



## Legislation Details (With Text)

**File #:** 21-302      **Version:** 1

**Type:** Resolution      **Status:** Passed

**File created:** 4/1/2021      **In control:** Board of County Commissioners Business Meeting

**On agenda:** 4/13/2021      **Final action:** 4/13/2021

**Title:** PUBLIC HEARING: USR20-002 Copperleaf #21 - L1B1 - New Horizon Academy at Copperleaf - Use by Special Review (District 3)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Board Summary Report, 2. Presentation, 3. Applicant Presentation, 4. Resolution, 5. USR20-002 - Draft Motions, 6. USR20-002 BSR - Hearing Date 4-13-2021, 7. USR20-002 Vicinity Information, 8. USR20-002 External Referral Comments and Response, 9. 3-USR20-002-Plan Set, 10. USR20-002-Application, 11. USR20-002-Letter of Intent, 12. USR20-002 ESD Report, 13. USR20-002 Revised Landscape Plan

Date	Ver.	Action By	Action	Result
4/13/2021	1	Board of County Commissioners Business Meeting	adopted	Pass

**To:** Board of County Commissioners

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

**Prepared By:**

Kat Hammer, Planner, Public Works and Development

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

**Subject:**

PUBLIC HEARING: USR20-002 Copperleaf #21 - L1B1 - New Horizon Academy at Copperleaf - Use by Special Review (District 3)

**Purpose and Request:**

The applicant, New Horizon Academy, on behalf of the property owner, Staak Developers Inc., is requesting approval of a Use by Special Review (USR) known as New Horizon Academy at Copperleaf. If approved, the

applicant will construct a 12,987 square foot, single-story commercial childcare facility on a 1.5 acre parcel located southwest of the intersection of East Quincy Avenue and South Picadilly Street (see the vicinity and zoning map attached to this report). The proposal includes construction of an outdoor, fenced play area, associated parking, sidewalks, 31% open space and site lighting and landscaping.

The facility is designed to accommodate 188 children, ranging from infants to toddlers, to preschool and school-age children. The proposed hours of operation are scheduled from 6:30 a.m. to 6:30 p.m., Monday through Friday. The applicant has indicated this proposed facility will be designed to meet the licensing requirements of the State of Colorado, and comply with the Colorado Department of Human Services regulations.

## **Background and Discussion:**

### Background

This property is currently zoned Mixed Use (MU) with neighborhood commercial as part of the Copperleaf Preliminary Development Plan (PDP) and currently platted as Lot 5, Block 1 of Copperleaf Filing No. 25. Copperleaf Filing No. 23 Specific Development Plan (SDP), approved by the Planning Commission on January 7, 2020, identifies this parcel as suitable for a day care center/nursery school with approval of a USR by the Board of County Commissioners.

### Discussion

Staff review of this application included a comparison of the proposal to goals and policies outlined in the Comprehensive Plan, *Section 5-3.4, Use by Special Review*, of the Land Development Code, the approved Preliminary Development Plan, as amended, the approved Specific Development Plan (SDP19-003), and an analysis of referral comments. Staff determined that this proposal complies with County policies and goals, and was submitted and processed according to adopted regulations, is compatible with surrounding existing uses, and did not generate any negative comment from outside referrals.

### Comprehensive Plan:

The Arapahoe County Comprehensive Plan designates this site as “Urban Residential.” Urban Residential areas are anticipated to have residential development that is supported by neighborhood commercial centers with locally oriented shops and services typically including grocery stores, retail shops, convenience stores, personal and business services, offices, community facilities, and other uses designated to serve the local area. The applicant’s proposal for a child care facility meets the direction provided by the Comprehensive Plan for Urban Residential Areas. The application complies with the following policies and goals of the Comprehensive Plan:

*Policy GM 1.1 - Direct Growth to the Urban Area.*

This proposal is located in an approved commercial development.

*Policy GM 3.1 - Direct Future Development to Areas with Low Risk from Natural and Man-made Hazards.*

This proposed development does not coincide with an area of known natural or man-made hazards.

*Goal EHI - Expand the County's Existing Economic Base.*

This proposed development will contribute to the County's economic base.

*Goal GM 1.2 Encourage Infill Development and Redevelopment.*

This proposed infill development is compatible with existing land uses in the Urban Area.

*Goal PFS11 - Ensure the Provision of Adequate Public Facilities and Services.*

Based on responses from service providers, adequate public facilities and services are present in the area.

Land Development Code (LDC) Review:

Section 5-3.4 of the LDC provides approval criteria for all USR applications. The LDC requires the following criteria be used when evaluating a USR request:

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

The proposed infrastructure is adequate to support the proposed use. The existing roads (East Quincy Avenue and South Picadilly Street) will provide access for employees and patrons traveling to and from the site. A "will serve" letter was received from the East Cherry Creek Water and Sanitation District stating that the District can provide water and sewer service to the development.

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

Neighborhood commercial uses are compatible with the surrounding properties which include neighborhood commercial to the north, permitted or approved town center, mixed use to the east and west and single-family attached and multi-family to the south.

*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.*

This site can be served by existing public services. The fire district has reviewed and approved the project but has requested more information regarding fire sprinkler and the riser room location prior to building permit. Staff has set a condition of approval to address this request. The Sheriff's office, school district, park district and libraries did not provide comment or objection to this proposal.

*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.*

This proposed development will provide employment opportunities and convenient child care for nearby 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.*

This proposal adequately protects against natural and man-made hazards as demonstrated by the Arapahoe County Engineering Services Report and referral agency responses.

*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.*

Public access will be provided by the existing roads which are adjacent to the property. Sidewalks along East Quincy Avenue and South Picadilly will also provide pedestrian access.

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

No significant physiographic features exist on or adjacent to the site.

*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.*

This proposal includes a one-story building and site landscaping which meets the requirements of the Land Development Code. This proposal also includes outdoor areas for recreational use for patrons/children. Impacts on mountain views will be similar to those created by any of the wide variety of structures in the area.

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

Recreational open space needs are accommodated in the Copperleaf common open spaces, park sites, and the recreation center provided in the Copperleaf development. This USR request is not required to provide additional open space.

### **Fiscal Impact:**

This proposal does not anticipate any negative fiscal impact on Arapahoe County. This request could have some positive fiscal impact based on potential increases to property tax assessed valuation and employment generated by new construction and operation of a childcare facility.

### **Alternatives:**

The Board of County Commissioners has four alternatives:

1. Approve the Application with Conditions of Approval;
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:**

Public Works and Development recommends approval of this proposal with three conditions of approval:

1. Prior to signature of the final copy of these plans, the applicant must address all of 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 Tri-County Health Department requirements.

**Concurrence:**

The Public Works and Development Planning and Engineering Services Division have reviewed this application, and the Arapahoe County Public Works and Development Department is recommending approval of this case. The Arapahoe County Planning Commission does not review Use by Special Review applications.

**Suggestion Motion(s):**

Please see separate motions page.

**Resolution:** Attached to this report is a copy of a recommended draft resolution.