

**MINUTES OF THE REGULAR MEETING OF THE
ARAPAHOE COUNTY PLANNING COMMISSION
TUESDAY, NOVEMBER 15, 2022**

ATTENDANCE	<p>A regular meeting of the Arapahoe County Planning Commission (PC) was called and held in accordance with the statutes of the State of Colorado and the Arapahoe County Land Development Code.</p> <p>The following Planning Commission members were in attendance: Rodney Brockelman; Kathryn Latsis; Randall Miller, Chair Pro-Tem; Dave Mohrhaus; Richard Sall; Lynn Sauve; and Jamie Wollman, Chair.</p> <p>Also present were Robert Hill, Senior Assistant County Attorney; Jason Reynolds, Planning Division Manager; Ava Pecherzewski, Development Review Planning Manager (moderator); Kat Hammer, Senior Planner; Sue Liu, Engineer; Bill Skinner, Senior Planner; Gretchen Ricehill, Long Range Planning Project Specialist and Loretta Daniel, Long Range Planning Manager.</p>
CALL TO ORDER	<p>Ms. Wollman called the meeting to order at 6:30 p.m. and roll was called. The meeting was held in person and through the Granicus Live Manager platform with telephone call-in for staff members and public.</p>
GENERAL BUSINESS ITEMS:	
APPROVAL OF THE MINUTES	<p>The motion was made by Mr. Miller and duly seconded by Ms. Latsis to accept the minutes from the October 18, 2022 Planning Commission meeting, as submitted.</p> <p>The vote was:</p> <p>Mr. Brockelman, Yes; Ms. Latsis, Yes; Mr. Miller, Yes; Mr. Mohrhaus; Abstain; Ms. Sauve, Yes; Mr. Sall, Yes; Ms. Wollman, Yes.</p>
PUBLIC HEARING ITEMS:	
ITEM 1	<p>CASE NO LR22-003, 1170 S QUEBEC WAY / COMPREHENSIVE PLAN (COMP PLAN) AMENDMENT (LR) – GRETCHEN RICEHILL, LONG RANGE PLANNER; PUBLIC WORKS AND DEVELOPMENT (PWD)</p> <p>Ms. Ricehill stated the case had been properly noticed and that the PC had jurisdiction to proceed. She presented PowerPoint slides on behalf of the owner, Mr. Michael Gerber, of MGL Properties. She said the owner of two parcels (1973-21-2-03-005 and 1973-21-2-03-015) was proposing a revision</p>

to the County's Four Square Mile Sub-Area Plan, an element of the Arapahoe County 2018 Comprehensive Plan, to change their current land use designation from Single Family Detached, 1-3 dwelling units per acre to Single Family Detached and Attached, 6-12 dwelling units per acre. She explained the subject properties were currently vacant and located generally south of Parker Road and east of S. Quebec Way. She reported that together the properties amounted to 3.9 acres. She said that Staff believes that this request to change the land use designation to Single Family Detached and Attached would serve as a transition or buffer between the adjacent and more densely populated multifamily developments and the low-density single-family neighborhood to the south of the subject properties. She concluded that Staff recommended approval of this amendment based on the analysis and findings outlined on page 10 in the attached staff report.

There were discussions regarding the following:

- Would any development applications forthcoming on this property be able to proceed without PC approval of the Comp Plan amendment proposed in this application?
- Would there be funds required from a developer to work with the city and county of Denver to upgrade an underutilized park in the area? Had similar partnerships been proposed in Arapahoe County? Was it known what Denver requirements would be for Open Spaces?
- Was affordability a component for considering this comp plan amendment?
- What was meant by limited convenience commercial?

Ms. Ricehill stated that denial of this application would mean that any application for projects with higher density than 1-3 single family detached units per acre on this property would not be in compliance with Comp Plan criteria and would therefore be denied. She said any Open Spaces fees/partnership would be carried forward as part of the applications for development to come and more answers could be requested of Open Spaces at that time. She described a project example where a developer had entered into an agreement to build a bridge over the Highline Canal that would be maintained by Arapahoe County Open Spaces. She said that the requirements or similar partnerships for Denver Open Spaces on this property were not known. She explained that affordability objectives were not addressed in this Comp Plan amendment application but that the upcoming development application for the property could address affordability at the time of hearing.

Mr. Skinner defined limited convenience commercial as small retail such as groceries, sundries, barbershop and nail salon development that served the area immediately around those stores with no opportunity for price comparison. Mr. Hill stated that some rezoning would also be required to accommodate this use.

Brian Hinckley, Project Architect for Santulan Architecture, gave a brief presentation of the next project for this site that will soon be presented to the PC. He said that the Gallilee Church site was split between the church building parcel (in Denver County's jurisdiction) and the parking lot parcel (in Arapahoe County's jurisdiction). He stated that neighborhood outreach and transportation study of traffic circulation through the surrounding neighborhood had been completed. He described the impacts to Parker Road as limited. In response to the reason for the number of units to be built, he explained that neighborhood outreach had confirmed that neighbors didn't want multi-family development density and his firm had settled on 26 units per these discussions. He outlined the improvements to public right of way easements and how they would provide for access to Parker Rd. He demonstrated the buffering between this property and the adjacent Hughes Mountain Development through proposed landscaping and roadway development. He stated that there would be agreements and conditions to be codified in a document signed at the time of sale of developed units. He said this would be tied to the property so it could not be changed into something else with further development down the road. He showed architectural renderings of the proposed 26 units.

There were discussions about the following questions:

- Were roadway proposals up to county standards?
- Was there a Good Neighbor agreement proposed and planned to be implemented?
- Was there a Deed Restriction on the property to ensure that lower density development would stay with the site regardless of who ultimately develops the neighborhood?
- Was the intent that recording of this the agreement would bind the requirement and ensure that it runs with the land?

Mr. Hinckley stated that the roadway proposals were up to Arapahoe County's standards and that detached sidewalk were proposed on both sides of the street. He confirmed there was a Good Neighbor agreement that was proposed to be implemented if this development was approved. He also confirmed that a deed restriction was a component of developed unit sales to ensure that lower density development would stay with the site regardless of who ultimately develops the neighborhood. Mr. Gerber affirmed that this agreement would be recorded.

Ms. Wollman opened the hearing for public comments. There was one member of the public present, Mr. Thomas, who spoke about his concerns for the proposed access roadway and how and by whom it would be maintained. He expressed concern about the steep grade of the property for a new road, ADA compliance for walkers, storm drainage mitigation, and how parking on the road and increased traffic would impact existing neighbors. He also expressed concern about need for additional fire hydrants

	<p>to serve the current and additional homeowners going forward. There were no callers present on the call-in. The public hearing was closed.</p> <p>Owner/Applicant, Mr. Michael Gerber of MGL Partners, said that all Mr. Thomas' questions would be answered with the presentation of the development application soon to be heard before the Planning Commission.</p> <p>There was additional discussion about the following:</p> <p>Was there any response from Four Square Mile HOA regarding this Comp Plan application?</p> <p>Mr. Gerber stated that a letter from Four Square Mile HOA had been received that day in support of the application and that it was addressed to the PC. The attached letter was read aloud and stated that, with some stipulation regarding access, the HOA was in support of this Comp Plan amendment application. Mr. Skinner asked that a clarification about the definition of high-density development as described in that letter be included in the record. He explained high density was speaking about the portion described in the Denver County portion and not the Arapahoe County portion which was not considered high density.</p> <p>The motion was made by Ms. Latsis and duly seconded by Mr. Sall, in the case of LR22-003-1170 S Quebec Way Comprehensive Plan and Four Square Mile Sub-Area Plan Amendment, the PC has reviewed the staff report, including all exhibits and attachments, and has listened to the applicant's presentation and any public comment as presented at the hearing and hereby move to approve this application based on the findings in the staff report with the following condition:</p> <ol style="list-style-type: none"> 1. Staff, in conjunction with the County Attorney's Office, is hereby authorized to update the map attached to the staff report herein upon approval of this application. <p>The vote was:</p> <p>Mr. Brockelman, Yes; Ms. Latsis, Yes; Mr. Miller, Yes; Mr. Mohrhaus, Yes; Mr. Sall, Yes; Ms. Sauve, Yes; Ms. Wollman, Yes.</p>
STUDY SESSION ITEMS:	
ITEM 1	JASON REYNOLDS, PLANNING DIVISION MANAGER; ROBERT HILL, SENIOR ASSISTANT COUNTY ATTORNEY – PUBLIC WORKS AND DEVELOPMENT (PWD)

	<p>Ms. Wollman introduced Dave Mohrhaus, the newly-appointed member of the Planning Commission. She said that Mr. Mohrhaus was appointed by the Board of County Commissioners (BOCC) on October 25th, 2022.</p> <p>Mr. Reynolds presented a PowerPoint, a copy of which was retained for the record. He described the county's organization, and the rights of government to establish laws and ordinances to preserve public order and tranquility and to promote the public health, safety, and general welfare. He reported that the purpose of this Commission was to decide elements the Comprehensive Plan, Location & Extent cases and Specific Development Plans (3-step Planned Unit Development (PUD) projects). He then described the types of cases on which the PC would recommend approval or disapproval to the BOCC for final approval. He said that these case types included Zoning (PUD, change of zone), Amendments to the Land Development Code, 1041 (Areas & Activities of State Interest), Metro Districts/Special Districts, Preliminary Plat/Minor Subdivision and Use by Special Review for a private utility company. He then discussed the difference between Legislative and the Quasi-Judicial processes most often performed by the Planning Commission. He stated that the Land Development Code (LDC) provided the rules for a fair process. He further explained that public notice, the staff report, supplemental materials and the discussions generated by the Public Hearing provided important evidence for members to consider. He explained how the deliberations of this body were conducted and how the process was formalized. He stated that any PC decisions should include reasons for support or denial and should be based on the criteria and these would be referenced in the draft motions provided in the staff reports. He outlined the Planning Commission rules of conduct. Mr. Hill, PC Members and staff discussed examples of best practices and pitfalls to avoid. He advised PC Members to let the hearing record speak for itself; to support the process and the final group decision; to direct any questions to the published record and advise questioners to read the minutes or watch the video on the public website. In closing, he reminded all to remain unbiased and impartial both in fact and appearance. He advised members to reach out the county attorney and staff for support on any questions of how to provide this important due process for both the public and the applicant. He thanked the members for their public service.</p>
ANNOUNCEMENTS	<p>Mr. Reynolds reported that BOCC adopted Marijuana Regulations with changes recommended by PC. He stated that it will not take effect for a few weeks because this included an ordinance which would have to be published in the newspaper. He said that the BOCC had also approved changes to the administrative approval process for solar installations so that a MOU is no longer required but rather there are published rules to follow.</p>
ADJOURNMENT	<p>There being no further business to come before the Planning Commission, the meeting was adjourned.</p>