for the 140.04 acres as depicted on the supplied map from Currant PUD "race track" to A-E agriculture zoning provided all zoning criteria is met by the county planning division of Arapahoe County.

I have always been opposed to the "Race Track" as was never a fit for the surrounding area. Our property is the 640 acres across from the property in question. My only suggestion is that a stop sign be required at the crossing of the proposed new road at Country road 201 for public safety and a posted vehicle speed limit sign be erected on Country Road with the increased traffic flow.

Thank you for providing us with this information.

Kind Regards,

Alban and Carol Moreno Trustees for Moreno Living trust.

 <b>Arapahoe County</b> <b>Public Works and Development</b> <b>Planning Division</b> 6924 S. Lima Street Centennial, Colorado 80112 Phone: 720-874-6650 <a href="http://www.arapahoegov.com">www.arapahoegov.com</a>		<b>Land Development Application</b> This form must be <b><u>complete</u></b> . Land Development Application materials received after 2pm shall be date stamped received the following business day.	
APPLICANT NAME:  <b>Hw &amp; Lf Clark LLC</b>	ADDRESS: <b>Po Box 65</b> <b>Burlington, CO 80807</b> PHONE: <b>303-517-1212</b> EMAIL: <b>cirruss614c@gmail.com</b>	CONTACT:  <b>Lonnie Clark</b> TITLE:  <b>Manager</b>	
OWNER(S) OF RECORD NAME(S):  <b>Hw &amp; Lf Clark LLC</b>	ADDRESS: <b>Po Box 65</b> <b>Burlington, CO 80807</b> PHONE: <b>303-517-1212</b> EMAIL: <b>cirruss614c@gmail.com</b>	SIGNATURE(S): <i>Lonnie L. Clark</i> <b>08/26/2020</b> <hr/>	
ENGINEERING FIRM NAME:	ADDRESS:  PHONE:  EMAIL:	CONTACT:  TITLE:	
Pre-Submittal Case Number: Q <u>20 - 050</u> Pre-Submittal Planner: <b>Bill Skinner</b> Pre-Submittal Engineer: <b>Kurt Cotten</b>			
State Parcel ID No. (AIN no.):		<b>035139140</b>	
Parcel Address or Cross Streets:		<b>2280 S County Road 201, Byers, CO 80103</b>	
Subdivision Name & Filing No:		<b>Colorado Motor Sports –Rural Residential Lots</b>	
EXISTING		PROPOSED	
Zoning:	<b>PUD</b>	<b>A-E</b>	
Project Name:	<b>Colorado Motor Sports</b>	<b>Peoria Ag Land</b>	
Site Area (Acres):	<b>140.04</b>	<b>140.04</b>	
Density (Dwelling Units/Acre):	<b>n/a</b>	<b>1 house per 35.01 acres</b>	
Building Square Footage:	<b>n/a</b>	<b>n/a</b>	
Disturbed Area (Acres):	<b>N/A</b>	<b>n/a</b>	
CASE TYPE (S)			
<input checked="" type="checkbox"/> <b>Conventional Rezone</b> <input type="checkbox"/> <input type="checkbox"/>			
THIS SECTION IS FOR OFFICE USE ONLY			
Case No:		Assigned Planner:	
TCHD Fee:	\$	Planning Fee(s):	\$
		Assigned Engineer:	
		Engineering Fee(s):	\$
This land use application shall be submitted with all required application fees. Incomplete applications will not be accepted. Submittal of this application <i>does not</i> establish a vested property right in accordance with C.R.S. 24-68-105(1). Processing and review of this application may require the submittal of additional information, subsequent reviews, and/or meetings, as outlined in the Arapahoe County Land Development Code.			

## Letter of Intent

Date: 8/26/20

Arapahoe County Public Works & Development  
Planning Division  
6924 S Lima St  
Centennial, CO 80112

RE: H.W. & L.F. Clark LLC/ Conventional Rezoning

Dear Public Works & Development:

Hw & Lf Clark LLC, is proposing a project within unincorporated Arapahoe County. The project is called Peoria Ag Land and is located at 2280 S County Road 201, Byers, CO 80103, South of I-70 and County Road 201.

The project includes 140.04 acres (6,100,142.4 square feet) and is currently zoned PUD in the Colorado Motor Sports Park PUD.

The land to the South of the Colorado Motor Sports Park is owned by, H.W. & L.F. Clark LLC, a different owner from the Colorado Motor Sports Park (Guadalupe Chavez).

H.W. & L.F. Clark LLC is seeking to change the zoning to A-E for large lot residential use.

Sincerely,

*Lonnie L. Clark*      08/26/2020

Lonnie Clark  
Hw & Lf Clark LLC  
Manager  
303-517-1212  
cirruss614c@gmail.com



## **Planning Commission DRAFT MOTIONS - CZ20-001 Peoria Crossing Road Rezoning**

### **Conditional Recommendation to Approve**

In the case of CZ20-001 Peoria Crossing Road 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 findings in the staff report, subject to the following conditions:

1. Prior to signature of the final copy of these plans, the applicant will address all Public Works and Development Staff comments.

***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 Deny**

In the case of CZ20-001 Peoria Crossing Road 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 following findings:

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

### **Continue to Date Certain:**

In the case of CZ20-001 Peoria Crossing Road 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.

# PEORIA AG LAND REZONING PLAN

PART OF SECTION 28, TOWNSHIP 4 SOUTH, RANGE 60 WEST OF THE SIXTH PRINCIPAL MERIDIAN  
COUNTY OF ARAPAHOE, STATE OF COLORADO

## STANDARD NOTES

THE OWNER(S), DEVELOPER(S) AND/OR SUBDIVIDER(S) OF THE REZONING PLAN KNOWN AS PEORIA AG LAND REZONING PLAN, THEIR PERSPECTIVE SUCCESSORS, HEIRS AND/OR ASSIGNS AGREE TO THE FOLLOWING NOTES:

## STREET MAINTENANCE

IT IS MUTUALLY UNDERSTOOD AND AGREED THAT THE DEDICATED ROADWAYS SHOWN ON THIS PLAT/PLAN WILL NOT BE MAINTAINED BY THE COUNTY UNTIL AND UNLESS THE STREETS ARE CONSTRUCTED IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS IN EFFECT AT THE DATE CONSTRUCTION PLANS ARE APPROVED, AND PROVIDED CONSTRUCTION OF SAID ROADWAYS IS STARTED WITHIN ONE YEAR OF THE CONSTRUCTION PLAN APPROVAL. THE OWNERS, DEVELOPERS, AND/OR SUBDIVIDERS, THEIR SUCCESSORS AND/OR ASSIGNS IN INTERESTS, SHALL BE RESPONSIBLE FOR STREET MAINTENANCE UNTIL SUCH TIME AS THE COUNTY ACCEPTS THE RESPONSIBILITY FOR MAINTENANCE AS STATED ABOVE.

## DRAINAGE MAINTENANCE

THE PROPERTY OWNERS SHALL BE RESPONSIBLE FOR MAINTENANCE OF ALL DRAINAGE FACILITIES INSTALLED PURSUANT OF THE SUBDIVISION AGREEMENT. REQUIREMENTS INCLUDE, BUT ARE NOT LIMITED TO MAINTAINING THE SPECIFIED STORM WATER DETENTION/RETENTION VOLUMES, MAINTAINING OUTLET STRUCTURES, FLOW RESTRICTION DEVICES AND FACILITIES NEEDED TO CONVEY FLOW TO SAID BASINS. ARAPAHOE COUNTY SHALL HAVE THE RIGHT TO ENTER PROPERTIES TO INSPECT SAID FACILITIES AT ANY TIME. IF THESE FACILITIES ARE NOT PROPERLY MAINTAINED, THE COUNTY MAY PROVIDE NECESSARY MAINTENANCE AND ASSESS THE MAINTENANCE COST TO THE OWNER OF THE PROPERTY.

## EMERGENCY ACCESS NOTE

EMERGENCY ACCESS IS GRANTED HEREWITH OVER AND ACROSS ALL PAVED AREAS FOR POLICE, FIRE, AND EMERGENCY VEHICLES.

## DRIVES, PARKING AREAS, AND UTILITY EASEMENT

OWNERS OF THIS PLAN OR PLAT, THEIR SUCCESSORS, AND/OR ASSIGNS IN INTEREST, THE ADJACENT PROPERTY OWNER(S), HOMEOWNERS ASSOCIATION OR OTHER ENTITY OTHER THAN ARAPAHOE COUNTY, IS RESPONSIBLE FOR MAINTENANCE AND UPKEEP OF ANY AND ALL DRIVES, PARKING AREAS, AND EASEMENTS, I.E.: CROSS-ACCESS EASEMENTS, DRAINAGE EASEMENTS, ETC.

## LANDSCAPE MAINTENANCE

THE OWNERS OF THIS PLAN OR PLAT, THEIR SUCCESSORS AND/OR ASSIGNS IN INTEREST, THE ADJACENT PROPERTY OWNER(S), HOMEOWNER'S ASSOCIATION OR OTHER ENTITY OTHER THAN ARAPAHOE COUNTY IS RESPONSIBLE FOR MAINTENANCE AND UPKEEP OF PERIMETER FENCING, LANDSCAPED AREAS AND SIDEWALKS BETWEEN THE FENCE LINE/PROPERTY LINE AND ANY PAVED ROADS.

THE OWNERS OF THIS SUBDIVISION, THEIR SUCCESSORS AND/OR ASSIGNS IN INTERESTS, OR SOME OTHER ENTITY OTHER THAN ARAPAHOE COUNTY, AGREE TO THE RESPONSIBILITY OF MAINTAINING ALL OTHER OPEN SPACE AREAS ASSOCIATED WITH THIS DEVELOPMENT.

## SIGHT TRIANGLE MAINTENANCE

THE OWNERS OF PRIVATE PROPERTY CONTAINING A TRAFFIC SIGHT TRIANGLE ARE PROHIBITED FROM ERECTING OR GROWING ANY OBSTRUCTION OVER THREE FEET IN HEIGHT ABOVE THE ELEVATION OF THE LOWEST POINT ON THE CROWN OF THE ROADWAY WITHIN SAID TRIANGLE.

## RURAL TRANSPORTATION IMPACT FEE (RUTIF) AREA

THIS REZONE IS LOCATED WITHIN AN AREA WHICH IS SUBJECT TO A RURAL TRANSPORTATION IMPACT FEES TO DEFRAY COSTS OF IMPACTS TO CAPITAL ROAD FACILITIES CAUSED BY NEW DEVELOPMENT WITHIN THE AREA AS SET FORTH IN BOARD OF COUNTY COMMISSIONERS RESOLUTION NO. 160669. SAID RESOLUTION ESTABLISHES THE FEE SCHEDULE, WHICH FEES WILL BE CHARGED BY THE BUILDING DIVISION AND COLLECTED UPON THE ISSUANCE OF ALL BUILDING PERMITS FOR NEW CONSTRUCTION WITHIN THE IMPACT FEE AREA BOUNDARIES. THE FEES, THE IMPACT FEE AREA BOUNDARIES, THE RURAL TRANSPORTATION INFRASTRUCTURE PROPOSED TO BE FUNDED BY THE FEES AND OTHER PERTINENT PORTIONS OF THE FEE SCHEDULE MAY BE FURTHER STUDIED AND AMENDED FROM TIME TO TIME BY ACTION OF THE BOARD OF COUNTY COMMISSIONERS, AS NEEDED TO ENSURE A FAIR BALANCED SYSTEM.

## PUBLIC IMPROVEMENTS NOTE

AFTER FINAL DEVELOPMENT PLAN/FINAL PLAT APPROVAL, ISSUANCE OF INDIVIDUAL BUILDING PERMITS WILL BE SUBJECT TO THE FOLLOWING STIPULATIONS AND/OR CONDITIONS PRECEDENT, WHICH OWNER AGREES TO IN CONJUNCTION WITH APPROVAL OF THE FINAL DEVELOPMENT PLAN AND/OR FINAL PLAT. SUCH BUILDING PERMITS WILL BE ISSUED ONLY AFTER THE OWNERS GUARANTEE PUBLIC IMPROVEMENTS, IN A FORM ACCEPTABLE TO THE BOARD OF COUNTY COMMISSIONERS PURSUANT TO STATE STATUTE.

## BASIS OF BEARINGS:

CONSIDERING THE SOUTH LINE OF THE WEST HALF OF SECTION 28 TO HAVE A BEARING OF N89°44'59"E AND MONUMENTED AS SHOWN HEREON.

## DRAINAGE MASTER PLAN NOTE

THE POLICY OF THE COUNTY REQUIRES THAT ALL NEW DEVELOPMENT AND REDEVELOPMENT SHALL PARTICIPATE IN THE REQUIRED DRAINAGE IMPROVEMENTS AS SET FORTH BELOW:

1. DESIGN AND CONSTRUCT THE LOCAL DRAINAGE SYSTEM AS DEFINED BY THE PHASE III DRAINAGE REPORT AND PLAN.

2. DESIGN AND CONSTRUCT THE CONNECTION OF THE SUBDIVISION DRAINAGE SYSTEM TO A DRAINAGEWAY OF ESTABLISHED CONVEYANCE CAPACITY SUCH AS A MASTER PLANNED OUTFALL STORM SEWER OR MASTER PLANNED MAJOR DRAINAGEWAY. THE COUNTY WILL REQUIRE THAT THE CONNECTION OF THE MINOR AND MAJOR SYSTEMS PROVIDE CAPACITY TO CONVEY ONLY THOSE FLOWS (INCLUDING OFFSITE FLOWS) LEAVING THE SPECIFIC DEVELOPMENT SITE. TO MINIMIZE OVERALL CAPITOL COSTS, THE COUNTY ENCOURAGES ADJACENT DEVELOPMENTS TO JOIN IN DESIGNING AND CONSTRUCTING CONNECTION SYSTEMS. ALSO, THE COUNTY MAY CHOOSE TO PARTICIPATE WITH A DEVELOPER IN THE DESIGN AND CONSTRUCTION OF THE CONNECTION SYSTEM.

3. EQUITABLE PARTICIPATION IN THE DESIGN AND CONSTRUCTION OF THE MAJOR DRAINAGEWAY SYSTEM THAT SERVES THE DEVELOPMENT AS DEFINED BY ADOPTED MASTER DRAINAGEWAY PLANS (SECTION 3.4 OF THE ARAPAHOE COUNTY STORMWATER MANAGEMENT MANUAL) OR AS REQUIRED BY THE COUNTY AND DESIGNED IN THE PHASE III DRAINAGE REPORT.

## PROPERTY DESCRIPTION:

A PARCEL OF LAND SITUATED IN THE NORTHWEST, SOUTHWEST, AND SOUTHEAST QUARTERS OF SECTION 28, TOWNSHIP 4 SOUTH, RANGE 60 WEST OF THE 6TH P.M., COUNTY OF ARAPAHOE, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 28, BEING MONUMENTED BY A 2-1/2 INCH ALUMINUM CAP; WHENCE THE SOUTH ONE-QUARTER CORNER OF SAID SECTION 28 BEARS N89°44'59"E, A DISTANCE OF 2628.50 FEET WITH ALL BEARINGS HERETO MADE RELATIVE TO THE SOUTH LINE OF SAID SOUTHWEST QUARTER; THENCE N89°44'59"E, ALONG SAID SOUTH LINE, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING; THENCE N00°34'47"W, ALONG A LINE 30.00 FEET EAST AND PARALLEL WITH THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 2073.60 FEET; THENCE N89°44'59"E, A DISTANCE OF 1470.93; THENCE N89°40'30"E, A DISTANCE OF 1343.93 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF THE UNION PACIFIC RAILROAD; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE THE FOLLOWING FOUR (4) COURSES:

- 1) THENCE 1253.46 FEET ALONG THE ARC OF SAID NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 2664.92 FEET, A CENTRAL ANGLE OF 26°56'S1" AND SUBTENDING A CHORD BEARING OF S08°21'56"E, A CHORD DISTANCE OF 1241.94 FEET;
  - 2) THENCE S06°06'46"W, A DISTANCE OF 144.75 FEET;
  - 3) THENCE S06°37'26"W, A DISTANCE OF 566.00 FEET;
  - 4) THENCE S05°21'11"W, A DISTANCE OF 140.68 FEET TO A POINT ON THE SOUTH LINE OF SAID SOUTHEAST QUARTER;
- THENCE S89°44'39"W, ALONG SAID SOUTH LINE, A DISTANCE OF 282.24 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 28; THENCE S89°44'59"W ALONG SAID SOUTH LINE OF THE SOUTHWEST QUARTER, A DISTANCE OF 2598.50 FEET TO THE POINT OF BEGINNING;

CONTAINING 140.05 ACRES OR 6,100,708.912 SQ FT, MORE OR LESS

## REZONE REQUEST STATEMENT:

TO REZONE THE AREA OF LAND SOUTH OF THE ZONING BOUNDARY LINE FROM MU-PUD TO A-E.

EXISTING ZONING: MIXED USE PLANNED UNIT DEVELOPMENT, MU-PUD  
PROPOSED ZONING: AGRICULTURAL ESTATE, A-E

## PLANNING COMMISSION RECOMMENDATION

NOT RECOMMENDED/RECOMMENDED BY THE ARAPAHOE COUNTY PLANNING COMMISSION, THIS

\_\_\_\_ DAY OF \_\_\_\_\_ A.D., 20\_\_\_\_.

CHAIR: \_\_\_\_\_

## BOARD OF COUNTY COMMISSIONERS APPROVAL

APPROVED BY THE ARAPAHOE COUNTY BOARD OF COUNTY COMMISSIONERS, THIS \_\_\_\_ DAY OF

\_\_\_\_ A.D., 20\_\_\_\_.

CHAIR: \_\_\_\_\_

ATTEST: \_\_\_\_\_

## SURVEYING CERTIFICATE

I, KEITH WESTFALL, A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO DO HEREBY CERTIFY THAT THE SURVEY REPRESENTED BY THIS REZONE PLAN WAS MADE UNDER MY SUPERVISION AND THE MONUMENTS SHOWN THEREON ACTUALLY EXIST AND THIS REZONE PLAN ACCURATELY REPRESENTS SAID SURVEY.

\_\_\_\_\_  
LICENSED LAND SURVEYOR

## SHEET INDEX:

COVER PAGE..... 1

REZONING PLAN..... 2

## CERTIFICATE OF OWNERSHIP

I, HW & LF CLARK, A COLORADO LIMITED LIABILITY COMPANY, HEREBY AFFIRM THAT I AM THE OWNER OR AUTHORIZED AGENT OF ALL INDIVIDUALS HAVING OWNERSHIP INTEREST IN THE PROPERTY DESCRIBED HEREIN, KNOWN AS PEORIA AG LAND REZONE, CASE NUMBER CZ20-001.

HW & LF CLARK, A COLORADO LIMITED LIABILITY COMPANY

BY: \_\_\_\_\_ AS \_\_\_\_\_

OWNER OF RECORD OR AUTHORIZED AGENT

STATE OF \_\_\_\_\_ }  
S.S.

COUNTY OF \_\_\_\_\_ }

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF

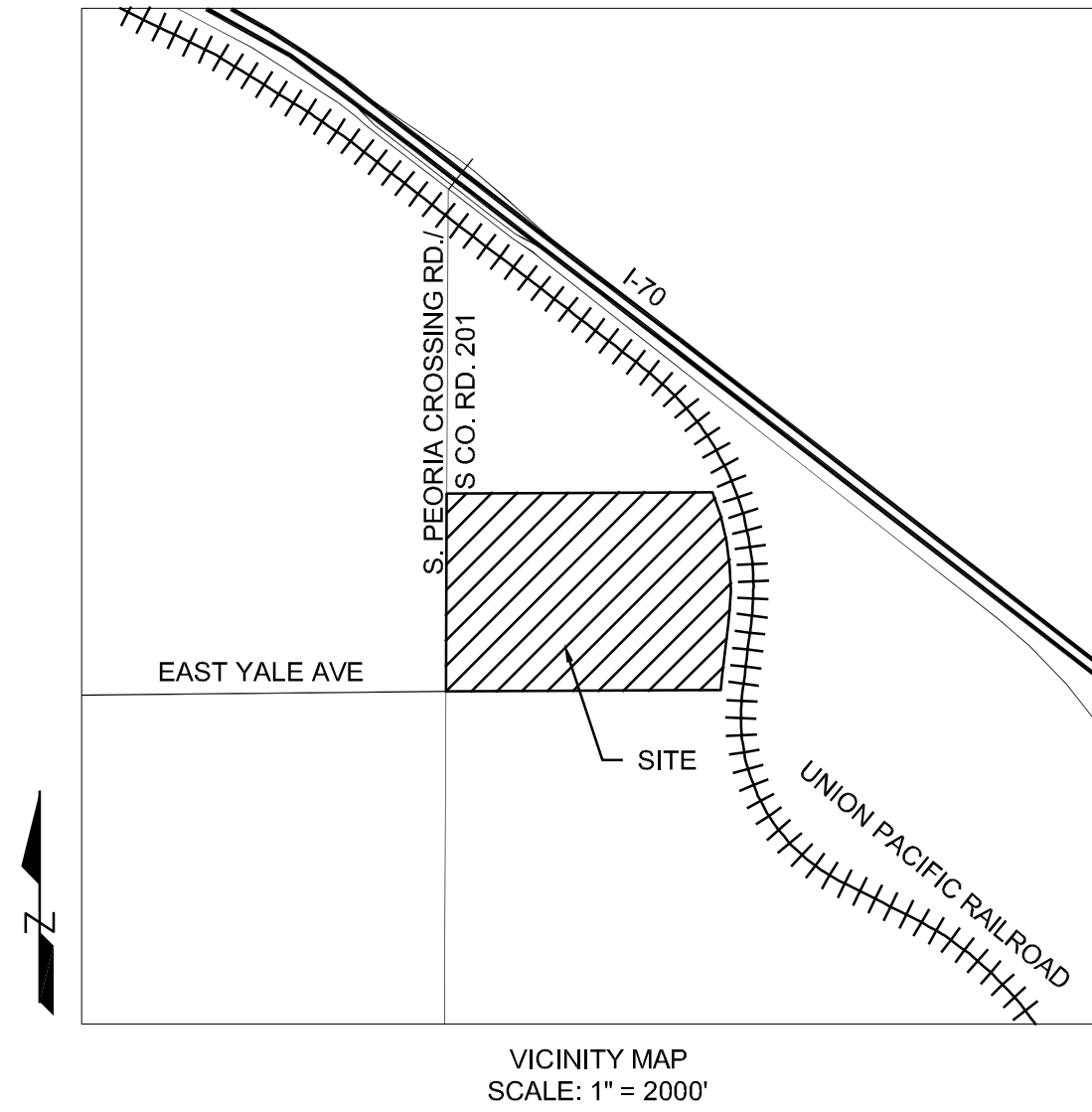
\_\_\_\_ A.D., 20\_\_\_\_ BY \_\_\_\_\_ AS \_\_\_\_\_ OF \_\_\_\_\_, AN

AUTHORIZED SIGNATORY.

BY \_\_\_\_\_ WITNESS MY HAND AND SEAL

MY COMMISSION EXPIRES \_\_\_\_\_

\_\_\_\_\_  
NOTARY I.D. NUMBER



## CERTIFICATE OF OWNERSHIP

I, GUADALUPE CHAVEZ, HEREBY AFFIRM THAT I AM THE OWNER OR AUTHORIZED AGENT OF ALL INDIVIDUALS HAVING OWNERSHIP INTEREST IN THE PROPERTY DESCRIBED HEREIN, KNOWN AS PEORIA AG LAND REZONE, CASE NUMBER CZ20-001.

\_\_\_\_\_  
OWNER OF RECORD OR AUTHORIZED AGENT

STATE OF \_\_\_\_\_ }  
S.S.

COUNTY OF \_\_\_\_\_ }

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF

\_\_\_\_ A.D., 20\_\_\_\_ BY \_\_\_\_\_ AS \_\_\_\_\_ OF \_\_\_\_\_, AN

AUTHORIZED SIGNATORY.

BY \_\_\_\_\_ WITNESS MY HAND AND SEAL

MY COMMISSION EXPIRES \_\_\_\_\_

\_\_\_\_\_  
NOTARY I.D. NUMBER

## CERTIFICATE OF OWNERSHIP

I, GUADALUPE DIEGO CHAVEZ, HEREBY AFFIRM THAT I AM THE OWNER OR AUTHORIZED AGENT OF ALL INDIVIDUALS HAVING OWNERSHIP INTEREST IN THE PROPERTY DESCRIBED HEREIN, KNOWN AS PEORIA AG LAND REZONE, CASE NUMBER CZ20-001.

\_\_\_\_\_  
OWNER OF RECORD OR AUTHORIZED AGENT

STATE OF \_\_\_\_\_ }  
S.S.

COUNTY OF \_\_\_\_\_ }

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF

\_\_\_\_ A.D., 20\_\_\_\_ BY \_\_\_\_\_ AS \_\_\_\_\_ OF \_\_\_\_\_, AN

AUTHORIZED SIGNATORY.

BY \_\_\_\_\_ WITNESS MY HAND AND SEAL

MY COMMISSION EXPIRES \_\_\_\_\_

\_\_\_\_\_  
NOTARY I.D. NUMBER

## CERTIFICATE OF OWNERSHIP

I, LORA O VELAZQUEZ, HEREBY AFFIRM THAT I AM THE OWNER OR AUTHORIZED AGENT OF ALL INDIVIDUALS HAVING OWNERSHIP INTEREST IN THE PROPERTY DESCRIBED HEREIN, KNOWN AS PEORIA AG LAND REZONE, CASE NUMBER CZ20-001.

\_\_\_\_\_  
OWNER OF RECORD OR AUTHORIZED AGENT

STATE OF \_\_\_\_\_ }  
S.S.

COUNTY OF \_\_\_\_\_ }

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF

\_\_\_\_ A.D., 20\_\_\_\_ BY \_\_\_\_\_ AS \_\_\_\_\_ OF \_\_\_\_\_, AN

AUTHORIZED SIGNATORY.

BY \_\_\_\_\_ WITNESS MY HAND AND SEAL

MY COMMISSION EXPIRES \_\_\_\_\_

\_\_\_\_\_  
NOTARY I.D. NUMBER

**2N**  
CIVIL

303.925.0544  
www.2ncivil.com



**NOT FOR  
CONSTRUCTION**

PREPARED FOR:  
HW & LF CLARK, LLC  
PO BOX 65  
BURLINGTON, CO 80807

**COVER SHEET**  
PEORIA AG LAND REZONE  
ARAPAHOE COUNTY, COLORADO

DATE: 10/20/2022  
BY: MKC  
RCE  
22/21  
REVISIONS:  
1. ARAPAHOE COUNTY COMMENTS  
2. ARAPAHOE COUNTY COMMENTS  
3. ARAPAHOE COUNTY COMMENTS  
4. ARAPAHOE COUNTY COMMENTS

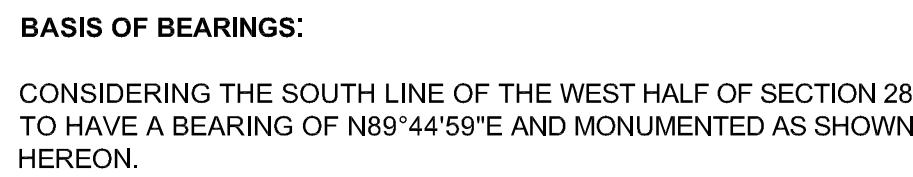
20022  
08-20-20  
RCE  
EPT  
PROJECT NUMBER:  
ISSUED DATE:  
DESIGNED BY:  
REVIEWED BY:

**COVER  
SHEET**

**1 OF 2**



PART OF SECTION 28, TOWNSHIP 4 SOUTH, RANGE 60 WEST OF THE SIXTH PRINCIPAL MERIDIAN  
COUNTY OF ARAPAHOE, STATE OF COLORADO



ARAPAHOE COUNTY CASE NUMBER: CZ20-001

**NOT FOR  
CONSTRUCTION**

PREPARED FOR:  
HW & LF CLARK, LLC  
PO BOX 65  
BURLINGTON, CO 80801

# REZONING PLAN

## PEORIA AG LAND REZONE

### ARAPAHOE COUNTY, COLORADO

REVISIONS:	BY:	DATE
1. ARAPAHOE COUNTY COMMENTS	JMK	10/5/20
2. ARAPAHOE COUNTY COMMENTS	ROE	1/20/21
3. ARAPAHOE COUNTY COMMENTS	ROE	2/22/21
4.		

PROJECT NUMBER:	20022
ISSUED DATE:	08-20-20
DESIGNED BY:	RCE
REVIEWED BY:	EPT

REZONING  
PLAN