



## Legislation Text

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**File #:** 22-672, **Version:** 1

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**To:** Board of County Commissioners

**Through:** Bryan Weimer, Director, Public Works and Development

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

**Presenter:** Kat Hammer, Senior Planner, Public Works and Development..

**Subject:**  
PM21-001 Bryan Subdivision, Minor Subdivision

### **Purpose and Request:**

The applicant and owner, Gary Bryan, is requesting approval of Bryan Subdivision Minor Subdivision. If approved, the resulting lots will be known as Bryan Subdivision, Block 1, Lots 1 and 2. The subject 40-acre property is located at 39801 E. County Road 6, northwest of the intersection of E. 6<sup>th</sup> Avenue and N. Last Chance Road, near Bennett. The applicant is proposing two lots just over 19 acres each. The existing single family home will remain on Lot 1 and the proposed use for Lot 2 is single-family residential with agricultural allowed uses, such as pasture, and other allowed livestock raising.

Staff and the Planning Commission recommend approval of this application. The Planning Commission reviewed this application at the October 18, 2022 public meeting and voted 7-0 recommending approval of this application. During the meeting the Planning Commissioners had questions regarding water supply, intent of the project and communicating that the site is within the Airport Influence Area to prospective buyers. No members of the public spoke regarding the application.

### **Background and Discussion:**

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. See the attached Planning Commission staff report for a complete analysis of this application.

The property is not platted and is zoned A-1, Agricultural - One. Parcels in the A-1 zone are required to be a minimum of 19 acres with a minimum lot width of 330 feet. Single-family homes are a permitted use in the A-1 zone, though the primary allowable land uses must be agriculturally-related. The surrounding property is unplatted, zoned A-1 and is used for agricultural and residential purposes. The applicant has indicated they intend to sell the property if this application is approved.

The Division of Water and Resources provided a referral response indicating the water supply is adequate based on the determination that the amount of water required annually to serve the subdivision is currently physically available, based on current estimated aquifer conditions. The applicant submitted a well permit application to the State Engineer's office to re-permit the existing well. The existing well shall be the source of water for the Proposed Lot 1, where the existing residence is located. In addition, the applicant submitted a well permit application to the State Engineer's office for the construction of a new well for proposed Lot 2. The well permits allow for in-house use for one single-family dwelling, irrigation of one acre of home gardens and lawns and watering of five large domestic animals per lot. The applicant has indicated there are currently no crops or agricultural animals on the property.

The property lies within the 55 Ldn noise contour of Front Range Airport. The western 230 feet of the parcel is in Restriction Area #1 and #2 of the Front Range Airport overlay zoning. Restriction Area #1 allows "limited commercial and industrial" structures, provided that the structures comply with applicable federal airport regulations, are acceptable to the airport, and any commercial uses cannot include gathering places for people. Restriction Area #2 prohibits the construction of new residences except that existing residences may remain be occupied. The existing residence, located on the proposed Lot 1, is located outside of Restricted Area #2 and the proposed Lot 2 is not within a restriction area. If this application is approved, a single-family residence is an acceptable use on Lot 2. See the attached Airport Restrictions Exhibit indicating the location of the existing residence in relation to the restriction areas.

**Fiscal Impact:** No fiscal impacts expected if this application is approved.

#### **Alternatives:**

The Board of County Commissioners has four alternatives:

1. Approve the application with Conditions of Approval (as recommended by staff and the Planning Commission).
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

**Staff Recommendation:**

Considering the findings and other information provided herein, staff recommends approval of case PM21-001, Bryan Subdivision, Minor Subdivision, 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. Prior to recording of the approved mylar, the applicant shall pay a total amount of cash-in-lieu of \$2,590.70. The applicant shall pay \$1,850.70 for public schools, \$710.40 for public parks and \$29.60 for other public purposes.

**Concurrence:** The Public Works and Development Planning and Engineering Services Division have reviewed this application, and the Arapahoe County Public Works Department is recommending approval of this case. The Planning Commission voted 7-0 recommending approval of this case.

**Suggestion Motion(s):** Attached.

**Resolution:** A draft resolution is attached to this report.