



Administration Building
East Hearing Room
5334 S. Prince St.
Littleton, CO 80120
303-795-4630
303-738-7915 TTY
303-795-4630 Audio Agenda Line

Nancy A. Doty, Chair, District 1
Nancy Sharpe, District 2
Rod Bockenfeld, District 3
Nancy Jackson, Chair Pro-Tem, District 4
Bill Holen, District 5

Public Meeting

May 3, 2016
9:30 A.M.

The Board of County Commissioners holds its weekly Public Hearing at 9:30 a.m. on Tuesdays. Public Hearings are open to the public and items for discussion are included on this agenda. Items listed on the consent agenda are adopted with one vote. Items listed under regular business are considered separately. Agendas are available through the Commissioners' Office or through the County's web site at www.arapahoegov.com. Questions about this agenda, please contact the Commissioners' Office at 303-795-4630 or by e-mail at commissioners@arapahoegov.com.

CALL TO ORDER

Arapahoe County Board of County Commissioners

INTRODUCTION

Ron Carl, County Attorney
Joleen Sanchez, Asst. Clerk to the Board

ROLL CALL

PLEDGE OF ALLEGIANCE

MODIFICATION TO THE AGENDA

ADOPTION OF THE AGENDA

APPROVAL OF THE MINUTES

1. BOCC Public Meeting Minutes - April 5, 2016

Documents: [BOCC PUBLIC MEETING MINUTES 04.05.2016.PDF](#)

2. BOCC Public Meeting Minutes - April 12, 2016

Documents: [BOCC PUBLIC MEETING MINUTES 04.12.2016.PDF](#)

CITIZEN COMMENT PERIOD

Citizens are invited to speak to the Commissioners on non-agenda items. There is a 3-minute time limit per person, unless otherwise noted by the Chair.

CONSENT AGENDA

1. **Abatement Correction**

Adoption of a resolution approving the recommendations of the Assessor for an abatement petition as a result of agreements reached between taxpayers and the County regarding the value of property for property tax purposes, pursuant to the terms contained therein

Ron Carl, County Attorney
Karen Thompsen, Paralegal, County Attorney's Office

Documents: [5-3-16 BSR CORRECTION PAGE ONE.DOC](#), [5-3-16 PAGE ONE.XLSX](#), [SAMPLE ABATEMENT APPROVAL.DOC](#)

2. **Amendment of Resolution No. 160123 Referencing the Fairgrounds and Regional Park Steering Committee**

Adoption of a resolution to amend Resolution No. 160123 adopted on February 9, 2016, to revise the reference to the Fairgrounds and Regional Park Steering Committee to the Fairgrounds and Park Steering Committee

Carol Dosmann, Executive Assistant, BoCC Administration
Diana Maes, BoCC Administration Manager
John Christofferson, Deputy County Attorney

Documents: [FAIRGRDS AND PARK STEERING COM-BSR AND RESO TO AMEND RESO 160123.PDF](#)

3. **Appointment to the Community Corrections Board**

Adoption of a resolution amending Resolution No. 160112, adopted on February 9, 2016, and appointing Arthur Arms, Jr. to serve on the Community Corrections Board for a term that will expire on February 12, 2019

Carol Dosmann, Executive Assistant, BoCC Administration
Diana Maes, BoCC Administration Manager
Ron Carl, County Attorney

Documents: [COMM CORREC BD-BSR AND RESO-ARTHUR ARMS-2016.PDF](#)

4. **Board of Assessment Appeals**

Adoption of a resolution approving stipulations which resulted from agreements reached between the taxpayer and the County regarding a reduction in the amount of property tax owed, pursuant to the terms contained therein

Ron Carl, County Attorney
Karen Thompsen, Paralegal, County Attorney's Office

Documents: [SAMPLE BAA RESOLUTION.DOC](#), [5 MAY 3, 2016.DOC](#)

5. **Board of Assessment Appeals**

Adoption of a resolution approving stipulations which resulted from agreements reached between the taxpayer and the County regarding a reduction in the amount of property tax owed, pursuant to the terms contained therein

Ron Carl, County Attorney
Karen Thompsen, Paralegal, County Attorney's Office

Documents: [SAMPLE BAA RESOLUTION.DOC](#), [5 MAY 3, 2016 2.DOC](#)

6. Incentive Payment Agreement - Arrow Electronics, Inc.

Consideration of an Incentive Payment Agreement between Arapahoe County and Arrow Electronics, Inc. for a refund of 100% of the business personal property taxes associated with the new Arrow Electronics, Inc. facilities located at 9201 East Dry Creek Road, Centennial, Colorado 80112, pursuant to the terms contained therein

John Christofferson, Deputy County Attorney
Lisa Stairs, Budget Analyst II, Finance Department

Documents: [BSR TAX INCENTIVE AGRT ARROW ELECTRONICS CONSENT AGENDA 5-3-16.DOC](#), [INCENTIVE AGREEMENT - ARROW ELECTRONICS - DRY CREEK 3-31-16.DOC](#), [RESO NO. 160___ - AUTH TO SIGN TAX INCENTIVE AGRT ARROW ELECTRONICS INC. NEW - 9201 E. DRY CREEK.DOC](#)

7. Public Trustee 2016 1st Quarter Income Statement

Acceptance of the Public Trustee's Net Income Statement for 1st Quarter 2016

Cynthia D. Mares, Public Trustee
Monica Kovaci, Assistant County Attorney

Documents: [PUBLIC TRUSTEE 2016 1ST QUARTER STATEMENT.PDF](#)

GENERAL BUSINESS ITEMS

1. *PUBLIC HEARING - Case Z15-004, Xenia Street Townhomes Preliminary Development Plan

Consideration of a request from applicant Phelps Engineering Services, on behalf of the owner, 8850 Xenia, LLC., seeking approval of a Preliminary Development Plan (PDP) known to the County as Case # Z15-004, Xenia Street Townhomes PDP proposing rezoning the 1.48 acre (net) site from the existing with a specific max density of 21.6 du/ac gross, and 22.4 du/ac net

Presenter: Bill Skinner, Senior Planner, Public Works & Development
Jason Reynolds, Current Planning Manager, Public Works & Development
Jan Yeckes, Planning Division Manager, Public Works & Development
David M. Schmit, Director, Public Works & Development
Todd Weaver, Budget Manager, Finance
Robert Hill, Senior Assistant County Attorney

Documents: [Z15-004 02 BSR XENIA STREET TOWNHOMES PDP - AMENDED 2.PDF](#), [Z15-004 01 MOTIONS - AMENDED.PDF](#), [Z15-004 03 STAFF REPORT XENIA TOWNHOMES PDP BOCC - AMENDED 2.PDF](#), [Z15-004 04 PDP PLAN EXHIBIT - AMENDED 2.PDF](#), [Z15-004 05 RESO - REZONING - WITH PDP.PDF](#)

COMMISSIONER COMMENTS

***Denotes a requirement by federal or state law that this item be opened to public testimony. All other items under the "General Business" agenda may be opened for public testimony at the discretion of the Board of County Commissioners.**

*Assisted listening devices are available. Ask any staff member and we will provide one for you.
If you need special accommodations, contact the Commissioners' Office at 303-795-4630 or 303-738-
7915 TTY.*

Please contact our office at least 3 days in advance to make arrangements.

**MINUTES OF THE ARAPAHOE COUNTY
BOARD OF COUNTY COMMISSIONERS
TUESDAY, APRIL 5, 2016**

At a public meeting of the Board of County Commissioners for Arapahoe County, State of Colorado, held at 5334 South Prince Street, Littleton, Colorado 80120 there were:

Nancy Doty, Chair	Commissioner District 1	Present
Nancy Jackson, Chair Pro-Tem	Commissioner District 4	Present
Nancy A. Sharpe	Commissioner District 2	Present
Rod Bockenfeld	Commissioner District 3	Present
Bill Holen	Commissioner District 5	Present
Ron Carl	County Attorney	Present
Matt Crane	Clerk to the Board	Absent and Excused
Gail Stumpo	Asst. Clerk to the Board	Present

when the following proceedings, among others, were had and done, to-wit:

CALL TO ORDER

Commissioner Doty called the meeting to order.

INTRODUCTIONS

ROLL CALL

PLEDGE OF ALLEGIANCE

MODIFICATION(S) TO THE AGENDA

There were no modifications to the agenda.

ADOPTION OF THE AGENDA

The motion was made by Commissioner Sharpe and duly seconded by Commissioner Jackson to adopt the Agenda as presented.

The motion passed 5-0.

CEREMONIES

There were no ceremonies on this date.

CITIZEN COMMENT PERIOD

There were no citizen comments on this date.

CONSENT AGENDA

The motion was made by Commissioner Holen and duly seconded by Commissioner Sharpe to approve the items on the Consent Agenda as presented.

The motion passed 5-0.

David Walcher, Sheriff provided an update on a situation that occurred yesterday in Arapahoe County in the City of Centennial, where an individual ultimately fired on three individuals in a neighborhood, one of the individuals passed away. He said they have a suspect in custody and there is no danger to the community.

GENERAL BUSINESS ITEMS

Item 1 – Resolution No. 160279 - Additional Staffing in Court Services Section for Juvenile Restraint Order

David Walcher, Sheriff explained the purpose of the item was consideration of a request from the Sheriff's Office to take necessary actions to comply with Chief Judge Carlos Samour, Jr.'s Administrative Order regarding the use of restraints on juveniles at the Arapahoe County Justice Center and request that appropriations for compliance with the Administrative Order be brought forward through the quarterly budget supplemental process.

Sheriff Walcher discussed the current practices.

Commissioner Holen expressed concern with the tremendous amount of research necessary to determine whether or not a juvenile is to be restrained.

Sheriff Walcher said once a system and check list is put into place, it will be easier for staff to make a determination of what to look for.

Commissioner Holen asked the number of incidents in the last year where restrained juveniles have acted out in a violent manner.

Sheriff Walcher did not have an exact number.

Commissioner Doty asked when the restraint order would be implemented and are there results from other Districts.

Sheriff Walcher said the order would be implemented when there is additional staffing. He said there has not been any polling related to any juvenile surrounding unrestrained juveniles.

Commissioner Sharpe said the safety of people coming into the courtroom must be protected.

The motion was made by Commissioner Sharpe and duly seconded by Commissioner Jackson for additional staffing and court services section for juvenile restraint order and move to approve authorization of Arapahoe County Sheriff David C. Walcher to take necessary actions within the Arapahoe County Sheriff's Office to comply with Chief Judge Carlo Samour, Jr.'s administrative order issued March 24, 2016 revising the policy regarding the use of restraints on in custody juveniles during pretrial and post-trial proceedings in juvenile court at the Arapahoe County Justice Center and to recommend that the Arapahoe County Sheriff bring forward appropriations necessary for compliance with the administrative order through the regularly scheduled quarterly budget supplemental process.

The motion passed 5-0.

COMMISSIONER COMMENTS

Commissioner Sharpe said April is Child Abuse Prevention month and in Arapahoe County last year in 2015 there were over 9,000 child abuse and neglect referrals. She said the Human Services Department and many of the organizations around the County are working hard to reduce that number and hopefully can make some progress. She said a program initiated in the last few years is Not One More Child in Arapahoe County, which is in coordination with Human Services and District Attorney George Brauchler. She said it does support and bring all the organizations across the County together to help support families and reduce child abuse and neglect in our Community.

There being no other business before the Board, the public meeting was adjourned by Commissioner Doty at 9:50 a.m.

ARAPAHOE COUNTY BOARD OF COUNTY COMMISSIONERS

**MATT CRANE, CLERK TO THE BOARD
BY GAIL STUMPO, ASSISTANT CLERK TO THE BOARD**

**MINUTES OF THE ARAPAHOE COUNTY
BOARD OF COUNTY COMMISSIONERS
TUESDAY, APRIL 12, 2016**

At a public meeting of the Board of County Commissioners for Arapahoe County, State of Colorado, held at 5334 South Prince Street, Littleton, Colorado 80120 there were:

Nancy Doty, Chair	Commissioner District 1	Absent and Excused
Nancy Jackson, Chair Pro-Tem	Commissioner District 4	Absent and Excused
Nancy A. Sharpe	Commissioner District 2	Present
Rod Bockenfeld	Commissioner District 3	Present
Bill Holen	Commissioner District 5	Present
Ron Carl	County Attorney	Present
Matt Crane	Clerk to the Board	Absent and Excused
Joleen Sanchez	Asst. Clerk to the Board	Present

when the following proceedings, among others, were had and done, to-wit:

CALL TO ORDER

Selection of a Temporary Chair

Commissioner Sharpe explained the need to nominate a temporary chair for today's hearing.

The motion was made by Commissioner Bockenfeld, duly seconded by Commissioner Holen, that Commissioner Sharpe serve as Chair for today's meeting.

The motion passed 3-0, Commissioners Jackson and Doty absent and Excused.

INTRODUCTIONS

ROLL CALL

PLEDGE OF ALLEGIANCE

MODIFICATION(S) TO THE AGENDA

There were no modifications to the agenda.

ADOPTION OF THE AGENDA

The motion was made by Commissioner Holen and duly seconded by Commissioner Bockenfeld to adopt the Agenda as presented.

The motion passed 3-0, Commissioners Doty and Jackson absent and excused.

ADOPTION OF THE MINUTES

The motion was made by Commissioner Holen and duly seconded by Commissioner Bockenfeld to adopt the minutes of the March 8, 2016 public meeting as presented.

The motion passed 3-0, Commissioners Doty and Jackson absent and excused.

The motion was made by Commissioner Holen and duly seconded by Commissioner Bockenfeld to adopt the minutes of the March 15, 2016 public meeting as presented.

The motion passed 3-0, Commissioners Doty and Jackson absent and excused.

CEREMONIES

There were no ceremonies on this date.

CITIZEN COMMENT PERIOD

There were no citizen comments on this date.

CONSENT AGENDA

The motion was made by Commissioner Bockenfeld and duly seconded by Commissioner Holen to approve the items on the Consent Agenda as presented.

The motion passed 3-0, Commissioners Doty and Jackson absent and excused.

GENERAL BUSINESS ITEMS

There were no general business items on this date.

COMMISSIONER COMMENTS

There were no commissioner comments on this date.

There being no other business before the Board, the public meeting was adjourned by Commissioner Sharpe at 9:36 a.m.

ARAPAHOE COUNTY BOARD OF COUNTY COMMISSIONERS

MATT CRANE, CLERK TO THE BOARD
BY JOLEEN SANCHEZ, ASSISTANT CLERK TO THE BOARD



Board Summary Report

Date: May 3, 2016
To: Board of County Commissioners
Through: Ronald A. Carl, County Attorney
From: Karen Thompsen, Paralegal
Subject: Correction to Abatement Resolution No. 160268
I need one (1) resolution number

Purpose and Recommendation

The purpose of this request is for the Board to adopt a resolution for the correction of Resolution No. 160268 which contains an error in the amount of the refund on parcel number 2075-27-4-13-007 for tax years 2013 and 2014.

Background and Discussion

The Board adopted Resolution No. 160268 on April 5, 2016 approving the Petition for Abatement on parcel number 2075-27-4-13-007 for tax years 2013 and 2014. The refund was calculated incorrectly due to the fact SEMSWA in the amount of \$1,716.84 was not deducted. The correct refund amount for tax year 2013 is \$14,435.29 and the correct refund amount for tax year 2014 is \$14,180.70. The Board should adopt one (1) new resolution to properly set forth the correct refund amounts to the property owner.

Alternatives

None.

Fiscal Impact

Reduction in the amount of property taxes collected on an approved petition, and no decrease in the taxes collected on a denied petition.

Concurrence

Karen Thompsen, Paralegal
Ronald A. Carl, County Attorney

Petitioner/Parcel Address	Parcel Number	Year	Previous Value	New Value	Refund
Kam Y. Choi and Zhijuan Choi	2075-27-4-13-007	2013	\$2,300,000	\$1,800,000	\$14,435.29
7340 South Clinton Street	2075-27-4-13-007	2014	\$2,300,000	\$1,800,000	\$14,180.70
M11. The Assessor recommended & the petitioner/agent agreed to this value prior to the hearing. Based upon all information supplied, I concur with this value.					

when the following proceedings, among others, were had and done to-wit:

RESOLUTION NO. 150XXX It was moved by Commissioner _____ and duly seconded by Commissioner _____ to adopt the following Resolution:

WHEREAS, the Board of County Commissioners of Arapahoe County met at a duly and lawfully called meeting held on Tuesday, _____, 2015; and

WHEREAS, the Board at that time considered Petitions for Abatement or Refund of Taxes as submitted by various taxpayers and as contained within an Agenda Memorandum to the Board; and

WHEREAS, applicable procedures, due process, and requirements of notice were followed pursuant to Sections 39-1-113 and 39-10-114, C.R.S.; and

WHEREAS, no Petitioners or representatives of the Arapahoe County Assessor were present, although both parties were afforded notice; and

WHEREAS, the Board received comments from the County Attorney, received exhibits and reviewed the record as represented by an Agenda Memorandum summarizing the Petitions and the Arapahoe County Assessor recommendations.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County as follows:

1. That the Petition (per attached list), presented this date to the Board and relating to the schedule number set forth therein, shall be and are hereby granted, the recommendation of the Assessor is hereby adopted and abatements or refunds in the amounts approved by the Assessor are hereby approved by the Board.

Petitioner	Parcel Number	Year(s)	Refund
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The vote was:

Commissioner Bockenfeld, Yes; Commissioner Doty, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes.

The Chair declared the motion carried and so ordered.



BOARD SUMMARY REPORT

Date: April 18, 2016
To: Board of County Commissioners
Through: Diana Maes, BOCC Administration Manager
From: Carol Dosmann, Executive Assistant, BOCC Administration
Subject: Amend Resolution No. 160123 adopted on February 9, 2016 to refer to the Fairgrounds and Park Steering Committee

Purpose and Recommendation

Amend Resolution No. 160123 adopted on February 9, 2016 to revise the reference to the Fairgrounds and Regional Park Steering Committee to the Fairgrounds and Park Steering Committee.

Background/Discussion

By adoption of Resolution No. 050589, the Board of County Commissioners created the Fairgrounds Steering Committee and appointed certain individuals to serve on the committee. On February 23, 2010, the Board of County Commissioners did change the name of the committee from the Fairgrounds Steering Committee to the Fairgrounds and Regional Park Steering Committee by Resolution No. 100168. On October 21, 2014, the Board of County Commissioners did change the name of the committee from the Fairgrounds and Regional Park Steering Committee to the Fairgrounds and Park Steering Committee by Resolution No. 140707.

The Resolution No. 160123, adopted on February 23, 2016 referenced the former name of the committee. The proposed resolution amends Resolution No. 160123 to refer to the correct name of the committee, the Fairgrounds and Park Steering Committee.

Reviewed By:

Diana Maes, BOCC Administration Manager
John Christofferson, Deputy County Attorney

RESOLUTION NO. 160_____ It was moved by Commissioner _____ and duly seconded by Commissioner _____ to adopt the following resolution:

WHEREAS, the Board of County Commissioners adopted Resolution No. 160123 on February 9, 2016 to appoint members to the Fairgrounds and Regional Park Steering Committee; and

WHEREAS, previously, the Board of County Commissioners did change the name of the committee from the Fairgrounds and Regional Park Steering Committee to the Fairgrounds and Park Steering Committee by Resolution No. 140707 adopted on October 21, 2014; and

WHEREAS, the Board of County Commissioners desires to amend Resolution No. 160123 to reference the correct name of the committee, the Fairgrounds and Park Steering Committee.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners to amend Resolution No. 160123 to correct the name of the committee from the Fairgrounds and Regional Park Steering Committee to the Fairgrounds and Park Steering Committee. All other aspects of Resolution No. 160123 shall remain in full force and effect.

The vote was:

Commissioner Bockenfeld, ___; Commissioner Doty, ___; Commissioner Holen, ___; Commissioner Jackson, ___; Commissioner Sharpe, ___.

The Chair declared the motion carried and so ordered.



BOARD SUMMARY REPORT

Date: May 3, 2015
To: Board of County Commissioners
Through: Diana Maes, BOCC Administration Manager
From: Carol Dosmann, Executive Assistant, BOCC Administration
Subject: Community Corrections Board – new appointment

Purpose and Recommendation

Amend Resolution No. 160112 adopted on February 9, 2016, and appoint Arthur Arms, Jr. to serve on the Community Corrections Board for a term that will expire on February 12, 2019. Arthur Arms passed his background check on April 20, 2016.

Background

The Community Corrections Board makes decisions to accept or reject offenders referred to Community Corrections for placement. The Board also serves in a planning and oversight capacity for community corrections programming within the 18th Judicial District.

Through collaborative efforts with the State Division of Criminal Justice and the State Department of Corrections, Board members monitor and enforce program compliance of residential and non-residential standards, as well as the services provided to offenders placed in a Community Corrections program.

Members may live in Arapahoe, Douglas, Elbert or Lincoln counties. All applicants will be given and must pass a background check prior to being appointed.

Discussion

Alternatives

Fiscal Impact

Concurrence

Reviewed By:

Diana Maes, BOCC Administration Manager
John Christofferson, Deputy County Attorney

RESOLUTION NO. 160 It was moved by Commissioner and
duly seconded by Commissioner to amend Resolution No. 160112 adopted on
February 9, 2016, and hereby appoint Arthur Arms, Jr. to serve on the Community Corrections
Board for a term that will expire on February 12, 2019. Said appointee shall serve at the
pleasure of the Board of County Commissioners and may be removed at any time by action of
the Board of County Commissioners, with or without good cause shown.

The vote was:

Commissioner Bockenfeld, ; Commissioner Doty, ; Commissioner Holen, ; Commissioner
Jackson, ; Commissioner Sharpe, .

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 160XXX It was moved by Commissioner _____ and duly seconded by Commissioner _____ to authorize the Arapahoe County Attorney to settle the following Board of Assessment Appeals Cases (Docket Numbers), for the tax years listed below:

Docket #	Property Owner	Tax Year
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After review by the County Attorney's Office, in conjunction with the Arapahoe County Assessor's Office and the Petitioners, evidence was submitted which supported the Stipulation and Petitioner agreed to a new value. The Assessor has recommended approval pursuant to the terms contained within the Stipulations. Based upon the evidence submitted to the Board on this date, the Board has no reason not to concur with the proposed Stipulations.

The vote was:

Commissioner Bockenfeld, ; Commissioner Doty, ; Commissioner Holen, ;
Commissioner Jackson, ; Commissioner Sharpe, .

The Chair declared the motion carried and so ordered.



Board Summary Report

Date: May 3, 2016
To: Board of County Commissioners
Through: Ronald A. Carl, County Attorney
From: Karen Thompsen, Paralegal
Subject: Approval of BAA Stipulation (1 Resolution Number)

Request and Recommendation

The purpose of this request is for the adoption of a resolution approving the Board of Assessment Appeals (BAA) stipulations listed below.

Background

These stipulations are a result of an agreement reached between the taxpayer and the County regarding a reduction in the amount of property tax owed, settling tax protests filed with the BAA.

Discussion

The following BAA docket number has been stipulated to for the tax year indicated below.

Tax Year	Docket #	Property Owner	Property Address	Reason	Original Value	Stipulated Value
2015/ 2016	66079	Vivian Faye Schneider	5092 South Albion Way	1.	\$830,000	\$742,200
2015/ 2016	66169	Target Corporation	3650 River Point Parkway	2.	\$15,783,000	\$13,000,000
2015/ 2016	66170	Target Corporation	15700 East Briarwood Circle	2.	\$13,547,000	\$12,200,000
2015/ 2016	66171	Target Corporation	14200 East Ellsworth Avenue	2.	\$12,737,000	\$11,757,000
2015/ 2016	66338	Dove Valley Business Park Associates, LTD	14300 East Otero Avenue	3.	\$923,907	\$707
2015/ 2016	66414	Duromac Partnership	1820 and 1860 West Evans Avenue	2.	\$1,340,400	\$1,200,000
2015/ 2016	66416	13698 E Iliff LLC	13698 East Iliff Avenue	4.	\$876,000	\$714,000
2015/ 2016	66418	Keire Broadway LLC	6160 and 6220 South Broadway	5.	\$6,885,052	\$6,500,000

2015/ 2016	66394	8 Cherry Hills LLC	8 Cherry Hills Park Drive	6.	\$14,413,300	\$10,983,700
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Reasons

1. Comparable market sales and adjustment in subject valuation grade for condition indicate that overall adjustment is correct.
2. Income and sales comparison approaches indicate that adjustment to this value is correct.
3. Evidence indicates that in December 2014 cattle were on the property so the change in use occurred after the assessment date of January 1, 2015. Therefore, the value is reduced with an agricultural grazing land classification and state use code 4147.
4. Income approach indicates that adjustment to this value is correct.
5. Cost and sales comparison approaches indicate that adjustment to this value is correct.
6. Comparable market sales indicate adjustment to this value is correct.

Alternatives

Let protest proceed to the BAA for a decision. Said alternative would involve unnecessary time and expense for the County and the taxpayer.

Fiscal Impact

Reduction in the amount of property taxes collected for the above listed properties.

Concurrence

The negotiator for the County Board of Equalization, the County Assessor and the County Attorney all support this recommendation.

Reviewed By:

Ronald A. Carl, County Attorney
Karen Thompsen, Paralegal

RESOLUTION NO. 160XXX It was moved by Commissioner _____ and duly seconded by Commissioner _____ to authorize the Arapahoe County Attorney to settle the following Board of Assessment Appeals Cases (Docket Numbers), for the tax years listed below:

Docket #	Property Owner	Tax Year
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After review by the County Attorney's Office, in conjunction with the Arapahoe County Assessor's Office and the Petitioners, evidence was submitted which supported the Stipulation and Petitioner agreed to a new value. The Assessor has recommended approval pursuant to the terms contained within the Stipulations. Based upon the evidence submitted to the Board on this date, the Board has no reason not to concur with the proposed Stipulations.

The vote was:

Commissioner Bockenfeld, ; Commissioner Doty, ; Commissioner Holen, ;
Commissioner Jackson, ; Commissioner Sharpe, .

The Chair declared the motion carried and so ordered.



Board Summary Report

Date: May 3, 2016
To: Board of County Commissioners
Through: Ronald A. Carl, County Attorney
From: Karen Thompsen, Paralegal
Subject: Approval of BAA Stipulation (1 Resolution Number)

Request and Recommendation

The purpose of this request is for the adoption of a resolution approving the Board of Assessment Appeals (BAA) stipulations listed below.

Background

These stipulations are a result of an agreement reached between the taxpayer and the County regarding a reduction in the amount of property tax owed, settling tax protests filed with the BAA.

Discussion

The following BAA docket number has been stipulated to for the tax year indicated below.

Tax Year	Docket #	Property Owner	Property Address	Reason	Original Value	Stipulated Value
2015/ 2016	65869	Havana Self Storage LLC	1764 South Havana Street	1.	\$1,404,985	\$1,000,000
2015/ 2016	66143	University Pre-School & Kindergarten, Inc	350 East Orchard Road	2.	\$474,200	\$375,000
2015/ 2016	66155	Richard J. and Joanne N. Sanders	8 Parkway Drive	3.	\$1,648,825	\$1,475,000
2015/ 2016	66182	Acadia At Cornerstar Apartments LLC	16045 East Easter Circle	4.	\$68,636,900	\$68,000,000
2015/ 2016	66396	Richard W. Connor	27 Niblick Lane	5.	\$1,627,100	\$1,131,000
2015/ 2016	66408	Capra Investment Company LLLP	2045 South Valentia Street	6.	\$1,928,000	\$1,601,000
2015/ 2016	66415	WPC-Briarwood LLC	6939 South Revere Parkway and 12508 East Briarwood	7.	\$11,126,000	\$9,709,000

2015/ 2016	66420	Excel Properties LLC	4510 South Federal Boulevard	6.	\$1,912,000	\$1,554,000
2015/ 2016	66424	Arapahoe St Mall II LLC	6640 South Paris Street and 6631 South Peoria Street	7.	\$3,032,966	\$2,605,400
2015/ 2016	66478	Gordon G. Rockafellow	4200 East Quincy Avenue	2.	\$2,241,150	\$2,090,000
2015/ 2016	66509	Steve Loshier	765 Telluride Street B04	2.	\$92,500	\$84,838
2015/ 2016	66596	General Communications Inc.	21 South Franklin Circle	8.	\$2,124,000	\$1,955,000

Reasons

1. Cost, income and sales approaches indicate that an adjustment to this value is correct.
2. Comparable market sales indicate that adjustment to this value is correct.
3. Inspection of the property and consideration of the most comparable sales adjusted to the subject indicate a lower value than that assigned in the mass appraisal is appropriate.
4. Comparable market sales and GRM's indicate that adjustment to this value is correct.
5. Comparable market sales and adjustment in valuation grade indicate that overall adjustment is correct.
6. Income approach indicates that adjustment to this value is correct.
7. Income and sales comparison approaches indicate that adjustment to this value is correct.
8. New comparable sales grid with sales more similar to the subject in size indicate that adjustment to this value is correct.

Alternatives

Let protest proceed to the BAA for a decision. Said alternative would involve unnecessary time and expense for the County and the taxpayer.

Fiscal Impact

Reduction in the amount of property taxes collected for the above listed properties.

Concurrence

The negotiator for the County Board of Equalization, the County Assessor and the County Attorney all support this recommendation.

Reviewed By:

Ronald A. Carl, County Attorney
Karen Thompsen, Paralegal



Board Summary Report

Date: April 29, 2016
To: Board of County Commissioners
Through: Ron Carl, County Attorney
From: John R. Christofferson, Deputy County Attorney
Subject: Incentive Payment Agreement – Arrow Electronics, Inc.

Purpose and Recommendation

Arrow Electronics, Inc. is requesting the Board to authorize the Chair to sign an Incentive Payment Agreement for refunds of 100% of the personal property taxes associated with the new business facilities located at 9201 E. Dry Creek Road, Centennial, Colorado 80112. This Agreement is for 10 years and involves tax years 2016 – 2025.

Background and Discussion

Pursuant to Section 30-11-123, CRS, the Board of County Commissioners has the authority to enter into agreements for refunds of personal property taxes levied for County purposes associated with expanded business facilities in the County or associated with existing business facilities that expand such that they qualify as “new” business facilities. The Board met with representatives of Denver South Economic Development Partnership and Arrow Electronics, Inc. at a study session and generally agreed to the concept of an incentive payment agreement, subject to negotiating an acceptable contract. This agreement is a “standard” incentive payment agreement relating to a new business facility, is for a term of ten (10) years and involves a refund of 100% of the personal property taxes levied by the County.

Alternatives

This is one of the few economic “incentives” available to a County.

Fiscal Impact

Obviously, this is a refund of taxes received by the County and it reduces the funds available for other County expenditures. The statute allows for the County to adjust its tax levy to recoup the total of all incentive payments; however, the Board has not made such an adjustment in previous years.

Reviewed by

John Christofferson, Deputy County Attorney

INCENTIVE PAYMENT AGREEMENT

This Incentive Payment Agreement (“Agreement”) is entered into as of April 15, 2016, by and between the Board of County Commissioners of the County of Arapahoe, State of Colorado (the “County”) and Arrow Electronics, Inc. (the “Taxpayer”).

WHEREAS, pursuant to the provisions of Sec. 30-11-123, C.R.S., the County has the authority to negotiate for incentive payments or credits with taxpayers who establish new business facilities or who expand existing business facilities; and

WHEREAS, pursuant to this legislation, a county and a taxpayer may negotiate a contract for an incentive payment or a credit from a county to a taxpayer relating to the new or expanded business facilities; and

WHEREAS, the County and the Taxpayer desire to negotiate a contract regarding a new business facility.

NOW, THEREFORE, IT IS AGREED by the County and the Taxpayer as follows:

1. The Taxpayer has established a business facility as defined in Section 39-30-105 (7)(e), C.R.S. in the City of Centennial a municipality in Arapahoe County, Colorado. This business facility is located at 9201 E. Dry Creek Road, Centennial, Colorado 80112 and has been occupied by Taxpayer since December 21, 2014. The business facility included relocating local area employees into a central headquarters facility designed to consolidate Denver corporate operations and is intended to accomodate the business for the foreseeable future.

2. The Taxpayer shall comply with all of the provisions of Sections 39-5-107 and 39 -5-108, C.R.S., concerning the filing of personal property schedules associated with the taxable personal property located at or within such new business facility and used in connection with the operation of such new business facility.

3. The County shall make an annual incentive payment, to the Taxpayer, which payment shall equal one hundred percent (100%) of the amount of taxes levied by the County for the County mill levy upon the taxable personal property directly attributable to such new business, located at or within such new business facility and used in connection with the operation of such new business facility. This incentive payment relates to the tax levied only by the Board of County Commissioners of Arapahoe County for county government and not to any other tax levied by another taxing entity.

4. These incentive payments to the Taxpayer shall be made by the County on or about September 1 of each year for ten (10) years, beginning in September, 2017, as set forth in Exhibit A, provided the Taxpayer has complied with the provisions of Sections 39-5-107 and 39-5-108 C.R.S., provided the Taxpayer has paid, and is therefore not delinquent in the payment of, its property taxes, and the Taxpayer has complied with the provisions of this Agreement.

5. Prior to any payment from the County, the Taxpayer shall invoice the County by June 15th, beginning in the year 2017, for the incentive payment and provide the County with any documentation deemed necessary to meet the requirements of this Agreement.

6. The County shall inform the school district and the municipality, in which the Taxpayer's new business facility is located, of this Agreement. The Taxpayer shall be responsible for negotiating separate incentive payment agreements with the affected school district and the affected municipality (if any).

7. The term of this Agreement shall commence as of the date written above for tax year 2016 collected in 2017, and shall expire ten (10) years later, after the 2025 tax year with taxes collected in 2026.

8. Pursuant to Section 29-1-110, C.R.S., financial obligations of the County payable as set forth herein after the current fiscal year are contingent upon funds for that purpose being appropriated, budgeted and otherwise made available. This Agreement may be terminated on January 1 as to any fiscal year for which funds are not appropriated. The County shall give the Taxpayer written notice of such nonappropriation.

9. The Taxpayer shall not assign or transfer its interest in this Agreement without the written consent of the County, which consent shall not be unreasonably withheld. Any unauthorized assignment or transfer shall render this Agreement null, void and of no effect as to the County.

10. This Agreement may not be modified, amended or otherwise altered unless mutually agreed upon in writing by the parties hereto.

11. In the event of default of any provision of this Agreement by the Taxpayer, the County will provide 30 days written notice to the Taxpayer to cure said default. If said default is not so cured within the 30-day period, this Agreement may be terminated by the County without further notice. In the event of termination by the County, no damages, liquidated or otherwise, shall inure to the benefit of the Taxpayer.

12. Unless otherwise agreed in writing, this Agreement and the interpretation thereof shall be governed by the laws of the State of Colorado.

13. Should any provision of this Agreement be determined by a court of competent jurisdiction to be unconstitutional or otherwise null and void, it is the intent of the parties hereto that the remaining provisions of this Agreement shall be of full force and effect.

14. Notices to be provided under this Agreement shall be given in writing either by hand delivery, or deposited in the United States mail, certified mail, return receipt requested, with sufficient postage, to the following persons:

Arapahoe County

Arrow Electronics, Inc.

Office of the County Attorney
5334 South Prince Street
Littleton, Colorado 80166

9201 E. Dry Creek Road
Centennial, Colorado 80112
ATTN: Michael Casale

15. This Agreement represents the entire and integrated agreement between the parties and supersedes all prior negotiations and representations whether written or oral. Nothing herein shall be deemed to create any contractual relationship, either express or implied, between the Taxpayer and any other consultant or contractor or material supplier to Arapahoe County. Nothing herein shall be deemed to give anyone not a party to this Agreement any right of action against a party which does not otherwise exist without regard to this Agreement.

ARAPAHOE COUNTY

Chair, Board of County Commissioners

ATTEST: Clerk to the Board

TAXPAYER

By: _____
Title: _____

EXHIBIT A

INCENTIVE PAYMENT AGREEMENT
SCHEDULE OF PAYMENTS

<u>TAX YEAR</u>	<u>TAXPAYER INVOICE DATE</u> (No later than)	<u>INCENTIVE PAYMENT DATE</u> (Approximate)
2016	June 15, 2017	September 1, 2017
2017	June 15, 2018	September 1, 2018
2018	June 15, 2019	September 1, 2019
2019	June 15, 2020	September 1, 2020
2020	June 15, 2021	September 1, 2021
2021	June 15, 2022	September 1, 2022
2022	June 15, 2023	September 1, 2023
2023	June 15, 2024	September 1, 2024
2024	June 15, 2025	September 1, 2025
2025	June 15, 2026	September 1, 2026

RESOLUTION NO. 160____ It was moved by Commissioner ____ and duly seconded by Commissioner ____ to authorize the Chair of the Board of County Commissioners to sign the Incentive Payment Agreement by and between Arapahoe County and Arrow Electronics, Inc. relating to the refund of one-hundred percent (100%) of the County levied personal property taxes for tax years 2016 through 2025, pursuant to Section 30-11-123, C.R.S., in connection with the new business facility located at 9201 E. Dry Creek Road, Centennial, Colorado 80112 for Arrow Electronics Inc., pursuant to the terms contained therein.

The vote was:

Commissioner Bockenfeld, __; Commissioner Doty, __; Commissioner Holen, __; Commissioner Jackson, __; Commissioner Sharpe, __.

The Chair declared the motion carried and so ordered.



ARAPAHOE COUNTY
COLORADO'S FIRST

Office of the Public Trustee

1610 West Littleton Blvd., Suite 150
Littleton, Colorado 80120-2006
Phone: 303-730-0071
Fax: 303-730-0076
www.arapahoegov.com
publictrustee@arapahoegov.com

NET INCOME STATEMENT
1st Quarter 2016

Foreclosure Fee Income	50,189.99
Release Fee Income	138,150.00
Other Income	\$37.00
Interest Income	\$3,677.51
Total Income	\$192,054.50

CYNTHIA D. MARES
Public Trustee

Operating Expense Total \$110,973.46

Balance of Fees due Arapahoe County \$81,081.04

Decrease in required reserve to be remitted to Arapahoe County \$88,727.00

Fees remitted to Arapahoe County \$169,808.04

Special Reserve Account \$492,231.00

This is a full and complete statement.


Cynthia D. Mares
Public Trustee

The foregoing Net Income Statement was acknowledged before me this 13th day of April, 2016
by Cynthia D. Mares as the Public Trustee of Arapahoe County, State of Colorado

Witness my hand and official seal 
Notary Public

My commission expires 2/12/2017

DIANA SPRINGFIELD
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20094004608
MY COMMISSION EXPIRES FEB. 12, 2017

Chair, Board of County Commissioners
Arapahoe County



Board Summary Report

Date: April 21, 2016 (amended on 4/26/2016 after a revised PDP submittal)
To: Board of County Commissioners
Through: Jan Yeckes, Planning Division Manager
From: Bill Skinner, Senior Planner
Subject: Xenia Street Townhomes, Case # Z15-004

Request and Recommendation

The applicant, Phelps Engineering services, on behalf of the owner, 8850 Xenia LLC., is seeking approval of a Preliminary Development Plan (PDP) known to the County as Case # Z15-004, Xenia Street Townhomes PDP.

The Z15-004 PDP application proposes rezoning the 1.48 acre (net) site from the existing R-A zoning to Residential Planned Unit Development – High Density (R-PH) with a specific maximum density of 18.9 du/ac gross, and 19.6 du/ac net.

Staff Recommendation: Staff has worked with the applicant during the review process. The applicant has made adjustments to the original proposal to respond to Staff, Planning Commission, and Neighbor concerns to what they feel is the best of their ability. Staff is generally in agreement with this position and is recommending approval of the PDP as amended with conditions of approval.

Planning Commission Recommendation: The application appeared at a Planning Commission public hearing on February 16, 2016. Various citizens from the properties east and south of the subject property appeared to express concerns about building height and building setbacks from adjacent properties. The Planning Commission continued the hearing until a date certain of March 15, 2016 for additional review and consideration.

The application appeared at a public hearing before the Planning Commission on March 15, 2016. The developer agreed to the following stipulations to mitigate neighbor concerns:

1. The east building setback would be increased from 10' to 15', which matched the setback approved on the FDP for the property east of the subject property.
2. The south building setback would be increase from 10' to 25', which matches a similar setback approved as part of the FDP for the PUD existing across S Xenia Street that faced similar compatibility challenges when proposing multi-story multi-family buildings adjacent to an existing single family detached home.
3. There will be an additional restriction to a 30' maximum height at the southern gutter line, or the tallest point(s) of the southernmost walls of the southernmost building at or near the

south building setback line. The intention of this limitation was to reduce the mass of the buildings as they present to the single-family detached home south of the subject property.

Given the accommodations noted above, the Planning Commission voted for a recommendation of approval for the Z15-004 PDP application as amended.

Background

The existing zoning is R-A. This zoning was approved by the County in 1961 as part of the County’s initial establishment of zoning County wide.

The surrounding properties have been developed as a mix of multi-family attached and single-family detached homes.

Links to Align Arapahoe

If approved this request, may:

1. “Foster a healthy and vibrant community” by enabling options for responsible housing diversity into an area with few housing choices.
2. “Improve the County’s economic environment” by generating jobs during construction of the development.

Alternatives

The Board of County Commissioners has 3 alternatives:

1. Approve the applications with Conditions of Approval
2. Continue to a date certain for more information.
3. Deny the application.

Fiscal Impact

This request may have some positive fiscal impact on the County depending on the value of development occurring on the property.

Concurrence

The Arapahoe County PWD Staff and the Planning Commission have recommended approval of application Z15-004.

Reviewed By:

- Bill Skinner
- Jason Reynolds
- Jan Yeckes
- Dave Schmit
- Todd Weaver
- Bob Hill

DRAFT MOTIONS for XENIA STREET TOWNHOMES, CASE # Z15-004

Recommend Conditional Approval

(This motion is consistent with the staff recommendation): Considering the findings and other information provided herein, Staff recommends approval of Case # Z15-004 Xenia Street Townhomes Preliminary Development Plan subject to the following conditions of approval:

1. Prior to Board signature of these plans, the applicant agrees to address Public Works Staff comments including concerns identified in the most recent Engineering Staff Report.
2. Per County Open Space Department direction, the developer shall provide a recreational amenity to be specified at the time of FDP.
3. The developer shall provide a transition to mitigate impacts on the lower density and lower height single-family detached south of the site.
4. Open zoning violations on the subject property will be addressed before Staff will forward a copy of the plans to the board for signature
5. Changes to the proposal agreed to by the applicant during the review and approval process, including conditions of approval agreed to at the March 15th Planning Commission hearing will be reflected on the application before plans will be forwarded to the Board for signature, including the following;
 - a. Applicant will increase the eastern setback from 10 feet to 15 feet and the southern setback from 10 feet to 25 feet.
 - b. The applicant will limit top of wall/gutter height to 30 feet with the tallest roofline at 38 feet.

Staff provides the following Draft Motions as guidance in preparing an alternative motion if the Board of County Commissioners reaches a different determination:

Recommend Denial:

(This motion is not consistent with the staff recommendation): In the case of Z15-004 Xenia Street Townhomes Preliminary Development Plan, the Commissioners have read the staff report. We find ourselves in agreement with staff findings 1 through 3, including all plans and attachments as set forth in the staff report dated April 21, 2016, and deny this application, based on the following findings:

1. *State new findings as part of the motion.*
2. ...

Continue to Date Certain: In the case of Z15-004 Xenia Street Townhomes Preliminary Development Plan, I move to continue the hearing to [date], 6:30 p.m., to obtain additional information and to further consider the information presented.

ARAPAHOE COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING
MAY 3, 2016
9:30 A.M.

SUBJECT: Z15-004 - XENIA STREET TOWNHOMES PRELIMINARY DEVELOPMENT PLAN

BILL SKINNER, SENIOR PLANNER

APRIL 21, 2016 (REVISED 4/26/16)

LOCATION & VICINITY MAP The site is located at 8850 E Mississippi Ave in the 4 Square Mile Area, on the southeast corner of the intersection of E. Mississippi Ave and S. Xenia St. This site is located in Commissioner's District No. 4.

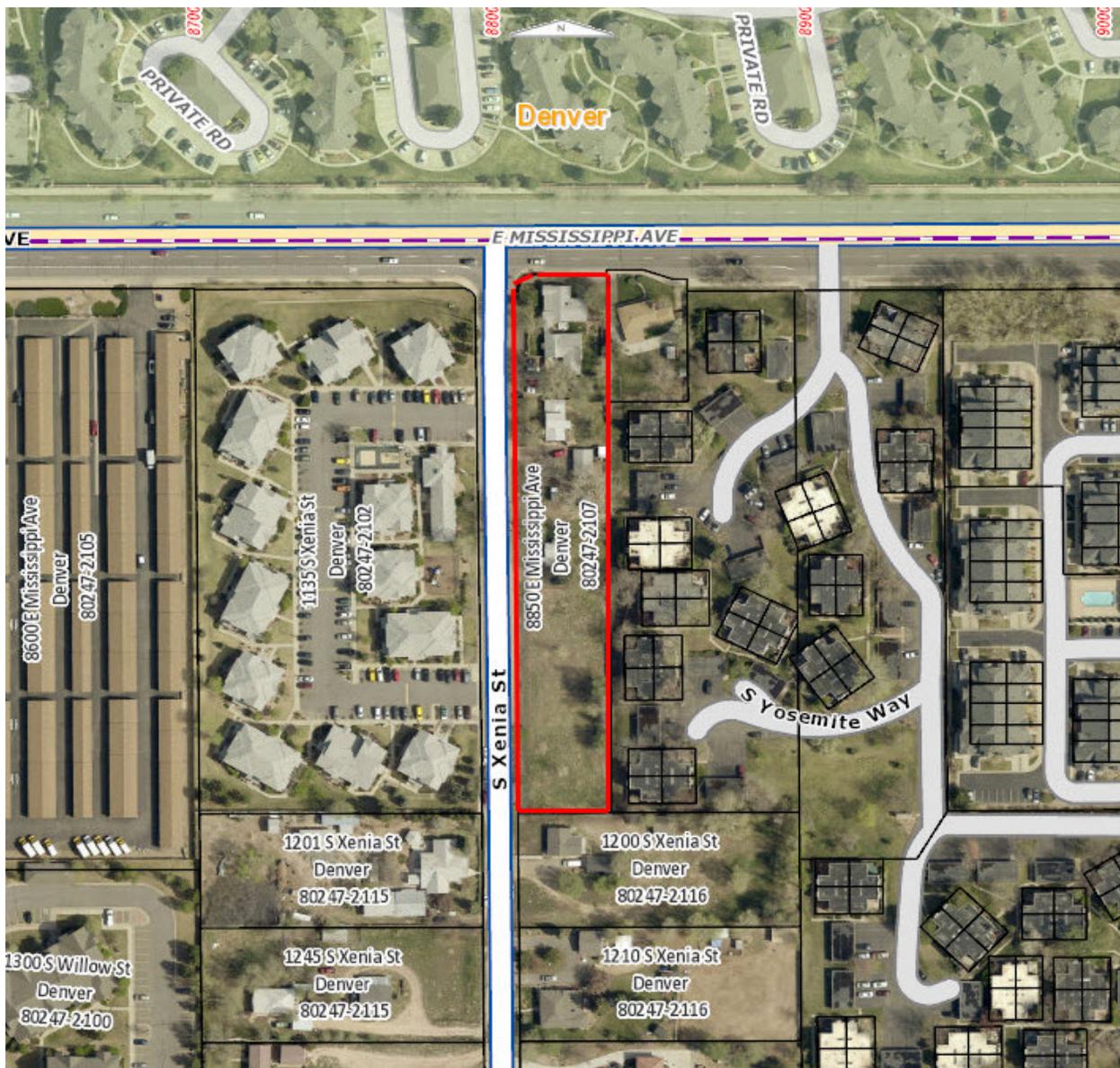
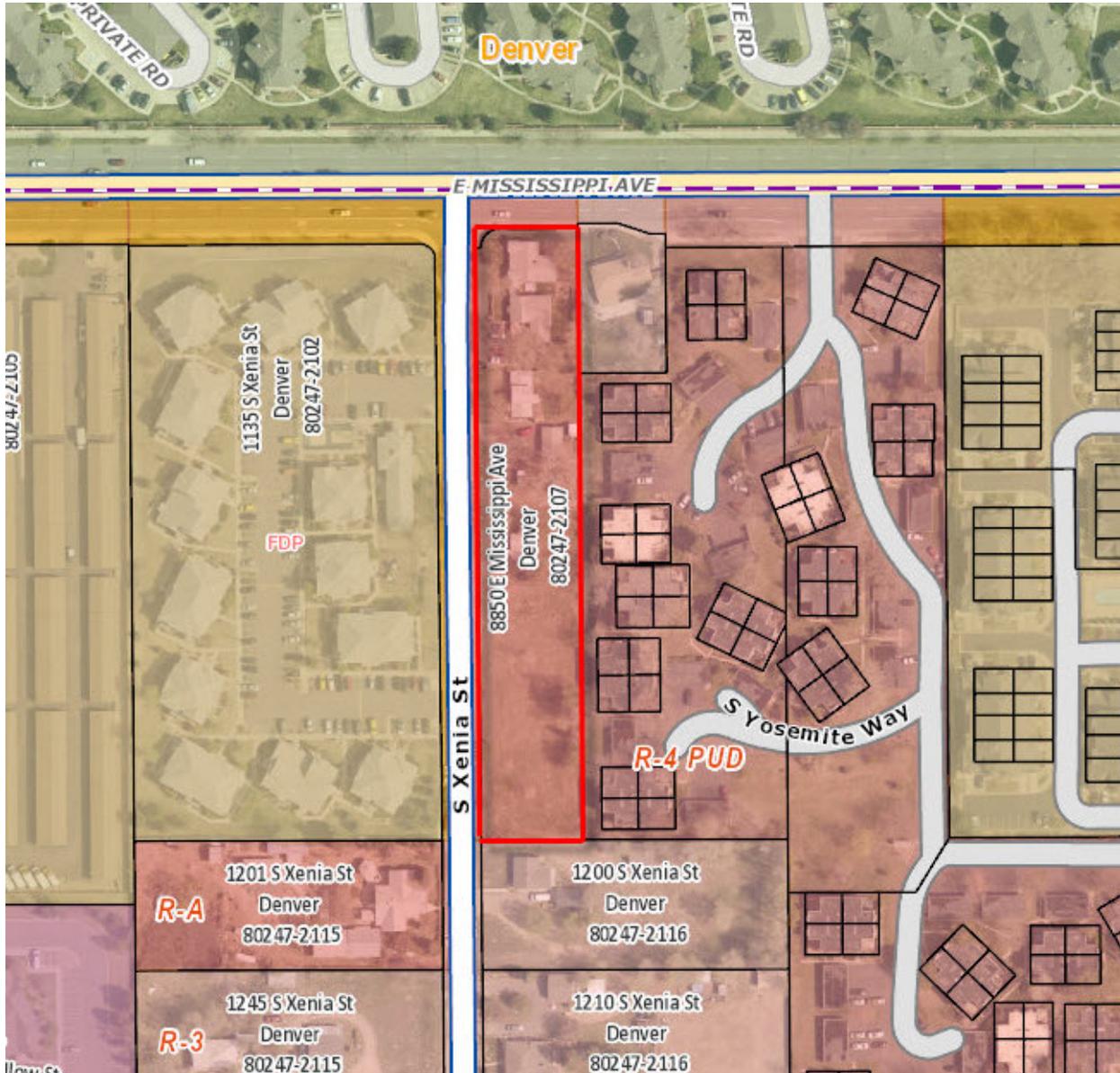


Photo of Subject Property and Surrounding Area



Vicinity Map and Adjacent Zoning

ADJACENT SUBDIVISIONS, ZONING, AND LAND USES:

North of the subject property, across Mississippi Ave, is The Breakers, a multi-family attached residential development in the City and County of Denver.

South of the subject property, on both sides of the Xenia St. cul-de-sac are 10 single family detached lots and homes. Nine of these lot as are zoned R-3, and One is zoned R-A

East and abutting the subject property, is the Yosemite Estates multi-story condominium community zoned R-4 PUD and built at a density of 11 du/ac.

West of the subject property, across Xenia St., is the Arapahoe Green multi-family attached development. Arapahoe Green is zoned MU-PUD and was approved with a maximum density of 13.8 DU/ac.

PROPOSAL

The applicant, Phelps Engineering services, on behalf of the owner, 8850 Xenia LLC., is seeking approval of a Preliminary Development Plan (PDP) known to the County as Case # Z15-004, Xenia Street Townhomes PDP.

The Z15-004 PDP application proposes rezoning the 1.48 acre (net) site from the existing with a specific max density of 18.9 du/ac gross, and 19.6 du/ac net.

BACKGROUND

The existing zoning is R-A. This zoning was approved by the County in 1961 as part of the County's initial establishment of zoning County wide.

EXISTING CONDITIONS

8850 E Mississippi Ave is the site of 4 existing single family detached houses with a collection of supporting detached garages and outbuildings.

DISCUSSION

Type of Housing Allowed In the R-PH Zone District

If approved, the proposed R-PH PUD zoning would allow for single-family detached, single-family attached, multi-family, or any combination of the above housing types.

Parking

The PDP specifies parking requirements to be met by any subsequent FDP. Additional information about the parking design will be reviewed as part of the FDP process. The PDP document sets the level of parking to be provided at no fewer than 2 dedicated parking spaces, and 0.25 guest spaces per unit which does comply with Arapahoe County regulations for this type and level of development.

Density

The applicant has requested approval of a R-PH Residential High Density PUD. The proposed maximum 22.4 du/ac is aligned with R-PH density regulations which specify a minimum of 11 du/ac., but would be higher than the 11 du/ac density multi-family development existing east of the site, and the 13.8 du/ac density multi-family development existing west of the site.

The proposed density is significantly higher than that of the 10 existing single family detached properties existing south of the site. These 10 properties are all similarly sized and average 1.1 du/ac.

Maximum Height

The PDP proposes a 38' maximum building height, with an additional restriction to a 30' maximum height at the southern gutter line, or the tallest point(s) of the southernmost walls of the southernmost building at or near the south building setback line. The intention of this limitation was to reduce the mass of the buildings as they present to the single-family detached home south of the subject property.

Compatibility with the Surrounding Area

The proposal for 22.4 du/ac, while complying with the underlying sub-area plan recommendation, is denser than the surrounding development which includes multiple PUD zonings as approved

by the PDP process, and is significantly denser than the 1.1 du/ac existing on the single-family lots south of the site. The staff considers the potential for redevelopment of the surrounding properties when evaluating a rezoning application, and it is noted that the 10 homes existing south of this proposal are in an area the 4 Square Mile Sub Area Plan recommends remain single family detached with a density of no more than 6 du/ac.

The applicant has agreed to soften the difference in density and height between the proposed development and the single-family home existing south of the site by committing to a 25' southern building setback. 25' was chosen because this matches the southern building setback approved in the PUD located across Xenia way which was required to mitigate a similar conflict between multi-story multi-family buildings and an adjacent existing single-family detached home.

ANALYSIS OF Z15-004 PDP APPLICATION

Staff review of this application included a comparison of the proposal to applicable policies and goals outlined in the Comprehensive Plan, a review of pertinent zoning regulations, local background activity, and an analysis of referral comments.

1. The Comprehensive Plan

The Arapahoe County Comprehensive Plan and the 4 Square Mile Area Sub-Area Plan designate this site as "Multi-family". On page 6 of the appendix in the 4 Square Mile Area Sub-Area Plan (adopted February 15, 2005); the density range specified for multi-family development is "from 13 to 25 units per gross acre". This PDP proposes 32 units homes at a max density of 22.4 units per acre. The proposed density is near, but does not exceed the high end of the range recommended in the Sub Area Plan.

This plan proposes no more than 32 homes within walkable distance of commercial uses such as the grocery stores, neighborhood commercial/retail services, the Challenge School, and the shopping center existing approximately ½ mile away on Havana St. In this regard, this proposal is aligned with the goals of **Policy NH 1.2 – Promote a Diversity of Housing types in Growth Areas Countywide** and **Policy NH 3.1 – Support New Affordable Housing Opportunities and Retain Existing Affordable Housing in Growth Areas**, as set forth in the Comprehensive Plan.

2. Land Development Code Review – PDP Z14-007

Section 13-100, Planned Unit Development (P.U.D.) of the Land Development Code, states that "the P.U.D. process is intended to prevent the creation of a monotonous urban landscape by allowing for the mixture of uses which might otherwise be considered non-compatible, through the establishment of flexible development standards", provided said standards:

- 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 site is located adjacent to E Mississippi Ave which provides automobile access to nearby arterial roadways. RTD bus service is available on E Mississippi St, and also on E Florida St and on Havana St 1/2 miles south and east of the site respectively.

The Engineering Services Division has evaluated the proposal in light of the existing and proposed infrastructure and has determined that it is adequate to support the proposed use.

The applicant reports that water, sewer, storm drainage utilities are also present in the adjacent right of ways.

Right-of-way dedication is necessary for this project and will be dedicated by a plat in a related process at a later date.

A “will serve” letter has been provided by the Cherry Creek Valley Water and Sanitation District and is included in this report.

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

This site exists in a neighborhood that is primarily residential, with the majority of housing being either multi-family development, but some single-family detached homes on 0.9 acre lots exist in the immediate vicinity. Forms of ownership span the range from rental walk-up apartments to owner-occupied detached houses. In addition to the residential properties, there are some commercial businesses and places of worship, schools, and child care providers in the nearby surrounding area.

The staff has some concern that while the type of use appears to be compatible, there is a potential for the relatively small setbacks when combined with a proposed 38’ maximum building height may create undue imposition on the adjacent properties east and south of the proposal. This concern is supported by the following design guidelines section of the County’s Land Development Code (italicized text represents areas that are particularly applicable);

15-106.01 Cohesive, Well-Planned Development

C. Open Spaces and Connectivity:

1. Goals of open spaces in residential areas include:

g. *Provide buffers and open space between buildings and/or developments;*

E. Building Height and Setbacks

1. Building heights and setbacks are established at the time of development application review.

2. Building heights should avoid the perception that individual buildings are out of scale with the size of their lots *or with neighboring buildings*, and should avoid unnecessary snow shadowing of neighboring buildings and public rights-of-way.

F. Transition – *Developments are encouraged to display transitional elements when less-compatible uses are adjacent to one another.*

The Planning Division Staff and the Planning Commission expressed concerns that the original proposal did not offer enough buffering between the proposed development and adjacent properties. The applicant has responded proactively by agreeing to increase setback distances from adjacent properties. They have also agreed to specific height reductions on the south side of the development where the potential for the greatest disparity with existing conditions exists.

The natural environment no longer exists in this area. It should be noted that even undeveloped, and vacant properties are not representative of the “natural” environment, as

the land in this area has been used for a variety of land altering uses for many years. Examples of these uses would be keeping horses, goats, and other livestock or the cultivation of non-native plants either for agricultural production or the establishment of lawns. There are no remaining vestiges of the short grass and bunch grass prairie vegetation that would have occupied this area before permanent human settlement and occupation.

- c. *Allow for the efficient and adequate provision of public services. Applicable public services include, but are not limited to, police, fire, school, parks, and libraries.*

The proposal as submitted can be served by existing public services as evidenced by referral agency responses with the exception of park facilities. The Arapahoe County Open space Department's referral response expresses concerns that this proposal will be underserved by local parks, and that an on-site playground should be provided.

- 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.*

The proposal is located within acceptable proximity to employment and retail centers. These centers and the businesses that inhabit them are located along Havana Street approximately ½ mile east of the site and Parker Road approximately 1 mile west of this site.

- 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.*

The proposal adequately protects against natural and man-made hazards as evidenced by the Arapahoe County Engineering Services Division Report and referral agency responses. The applicant reports that "site disturbance will be minimized to the greatest extent possible during the design and construction process."

- 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.*

At this time nothing more than proposed points of access are available for review. Per Section 13-107, Item M of the Land Development Code, a PDP may indicate conceptual points of access. A detailed analysis of any internal roadways will be conducted when a subsequent site plan proposal is submitted.

The proposal is adjacent to an existing RTD public transportation bus route. There is an existing bus stop one block west of the site on Mississippi St.

- 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 this 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.*

The proposed PDP sets requirements in the form of a 35% minimum open space requirement. Additional detail in the form of landscape plans, vegetation specifications, and architectural elevations will be required with a Final Development Plan if the PDP is approved and development proceeds.

The development site is located approximately 1 mile east of the Highline Canal Recreational Trail. The Highline Canal Trail is part of the Denver Urban Area network of trails and connects directly to many of the area’s significant bike/pedestrian trail corridors as well as regional park facilities.

Impacts to mountain views will be similar to impacts created by any of the wide variety of structures existing in the area, but the proposed 38’ maximum building height will be taller than structures existing on adjacent properties.

- 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.*

The proposed PDP meets the County requirement for 35% open space to be provided exclusive of public rights-of-way and detention areas if multi-family housing is proposed. The staff notes that the applicant may opt to provide cash in lieu of dedicated park lands, and that a County Park does exist 3/4 mile southwest of the site. This park is available for use by the future residents of this development.

The PDP criteria, just stated, must be addressed prior to approval of (a PDP) request, and are intended to provide clarity of purpose and direction for applicants, neighbors, concerned citizens, and Arapahoe County decision-makers.

3. Referral Comments

Comments received during the referral process are as follows: *All applicant or staff responses are in Italics.*

Arapahoe County Planning	Comments have been addressed
Arapahoe County Engineering Services Division	Comments and TRC concerns have been addressed
Arapahoe County Mapping	Comments have been addressed
Arapahoe County Building Division	No details to review – <i>(will review at time of FDP)</i>
Arapahoe County Zoning	No comment
Arapahoe County Sheriff	No comment
Cunningham Fire Protection District	Technical comments to be addressed at the time of a site plan <i>(see attached letter)</i>
Library District	A portion of the cash in lieu is requested <i>(to be collected at the time of plat of site plan)</i>
City and County of Denver	No response
Post Office	No response

Arapahoe County Open Space Division	Requests that the cash-in-lieu be assessed by the appraised value method, and a states that a small playground shall be provided (the design of the playground to be considered at the time of FDP)
Cherry Creek School District	Deferred comment until site plan
Tri-County Health Department	Proper must be followed when abandoning existing septic facilities and demolishing existing buildings.
Colorado Geological Survey	No response
West Arapahoe Conservation District	No response
CDOT Region 6 Access	No response
RTD	No response
Century Link	No response
XCEL Energy	A letter explaining developer's responsibilities is attached.
Army Corps of Engineers	No response
Colorado Division of Water Resources	A will serve letter from the local water district has satisfied CDoWR requirements.
SEMSWA	Comments have been addressed
Urban Drainage	No response
Four Square Mile Area Neighbors (4SMN)	The combination of the requested 38' max building height and 10' setback to southern property line is a matter of concern (this has been addressed by the applicant)
Yosemite Estates HOA	Ongoing communications expressing concern about height and proximity of new development to the established Yosemite estates community east of the subject property (the applicant increased this setback from 10' to 15')

4. Planning Commission

The application appeared at a Planning Commission public hearing on February 16, 2016. Various citizens from the properties east and south of the subject property appeared to express concerns about building height and building setbacks from adjacent properties. The Planning Commission continued the hearing until a date certain of March 15, 2016 for additional review and consideration.

The application appeared at a public hearing before the Planning Commission on March 15, 2016. The developer agreed to the following stipulations to mitigate neighbor concerns:

1. The east building setback would be increased from 10' to 15', which matched the setback approved on the FDP for the property east of the subject property.
2. The south building setback would be increase from 10' to 25', which matches a similar setback approved as part of the FDP for the PUD existing across S Xenia Street that faced similar compatibility challenges when proposing multi-story multi-family buildings adjacent to an existing single family detached home.
3. The will be an additional restriction to a 30' maximum height at the southern gutter line, or the tallest point(s) of the southernmost walls of the southernmost building at or near the south building setback line. The intention of this limitation was to reduce the mass of the buildings as they present to the single-family detached home south of the subject property.

Given the accommodations noted above, the Planning Commission voted for a recommendation of approval for the Z15-004 PDP application as amended.

STAFF FINDINGS

Staff has visited the site, 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 and analysis of referral comments, our findings include:

1. The proposed PDP conforms with the overall goals and intent of Arapahoe County Comprehensive Plan and the 4 Square Mile Area Sub Are Plan in regard to the policies set forth in those plans, as adopted February 15, 2005.
2. The Z15-004 PDP is generally consistent with development standards enumerated in the Arapahoe County Land Development Code, but could make additional commitments regarding buffering and site specific restrictions that would ensure increased compatibility with the single family zoning existing south of the site.
3. The proposed Z15-004 PDP complies with the process outlined in Chapter 13-100, Planned Unit Development of the Land Development Code.

RECOMMENDATION

Considering the findings and other information provided herein, Staff recommends approval of Case # Z15-004 Xenia Street Townhomes Preliminary Development Plan subject to the following conditions of approval:

1. Prior to Board signature of these plans, the applicant agrees to address Public Works Staff comments including concerns identified in the most recent Engineering Staff Report.
2. Per County Open Space Department direction, the developer shall provide a recreational amenity to be specified at the time of FDP.
3. The developer shall provide a transition to mitigate impacts on the lower density and lower height single-family detached south of the site.
4. Open zoning violations on the subject property will be addressed before Staff will forward a copy of the plans to the board for signature
5. Changes to the proposal agreed to by the applicant during the review and approval process, including changes agreed to at the March 15th Planning Commission hearing enumerated elsewhere in this report, will be reflected on the application before plans will be forwarded to the Board for signature.

DRAFT MOTIONS

Recommend Conditional Approval

(This motion is consistent with the staff recommendation): Considering the findings and other information provided herein, Staff recommends approval of Case # Z15-004 Xenia Street Townhomes Preliminary Development Plan subject to the following conditions of approval:

1. Prior to Board signature of these plans, the applicant agrees to address Public Works Staff comments including concerns identified in the most recent Engineering Staff Report.
2. Per County Open Space Department direction, the developer shall provide a recreational amenity to be specified at the time of FDP.
3. The developer shall provide a transition to mitigate impacts on the lower density and lower height single-family detached south of the site.
4. Open zoning violations on the subject property will be addressed before Staff will forward a copy of the plans to the board for signature
5. Changes to the proposal agreed to by the applicant during the review and approval process, including conditions of approval agreed to at the March 15th Planning Commission hearing will be reflected on the application before plans will be forwarded to the Board for signature, including the following;
 - a. Applicant will increase the eastern setback from 10 feet to 15 feet and the southern setback from 10 feet to 25 feet.
 - b. The applicant will limit top of wall/gutter height to 30 feet with the tallest roofline at 38 feet.

Staff provides the following Draft Motions as guidance in preparing an alternative motion if the Board of County Commissioners reaches a different determination:

Recommend Denial:

(This motion is not consistent with the staff recommendation): In the case of Z15-004 Xenia Street Townhomes Preliminary Development Plan, the Commissioners have read the staff report. We find ourselves in agreement with staff findings 1 through 5, including all plans and attachments as set forth in the staff report dated April 21, 2016, and deny this application, based on the following findings:

1. *State new findings as part of the motion.*
2. ...

Continue to Date Certain: In the case of Z15-004 Xenia Street Townhomes Preliminary Development Plan, I move to continue the hearing to [date], 6:30 p.m., to obtain additional information and to further consider the information presented.

Attachments:

Application & Exhibits
Engineering Board Update Report
Referral Comments



Public Works and Development
 6924 S. Lima Street
 Centennial, Colorado 80112
 Phone: 720-874-6650 FAX 720-874-6611
www.arapahoegov.com

**Land Development Application
 Formal**

Form must be complete

Land Development Application material received after 2pm shall be date stamped as received the following working day.

APPLICANT/REPRESENTATIVE: 8850 Xenia LLC	ADDRESS: 1201 S. Parker Road, #200 Denver, CO 80231 PHONE: 303-946-1153 FAX: 303-283-3102 EMAIL: scott@alpertdevelopment.com	SIGNATURE: <i>[Signature]</i> NAME: Scott Alpert TITLE: Managing Member
OWNER(S) OF RECORD: 8850 Xenia LLC	ADDRESS: 1201 S. Parker Road, #200 Denver, CO 80231 PHONE: 303-946-1153 FAX: 303-283-3102 EMAIL: scott@alpertdevelopment.com	SIGNATURE: <i>[Signature]</i> NAME: Scott Alpert TITLE: Managing Member
ENGINEERING FIRM: Phelps Engineering Services, Inc.	ADDRESS: 7200 E. Hampden Ave., Suite 300 Denver, CO 80224 PHONE: 303-669-2314 FAX: 303-298-1645 EMAIL: lphelps@phelpsengineering.net	CONTACT PERSON: Lonny Phelps
Pre-Submittal Case Number: 14-043 Pre-Submittal Planner: Bill Skinner Pre-Submittal Engineer: Spencer Smith		

Parcel ID no. (AIN no.)	1973-21-1-00-047
Address:	8850 E. Mississippi Ave., Denver, CO 80247
Subdivision Name & Filing:	

	EXISTING	PROPOSED
Zoning:	R-A	R-PH
Case/Project/Subdivision Name:		Xenia St. Townhomes
Site Area (Acres):	1.48	1.48
Floor Area Ratio (FAR):		
Density (Dwelling Units/Acre):	2.7	21.7
Building Square Footage:		
Disturbed Area (Acres):	N/A	1.48
Related Case Numbers: (Final/Preliminary Development Plan, Rezoning, and/or Plat)		

CASE TYPE				
1041- Areas & Activities of State Interest	Location & Extent	<input checked="" type="checkbox"/>	Preliminary Development Plan	Special District/Title 30
1041- Areas & Activities of State Interest – Use by Special Review	Location & Extent – Major Amendment		Preliminary Development Plan – Major Amendment	Special District/Title 32
Comprehensive Plan	Master Development Plan		Preliminary Plat	Street Name Change
Final Development Plan	Master Development Plan – Major Amendment		Replat - Major	Use by Special Review
Final Development Plan – Major Amendment	Minor Subdivision		Rural Cluster	Use by Special Review – Major Amendment
Final Plat	Planned Sign Program		Rezoning Conventional	Use by Special Review – Oil & Gas
Land Development Code Amendment	Planned Sign Program – Major Amendment		Rezoning Conventional – Major Amendment	Vacation of Right-of-Way/Easement/Plat

THIS SECTION FOR OFFICE USE ONLY										
Case No:		Planning Manager:		Engineering Manager:						
Planning Fee:	Y	N	\$	Engineering Fee:	Y	N	\$			

This application shall be submitted with all applicable application fees. Submittal of this application does not 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.



Board of County Commissioner's Summary Report

Date: April 21, 2016

To: Arapahoe County Board of County Commissioners

Through: Bill Skinner, Planner
Planning Division

Through: Chuck Haskins, PE
Engineering Services Division, Manager

From: Spencer M. Smith, PE
Engineering Services Division

Case name: Z15-004 – Xenia Street Townhomes - PDP

Purpose and Recommendation

The purpose of this report is to communicate the Engineering Services Staff findings, comments, and recommendations regarding the land use application identified above.

Engineering Services Staff has reviewed the land use application and has the following findings and comments:

1. The site is part of the Westerly Creek drainage basin. On-site stormwater detention and water quality are required for this site. Detailed drainage design will be included with the Phase III Drainage Report when the Final Development Plans are submitted to the County for review.
2. The applicant presented two waiver requests to the County's Technical Review Committee (TRC) on December 17, 2014. Both requests were in regards to road right-of-way (ROW) dedication requirements. TRC approved of both requests by the applicant.
 - a. E. Mississippi Ave. – The ultimate road right-of-way for E. Mississippi Ave. is 144' (72' on each side of the section line). Adjacent to the proposed Xenia Street Townhome site there is currently 40' of ROW. To meet the full ultimate ROW width, the applicant would be required to dedicate an additional 32' to the County. The applicant requested that the County accept dedication of an additional 20' of ROW along their project frontage, for a total of 60'. The 60' of ROW would match what exists currently along the Cinnamon Down the Street development (east)



- b. frontage and exceed the 55' of ROW along the Arapahoe Green development (west) frontage.

S. Xenia St. - Adjacent to the proposed Xenia Street Townhome site there is currently 40' of ROW. County staff requested ROW dedication of an additional 10' along the Xenia St. Townhome project site, to contain the proposed roadway section. The applicant requested that the County allow dedication of a Public Use and Signage Easement along the project frontage in lieu of dedicating additional ROW. The easement would vary from 3' – 7' in width, and would contain the portions of the 5' attached sidewalk that are outside of the existing ROW and also a 2' strip for signage purposes. This is consistent with the requirements of the County for the property on the west side of Xenia Street (Arapahoe Green apartment complex).

Engineering Staff is recommending the land use application favorably with no conditions.



ARAPAHOE COUNTY
COLORADO'S FIRST

Arapahoe County Public Works and Development - Planning Division

6924 S. Lima Street, Centennial, CO 80112

Phone: 720-874-6650 | Fax: 720-874-6611

www.arapahoegov.com

Phase II Referral Routing

Agency Receiving Referral: Arapahoe County Open Spaces

Agency Contact Person: Roger Harvey

Case Number: Z15-004 Preliminary development Plan

Case Name: Xenia Street Townhomes

Case Planner: Bill Skinner - BSkinner@arapahoegov.com

Case Engineer: Spencer Smith - SSmith@arapahoegov.com

Date Sent: 11/02/2015

Date to be Returned: 11/13/2015

INSTRUCTIONS:

The enclosed case has been submitted to the Arapahoe County Planning Office for consideration. Because of the possible effect of the proposed development upon your area, the case is being referred for your comment. Please examine this request and, after review, check the appropriate box, sign, add comments as necessary and return to the Arapahoe County Planning Office on or before the date indicated above.

COMMENTS:

Reviewer First & Last Name:

Have NO Comments to make on the case as submitted

Have the following comments to make related to the case:

Ray Winn/Roger Harvey - Planning

Please See Attached Letter.



ARAPAHOE COUNTY
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November 13, 2015

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

RE: Planning Case # Z15-004 Xenia Street Townhomes

Dear Mr. Skinner:

Thank you for the opportunity to review the submittal by Xenia Street Townhomes for the preliminary development plan. Arapahoe County Open Spaces Department and Arapahoe County Recreation District staff (ACOS/ACRD) has the following comments:

1. This area is identified by the Four Square Mile Neighborhood Recreation Needs and Opportunities Assessment (4SQM Assessment) as an isolated area having no recreational services . See Zone 1 in the map below.
2. The recreational needs of the residents of the 4SQM Neighborhood are being dramatically amplified due to increased population growth and increased building density. The increased density from this and other developments in the immediate area increases the population that has no recreational services and thus increases the need.
3. The 4SQM Assessment also indicates that "Several areas have no walkable access to recreation at all including a substantial area of high population density in the northeast of the study area south of Mississippi Avenue." S. Xenia Street exacerbates this problem by lacking sidewalks and is a dead end to the south with no walkable, bikeable access south, users must travel north onto E. Mississippi Avenue to travel approx. 1 mile to Cheyene/Arapaho Park, the closest public park. This distance is longer then Professional Park planning norms, which attempt to attain at most one half mile as a walkable distance.
4. The 4SQM Assessment identifies this area as a high priority for future service improvements.

Based on the information stated above ACOS/ACRD staff has the following recommendations for approval:

1. At minimum the applicant shall provide a small playground area and play equipment on site similar to the property the west side of Xenia Street (see picture) in accordance with Development Regulation 14-111.07. This will provide recreation for very young, small children. The addition of this private park improvement may be credited against the park dedication requirements set forth in subdivision regulations 14-111.



ARAPAHOE COUNTY
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2. The applicant shall provide a 10' detached sidewalk along E. Mississippi Ave and sidewalk along S. Xenia St.
3. The Land Development Code land dedication for parkland would be 0.338 acres or cash in lieu of land formula. The Assumed Value method that is commonly used to determine the sum of money will result in an amount that is far less than current fair market value, and far less than the Appraisal Method. ACOS/ACRD requests that the Appraisal Method be considered and utilized for determining fair market value.

There reason for the Appraisal Method request is new higher density development occurring in 4SQ mile neighborhood generates a need for additional park amenities. ACOS/ACRD is working to increase the amenities in the neighborhood; recently acquiring new parkland and moving forward with planning and development of new parks. The cost for park development and land acquisition has increased dramatically, and only the Appraisal Method will create an amount roughly proportional to the burden imposed on ACOS/ACRD which is responsible for creating and providing new amenities.

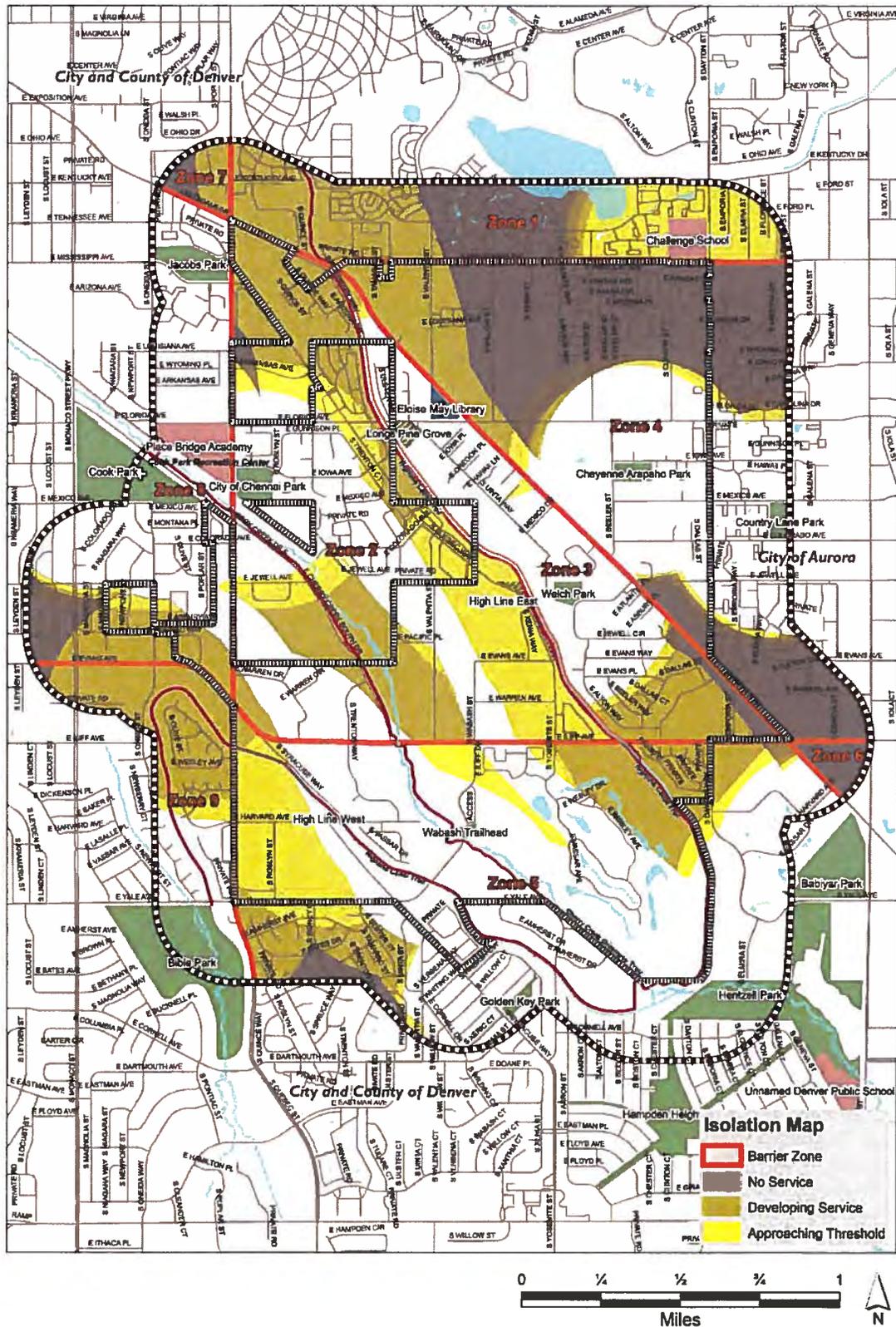
ACOS/ACRD is willing to further discuss our recommendations with applicant and assist in any way we can.

Thank you for the opportunity to comment on this application.

Roger Harvey & Ray Winn

Open Spaces Planning

Cc Shannon Carter



Map 8: Isolates areas with no service or low service, below threshold as indicated. The brighter yellow areas are close to reaching the threshold value of 48.0. Dull yellow areas are still developing, while grey areas have no service at all.





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Arapahoe County Public Works and Development - Planning Division

6924 S. Lima Street, Centennial, CO 80112

Phone: 720-874-6650 | Fax: 720-874-6611

www.arapahoegov.com

Phase II Referral Routing

Agency Receiving Referral:	
Agency Contact Person:	
<p>Case Number: Z15-004 Preliminary development Plan</p> <p>Case Name: Xenia Street Townhomes</p> <p>Case Planner: Bill Skinner - BSkinner@arapahoegov.com</p> <p>Case Engineer: Spencer Smith - SSmith@arapahoegov.com</p>	
<p>Date Sent:</p> <p>Date to be Returned:</p>	
<p>INSTRUCTIONS: The enclosed case has been submitted to the Arapahoe County Planning Office for consideration. Because of the possible effect of the proposed development upon your area, the case is being referred for your comment. Please examine this request and, after review, check the appropriate box, sign, add comments as necessary and return to the Arapahoe County Planning Office on or before the date indicated above.</p>	
COMMENTS:	Reviewer First & Last Name:
<input type="checkbox"/> Have NO Comments to make on the case as submitted	
<input type="checkbox"/> Have the following comments to make related to the case:	

CHERRY CREEK VALLEY WATER AND SANITATION DISTRICT
2325 SOUTH WABASH STREET
DENVER, COLORADO 80231
(303) 755-4474

PAUL J. HANLEY, Chairman
MARK L. LAMPERT, Vice Chairman
WILLIAM M. MACPHEE, Secretary/Treasurer
FREDERICK L. NORMAN, Director
BRADLEY W. RASTALL, Director

AVAILABILITY OF SERVICE LETTER

December 9, 2015

Frank Feero, P.E.
Phelps Engineering

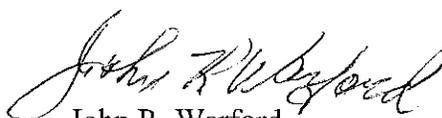
Re: Xenia Street Townhomes – S Xenia St & E Mississippi Ave

The above referenced property is within the service area of the District. The District is a Master Meter Distributor for Denver Water. Water and sewer service is available subject to extension of water and sewer lines, payment of all fees, and the District's Rules and Regulations.

If you have any questions regarding this matter, please feel free to contact this office.

Sincerely,

CHERRY CREEK VALLEY WATER
AND SANITATION DISTRICT



John R. Warford
Manager



CUNNINGHAM FIRE PROTECTION DISTRICT

2015 SOUTH DAYTON STREET ♦ DENVER, CO 80247 ♦ Phone: (303) 755-9202
Fax: (303) 337-7971

PDP Comment

November 3, 2015

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

Re: Xenia Street Townhomes

Mr. Skinner:

The Fire District has reviewed the referral for the above referenced case for compliance with the *2009 International Fire Code (IFC)* as adopted by the District. The Fire District supports the PDP for approval with the following comments and requirements.

To support the PDP the following would need to be clarified:

- Due to the buildings being over 30-feet in height an additional access would be required per 2009 IFC D104.1 **Buildings exceeding three stories or 30 feet in height.** Buildings or facilities exceeding 30 feet (9144 mm) or three stories in height shall have at least two means of fire apparatus access for each structure.
 - Only one access is noted on these plans from Mississippi.
 - Additional access would be required or building height would need to be lowered.

The following notes would be needed on the FDP Plan for Review and Approval:

The Fire District requires that the following general comments are included on the cover sheet of the FDP:

1. Fire Department Access:
 1. Surfaced access roads capable of withstanding the imposed loads of fire apparatus and all required hydrants shall be installed prior to construction.
 2. All roads and drives are hereby designated as fire lanes. When required by the Fire District, all fire lanes shall be posted "No Parking – Fire Lane." All fire lanes shall be included in the Arapahoe County program for enforcement of private property parking.

3. Turning radius and navigation through the development shall meet the Cunningham Fire Protection Districts specifications and is verified using an approved method. (Auto-Cad drawings must be provided, vehicle information can be found on our website www.cfpd.org)
4. Any proposed “pork-chop” or any traffic direction features at the entrance of the development shall have a designed width of 16 feet minimum drive with mountable curbs and no obstructions to the entrances.
5. If a traffic signal is added as part of this development it is required to have a opticom traffic device installed.
6. If the proposed structures are 30-feet in height the fire department access drives within the development shall be a minimum of 26-feet in width.
7. The fire apparatus access road shall comply with the requirements of *Section 503* and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. Plan demonstrating the structures meet the *Section 503* requirement.
8. All fire hydrants are to be installed in conformance with *Sections 507 and Appendix C* of the *2009 International Fire Code*. No landscaping, fencing or any other obstruction shall be placed within three feet of a fire hydrant.

1. Fire lane designation

All private drives within this development are declared as fire apparatus access under *Section 503 of the 2009 IFC*. The fire apparatus access road shall comply with the requirements of *Section 503* and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. Submit a plan demonstrating the structure meets the *Section 503* requirement.

2. Fire lane identification

The Fire District declares all drives within this development as fire apparatus access under *Section 503* of the *2009 IFC*. Any roadway that is 30-feet or less in width shall be marked as a fire lane on both sides; roadways 30-34 feet in width shall be marked as a fire lane on one side. Information on the Arapahoe County Fire Lane Program will be provided to the Developer. If the proposed structures are 30-feet in height the fire department access drives within the development shall be a minimum of 26-feet in width. **Fire lane plan shall be submitted and entered into the Arapahoe County Fire Lane Program.**

3. Water plan

A formal water plan for review and approval with a fee is required for any new fire hydrant installations and the fire service line prior to issuance of any Fire District building permits. Submittal of a copy of the water plan submitted to the Cherry Creek Valley Water and

Sanitation District (CCVWSD) during their required approval process directly to the Fire District for review is acceptable.

4. Building construction plans

Complete specifications and building construction plans shall be submitted directly to the Fire District for review and approval at the same time plans are submitted to the building department and prior to any building construction occurring. **The developer is encouraged to contact the Cunningham Fire Prevention Bureau to verify plan submittal requirements and permit fees prior to plan submittal.**

5. Fire Sprinkler System

The installation of a fire sprinkler system is required due to limited access. The sprinkler system shall meet the requirements of *National Fire Protection Association standard NFPA 13, Installation of Sprinkler Systems*.

6. Fire Alarm System

The installation of an approved fire alarm system is required if the fire sprinkler system is required. The fire alarm system shall meet the requirements of *National Fire Protection Association standard NFPA 72, National Fire Alarm Code*.

If you need any additional information or have any questions, please contact me at (303) 338-4204. The Fire Prevention Bureau fax number is (303) 337-7971.

Sincerely,

Tyler Everitt
Deputy Fire Marshal

Cunningham Fire Protection District – received via email on 12/9/2016

Good Morning Bill,

I wanted to provide clarification to the Fire District's comments. Per my conversation with Scott Alpert today all of these townhomes will be protected with a fire sprinkler system throughout all buildings. This being said they are allowed to have one access (Mississippi Ave/Xenia) per the fire code and the fire district would support the PDP with the additional information provided.

Scott, since the buildings would be over 30ft in height you would still need to provide Aerial Access and a Fire Lane signage plan for approval

SECTION D105 AERIAL FIRE APPARATUS ACCESS ROADS

D105.1 Where required. Buildings or portions of buildings or facilities exceeding 30 feet (9144 mm) in height above the lowest level of fire department vehicle access shall be provided with *approved* fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway.

D105.2 Width. Aerial fire apparatus access roads shall have a minimum unobstructed width of 26 feet (7925 mm), exclusive of shoulders, in the immediate vicinity of any building or portion of building more than 30 feet (9144 mm) in height.

D105.3 Proximity to building. At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet (4572 mm) and a maximum of 30 feet (9144 mm) from the building, and shall be positioned parallel to one entire side of the building.

Thank you,

Tyler Everitt
Deputy Fire Marshal
Cunningham Fire Protection District
303-338-4204

December 1, 2015

Bill Skinner
Arapahoe County Planning Division
Arapahoe County Lima Plaza
6924 S Lima St
Centennial CO 80112

RE: Xenia Street Townhomes
Case No. Z15-004
TCHD Case No. 3734

Dear Mr. Skinner:

Thank you for the opportunity to review and comment on the Xenia Street Townhomes Preliminary Development Plan located at the Southeast corner of E Mississippi Ave. and S Xenia St. Tri-County Health Department (TCHD) staff has reviewed the application for compliance with applicable public and environmental health regulations and principles of healthy community design. After reviewing the application, TCHD has the following comments.

Historic On-Site Wastewater Treatment System (OWTS) Abandonment

According to TCHD's records, there was a historic septic tank that was serving the houses at both 8850 E Mississippi Ave and 1110 S Xenia St. Our records indicate that the septic tank was abandoned in 2002.

Proper abandonment of a septic tank requires the following:

- Confirming that the tank is empty. If any liquids remain in the tank, the tank shall be pumped dry by a system cleaner licensed by TCHD.
- Once the septic tank has been pumped dry, it may either be backfilled with soil, crushed and buried on the site, or excavated and disposed in a permitted solid waste disposal facility.
- Provide written notice to of the septic tank abandonment, along with a pump receipt, to TCHD.

In order to prevent contamination of groundwater or exposure to contaminated soils, TCHD recommends that the applicant identify the septic tank and ensure that it has been properly abandoned before construction starts.

Demolition of Buildings

It appears that there are multiple homes currently on the site that will be demolished in order to construct townhomes. The demolition of buildings can affect air quality and can create vector control issues.

Air Quality

The application indicates that the existing building on the site will be demolished. State air quality regulations require that precautions be taken prior to demolition of buildings to evaluate the presence of asbestos fibers that may present a health risk. If such fibers are present, actions must be taken to prevent their release into the environment. State regulations also address control of ozone depleting compounds (chlorofluorocarbons) that may be contained in air conditioning or refrigerating equipment. The applicant shall contact the Colorado Department of Public Health and Environment (CDPHE) Air Pollution Control Division at (303) 692-3100 for more information. Additional information is available at:

<http://www.cdphe.state.co.us/ap/asbestos>.

Vector Control

Rodents such as mice and rats carry diseases which can be spread to humans through contact with rodents, rodent feces, urine, or saliva, or through rodent bites. If there is an infestation of rodents in the building proposed for demolition, the infestation should be eliminated prior to demolition to prevent the spread of rodents to neighboring properties. Information on rodent control can be found at <http://www.tchd.org/400/Rodent-Control>.

Please feel free to contact me at (720) 200-1585 or lbroten@tchd.org if you have any questions regarding TCHD's comments.

Sincerely,



Laurel Broten, MPH
Land Use and Built Environment Specialist
Tri-County Health Department

CC: Sheila Lynch, Steve Chevalier, TCHD



Right of Way & Permits

1123 West 3rd Avenue
Denver, Colorado 80223
Telephone: **303.571.3306**
Facsimile: 303. 571.3284
donna.l.george@xcelenergy.com

November 12, 2015

Arapahoe County Public Works and Development
6924 South Lima Street
Centennial, CO 80112

Attn: Bill Skinner

Re: Xenia Street Townhomes, Case # Z15-004

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the preliminary development plans for **Xenia Street Townhomes**. Please be aware PSCo owns and operates existing electric facilities within the subject property. The property owner/developer/contractor must contact the **Builder's Call Line at 1-800-628-2121** and complete the application process for any new gas or electric service, or modification to existing facilities including relocation and/or removal. It is then the responsibility of the developer to contact the Designer assigned to the project for approval of design details. Additional easements will need to be acquired by separate document for new facilities.

As a safety precaution, PSCo would like to remind the developer to call the **Utility Notification Center, at 1-800-922-1987** to have all utilities located prior to any construction.

Should you have any questions with this referral response, please contact me at 303-571-3306.

Donna George
Contract Right of Way Referral Processor
Public Service Company of Colorado

FOUR SQUARE MILE NEIGHBORHOODS

c/o Mark Lampert
9022 East Colorado Drive
Denver, CO 80231

January 25, 2016

Via Email

Mr. Bill Skinner
Arapahoe County Planning

Re: Xenia St. Townhomes PDP Application, Z15-004

Dear Bill:

Four Square Mile Neighborhoods (4SQM) provides the following comments with respect to this proposed three-story townhome development.

The proposed development consists of four three-story buildings, each with a height of 38 feet, that are perpendicularly situated to Xenia Street—the front of the property. It appears that the fourth building on the south side of the property is set back only 10 feet from the property line. This unusual configuration results in a 38-foot tall building running from the front to the back of the property only 10 feet from the south side property line.

Xenia Street is a transitional area, with multi-family developments on the north side along Mississippi Street and transitioning to some primarily older, single family homes (although one newer single family home exists) as the street heads towards its dead end to the south.

The issue we have is that the placement of southern most perpendicular three-story building that is 38 feet in height directly next to a property boundary running from the front to the back of the property with only a 10-foot setback is inconsistent with the surrounding property. It fails to provide an appropriate transition to the adjacent and nearby properties, some of which are single family homes.

Neighbors towards the south end of the street mentioned that when Devon Square apartments were built next to the south end of the street, the neighbors were able to persuasively convince planners that the Devon Square apartments should be terraced so that lower buildings were closer to Xenia Street, leading up to taller three story buildings. The net result is a more appropriate transition.

Terracing in transition areas has also occurred in other transitions from multi-family to single family areas on 4SQM. For example, Lugano (formerly Prospect Village) on Iliff is set back far from nearby Huntington Estates and is terraced up from two stories in height as the development is situated further from the adjacent single family neighborhood.

A similar concept should be employed with regard to this proposed development.

Bill Skinner
Arapahoe County Planning
January 25, 2016
Page 2

Other than our ongoing concern that multi-family development in this part of 4SQM should be scaled back due to overcrowded roads and lack of open space in the area, at this time, the maximum height of this perpendicularly-situated building that is so near the south side boundary to the adjacent property in a transitional area is our only concern. We may have additional comments as the plans become more definite and review the proposed FDP—particularly the more detailed appearance and design of the perpendicularly- situated buildings.

Very Truly Yours,

FOUR SQUARE MILE NEIGHBORHOODS

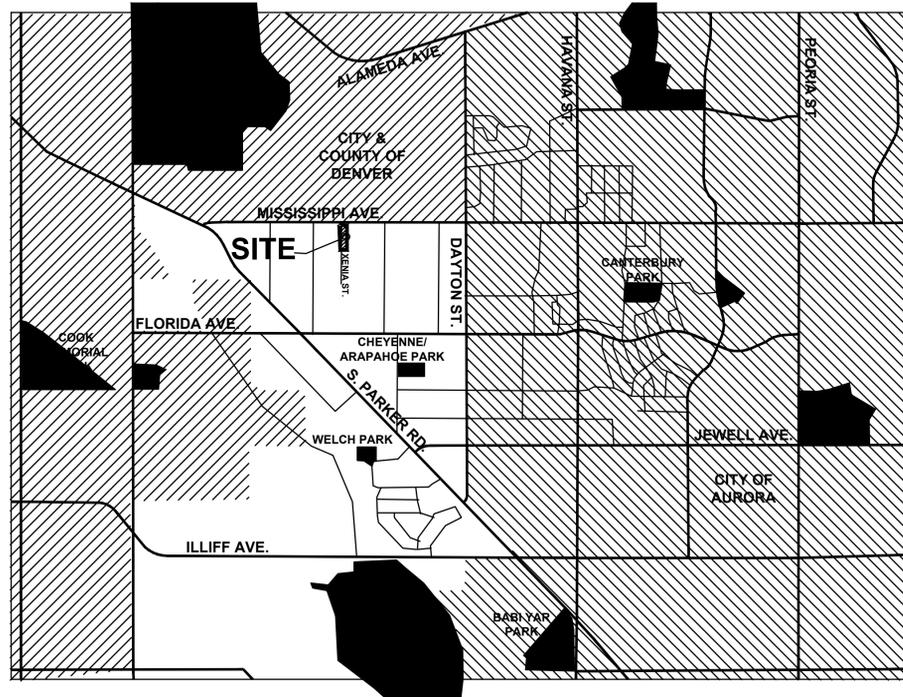
By Mark Lampert

cc: Jan Yeckes, Arapahoe County

XENIA ST. TOWNHOMES

PRELIMINARY DEVELOPMENT PLAN

LOCATED IN THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 21, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE SIXTH PRICIPAL MERIDIAN



CERTIFICATE OF OWNERSHIP

I 8850 XENIA LLC BY SCOTT ALPERT MANAGER HEREBY AFFIRM THAT I AM THE OWNER OR AUTHORIZED AGENT OF ALL INDIVIDUALS HAVING OWNERSHIP INTEREST IN THE PROPERTY DESCRIBED HEREIN, KNOWN AS XENIA ST. TOWNHOMES, CASE NO. Z15-004.

OWNER OF RECORD OR AUTHORIZED AGENT

STATE OF _____ J.S.S.

COUNTY OF _____)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS DAY OF _____, 20__ BY (Name)

AS (Title) OF _____ AN AUTHORIZED SIGNATORY.

BY _____ WITNESS MY HAND AND SEAL

NOTARY PUBLIC

_____ MY COMMISSION EXPIRES _____

ADDRESS _____

CITY _____

STATE _____

ZIP CODE _____

DESIGN INTENT

THE INTENT OF XENIA ST. TOWNHOMES IS:

- TO CREATE A STABLE, ATTRACTIVE NEIGHBORHOOD THAT WILL OFFER A VARIETY OF HOUSING UNITS ON A SMALL INFILL SITE;
- TO MAXIMIZE THE ADVANTAGE OF THE PROXIMITY TO BUS ROUTES, EMPLOYMENT BASES, RETAILS CENTERS AND LEISURE ACTIVITIES;
- TO BE COMPATIBLE WITH EXISTING DEVELOPMENT;
- TO CREATE A THEME FOR THE DEVELOPMENT WHICH WILL ENSURE HIGH QUALITY ELEMENTS AND MATERIALS;
- TO UTILIZE EXISTING INFRASTRUCTURE ADJACENT TO THE SITE.

GENERAL DESIGN STANDARDS COMMUNITY DESIGN

THE BASIC DESIGN CONCEPT TYPIFYING XENIA ST. TOWNHOMES IS URBAN IN CHARACTER. KEY DESIGN FEATURES INCLUDE:

- LANDSCAPED STREETSCAPES WITH DETACHED WALKS ADJACENT TO THE COLLECTOR STREET;
- COMPATIBILITY BETWEEN BUILDING TYPES THROUGH ARCHITECTURE, BUILDING HEIGHTS AND MATERIALS;
- AN APPROPRIATE TRANSITION FROM ADJACENT USES THROUGH LIMITING BUILDING HEIGHTS, MASS AND SCALE;
- CREATION OF A COMMON THEME THROUGH THE USE OF DECORATIVE LIGHTING, MONUMENTATION AND SIGNAGE, LANDSCAPE FEATURES, MATERIALS COMMON TO THE ENTRY MONUMENTS AND BUILDINGS.

ARCHITECTURE

IT IS THE INTENT OF XENIA ST. TOWNHOMES TO PROVIDE BUILDING TYPES THAT WILL COMPLIMENT ONE ANOTHER THROUGH THE USE OF COMMON DESIGN CRITERIA, THEMES, ARTICULATION AND BUILDING MATERIALS. DESIGN CRITERIA INCLUDE:

- MAJOR BUILDING MATERIALS SHALL BE A COMBINATION OF SIDING AND MASONRY OR SIDING AND STONE;
- FACADE ARTICULATION TO DIFFERENTIATE INDIVIDUAL UNITS;
- PRIVATE OUTDOOR PATIOS OR DECK AREAS FOR EACH UNIT;
- TWO CAR ATTACHED GARAGES FOR EACH UNIT;
- COMPLEX MASSING CONFIGURATIONS WITH A VARIETY OF DIFFERENT WALL PLANES AND ROOF PLANES;
- NO STAIRWAYS OUTSIDE BUILDING ENVELOPES;
- IDENTIFICATION OF ENTRANCES BY AN ARCHITECTURAL TREATMENT SUCH AS A COVERED ENTRY OR A DIFFERENT ROOFLINE TREATMENT;
- MINIMIZATION OF BUILDING MASSING BY LIMITING THE NUMBER OF UNITS IN EACH BUILDING TO FIVE OR LESS;
- DETAILED WINDOW AND DOOR TRIMS;
- INCLUDE PROJECTIONS, RECESSES, SHADOW LINES, WINDOW PATTERNS AND OVERHANGS TO PROVIDE FRONT AND REAR VARIATION IN WALL PLANES;
- PROVIDE FRONT ENTRY DETAIL INCLUDING VERTICAL ELEMENTS TO ENHANCE BUILDING ELEVATIONS;
- PROVIDE WINDOWS ON ALL ELEVATIONS.

SITE DESIGN

THE SITE PLAN EMPHASIZES URBAN. THAT IS ACHIEVED THROUGH BUILDING PLACEMENT AND ORIENTATION, LANDSCAPING AND ARCHITECTURE.

MAINTENANCE EASEMENT

A MAINTENANCE EASEMENT IS REQUIRED FOR DEVELOPMENTS WITH ZERO SIDE SETBACKS IF ONE STRUCTURE IS BUILT ON THE LOT LINE. IN ORDER TO MAINTAIN STRUCTURE WITH THE ZERO SIDE SETBACK, A MAINTENANCE EASEMENT MAY BE REQUIRED ON THE ADJACENT LOT TO ENABLE MAINTENANCE TO BE PERFORMED ON SAID STRUCTURE FROM THE ADJOINING PROPERTY. EACH LOT OWNER AGREES TO ALLOW ADJACENT LOT OWNERS ACCESS ACROSS THEIR LOT, WITHIN FIVE FEET OF THE COMMON LOT LINE, AS MAY BE NEEDED TO MAINTAIN AND REPAIR THE ADJACENT OWNERS PRINCIPAL STRUCTURE. EACH ADJACENT OWNER AGREES TO REPAIR ANY DAMAGE WHICH MAY BE CAUSED TO THE LOT OWNERS PROPERTY FROM THE ADJACENT OWNERS USE OF THIS MAINTENANCE EASEMENT, AND TO TAKE ALL NECESSARY STEPS TO AVOID CAUSING SUCH DAMAGE.

OPEN AREAS AND AMENITIES

IT IS THE INTENT OF XENIA ST. TOWNHOMES TO PROVIDE LANDSCAPING WHICH VISUALLY ENHANCES THE COMMUNITY AND PROVIDES A COMPATIBLE AND AESTHETIC ATMOSPHERE. THE SITE WILL PROVIDE:

- OPEN SPACE AREAS BETWEEN BUILDINGS TO CREATE VIEW CORRIDORS AND OPPORTUNITY FOR PEDESTRIAN CONNECTIVITY;
- DETENTION POND DEVELOPED WITH NATURAL VEGETATION;
- PEDESTRIAN LINKAGES TO EXTERNAL SIDEWALK SYSTEMS;
- COMPLIANCE WITH THE LANDSCAPE DESIGN STANDARDS, ARAPAHOE COUNTY LAND DEVELOPMENT CODE;

SHEET INDEX

SHEET NO. SHEET TITLE

- | | |
|---|-------------|
| 1 | COVER SHEET |
| 2 | SITE PLAN |

SIGNAGE AND ENTRYWAY DESIGN

IT IS THE INTENT OF XENIA ST. TOWNHOMES TO PROVIDE MONUMENTATION AND SIGNAGE THAT WILL BE CONSISTENT WITH OR COMPLIMENTARY TO THE ARCHITECTURAL THEME AND PROVIDE A NEIGHBORHOOD IDENTITY FOR THE COMMUNITY. THE PRIMARY ENTRYWAY DESIGN WILL BE LOCATED AT E. MISSISSIPPI AND XENIA ST. (SIGNAGE SHALL NOT BE INSTALLED WITHIN THE COUNTY RIGHT OF WAY. SIGNAGE SHALL CONFORM TO ARAPAHOE COUNTY LAND DEVELOPMENT CODE STANDARDS.)

LIGHTING

IT IS THE INTENT OF XENIA ST. TOWNHOMES TO PROVIDE SOFT OUTDOOR LIGHTING AT A HUMAN SCALE WHICH WILL ENHANCE THE COMMUNITY WHILE ALLOWING EASY IDENTIFICATION OF ADDRESSES, DRIVES AND COMMON ELEMENTS SUCH AS AMENITY AREAS. ALL LIGHTING MOUNTED ON BUILDINGS AND POLES.

ALL LIGHTING SHALL, AT A MINIMUM, CONFORM TO THE LIGHTING STANDARDS IN THE ARAPAHOE COUNTY LAND DEVELOPMENT CODE.

LANDSCAPING:

- ORIENT UNITS ON THE PERIMETER OF THE SITE WITH THE REAR ELEVATION TO THE INTERIOR PRIVATE DRIVEWAYS. MAXIMIZE OPEN SPACE VIEW CORRIDORS WITH PEDESTRIAN LINKAGES.
- PROVIDE STREETSCAPE LANDSCAPING BETWEEN FRONT OF UNITS.

CIRCULATION AND PARKING

IT IS THE INTENT OF XENIA ST. TOWNHOMES TO PROVIDE A CONVENIENT, CLEAR, SAFE AND EFFICIENT CIRCULATION SYSTEM FOR BOTH PEDESTRIAN AND AUTOMOBILE TRAFFIC.

PEDESTRIAN:

- PEDESTRIAN WALKWAYS;
- INCORPORATION OF THEMATIC MATERIALS, COLORS, AND DESIGN INTO THE PEDESTRIAN ELEMENT;
- SITE AMENITIES TO BE LOCATED FOR PEDESTRIAN CONVENIENCE AND SHOULD MATCH THE ARCHITECTURAL THEME OF THE DEVELOPMENT.

BUILDING PLACEMENT AND ORIENTATION:

- ORIENT UNITS ON THE SITE WITH THE GARAGE FACING THE INTERIOR PRIVATE ALLEYS. PROVIDE A MINIMUM 10' FOOT LANDSCAPED AREA WITH PEDESTRIAN WALKS BETWEEN BUILDINGS AND FROM THE FACADES TO ADJACENT RIGHTS OF WAY.

VEHICULAR

- ATTACHED GARAGES WITH INTERNALIZED SURFACE PARKING.

Drawing name: S:\Entitlement Engineering\14109 - Mississippi & Xenia\CAD\Sheets\DDP\Preliminary Development Plan.dwg COVER SHEET Apr 26, 2016 2:20pm by: FFeero

STANDARD NOTES

THE OWNER(S), DEVELOPER(S) AND/OR SUBDIVIDERS(S) OF THE PRELIMINARY DEVELOPMENT PLAN KNOWN AS XENIA ST. TOWNHOMES, THEIR RESPECTIVE 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 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 INTEREST, SHALL BE RESPONSIBLE FOR STREET MAINTENANCE UNTIL SUCH TIME AS THE COUNTY ACCEPTS THE RESPONSIBILITY FOR MAINTENANCE AS STATED ABOVE.

DRAINAGE MAINTENANCE

THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR MAINTENANCE OF ALL DRAINAGE FACILITIES INSTALLED PURSUANT TO 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.

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 ROADWAYS. THE OWNERS OF THIS SUBDIVISION, THEIR SUCCESSORS AND/OR ASSIGNS IN INTEREST, 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 OBSTRUCTIONS OVER THREE FEET IN HEIGHT ABOVE THE ELEVATION OF THE LOWEST POINT ON THE CROWN OF THE ADJACENT ROADWAY WITHIN SAID TRIANGLE.

LEGAL DESCRIPTION:

THAT PART OF THE EAST 1/2 NORTHEAST 1/4 NORTHEAST 1/4 OF SECTION 21, TOWNSHIP 4, RANGE 67 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 30 FEET SOUTH AND 20 FEET EAST OF THE NORTHWEST CORNER OF SAID EAST 1/2 NORTHEAST 1/4 NORTHEAST 1/4 NORTHEAST 1/4;

THENCE EAST 104 FEET;

THENCE SOUTH 630 FEET;

THENCE WEST 104 FEET;

THENCE NORTH 630 FEET TO THE POINT OF BEGINNING, EXCEPT ANY PART OF THE ABOVE DESCRIBED PROPERTY LYING WITHIN THE SOUTHEAST 1/4 NORTHEAST 1/4 NORTHEAST 1/4 OF SAID SECTION 21, AND FURTHER EXCEPT ANY PORTION THEREOF LYING WITHIN THAT PARCEL CONVEYED TO THE COUNTY OF ARAPAHOE AS DESCRIBED IN DEED RECORDED MAY 10, 1989 IN BOOK 5693 AT PAGE 654.

COUNTY OF ARAPAHOE, STATE OF COLORADO. ALSO KNOWN AS 8850 E. MISSISSIPPI AVE., DENVER, CO 80247, PPI# 1973-21-1-00-047, 1.47 ACRES.

TITLE COMMITMENT NOTES:

THIS LAND SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY JR ENGINEERING, LLC TO DETERMINE OWNERSHIP OF THIS TRACT. VERIFY THE DESCRIPTION SHOWN. VERIFY THE COMPATIBILITY OF THIS DESCRIPTION WITH THAT OF ADJACENT TRACTS, OR VERIFY EASEMENTS OF RECORD. FOR ALL INFORMATION REGARDING EASEMENTS, RIGHT-OF-WAY OR TITLE OF RECORD, JR ENGINEERING, LLC RELIED UPON TITLE COMMITMENT no. 35500-14-15349 BY NORTH AMERICAN TITLE INSURANCE CO. FOR 8850 XENIA LLC., A COLORADO CORPORATION, DATED FEBRUARY 10, 2015 AT 7:00 A.M.

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 DRAINAGE WAY 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 CAPITAL 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 DESIGNATED IN THE PHASE III DRAINAGE REPORT

FOUR SQUARE MILE AREA NOTE

- A) TO INCLUDE SAID DEVELOPMENT WITHIN A SPECIAL DISTRICT FOR THE PURPOSE OF PARTICIPATING IN THE CONSTRUCTION OF NECESSARY OFFSITE IMPROVEMENTS AT THE TIME OF APPROVAL OF FINAL DEVELOPMENT PLANS.
- B) TO COOPERATE WITH OTHER OWNERS OF OTHER PARCELS AND/OR SPECIAL DISTRICTS IN OFF-SITE ROADWAY AND OPEN SPACE IMPROVEMENTS AS NECESSITATED BY DEVELOPMENT IMPACTS AS MAYBE DETERMINED BY THE BOARD OF COUNTY COMMISSIONERS.
- C) TO INCLUDE SAID DEVELOPMENT IN A MASTER DRAINAGE IMPROVEMENT DISTRICT IF SUCH DISTRICT IS FORMED.

BOARD OF COUNTY COMMISSIONERS APPROVAL

APPROVED BY THE ARAPAHOE COUNTY BOARD OF COMMISSIONERS,
THIS _____ DAY OF _____ A.D., 20__

CHAIR: _____

ATTEST: _____

PLANNING COMMISSION RECOMMENDATION

NOT RECOMMENDED/RECOMMENDED BY THE ARAPAHOE COUNTY PLANNING COMMISSION,
THIS _____ DAY OF _____ A.D., 20__

CHAIR: _____

CASE # Z15-004



7200 E. HAMPDEN AVE. SUITE 300 DENVER, CO 80224 303-298-1644

XENIA STREET TOWNHOMES

ARAPAHOE COUNTY, COLORADO

SUBMITTAL DATE: AUGUST 3, 2015

PROJECT # 14109

REVISIONS:

PHASE II SUBMITTAL 10/07/2015

MYLAR - CHECK PRINT 12/30/2015

REVISED BUILDING SETBACKS 4/26/2016

SHEET
1 OF 2

XENIA ST. TOWNHOMES

PRELIMINARY DEVELOPMENT PLAN

LOCATED IN THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 21, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE SIXTH PRICIPAL MERIDIAN

LEGEND

- EXISTING ROW
- SECTION LINE
- ROW DEDICATION
- PU AND SIGNAGE ESMT.
- LANE STRIP
- SUBJECT PROPERTY LINE
- EX. PROPERTY LINE
- EX. EOA
- EX. FL
- EX. TBC
- EX. SIDEWALK
- EX. STORM PIPE
- EX. INLET
- EX. MANHOLE

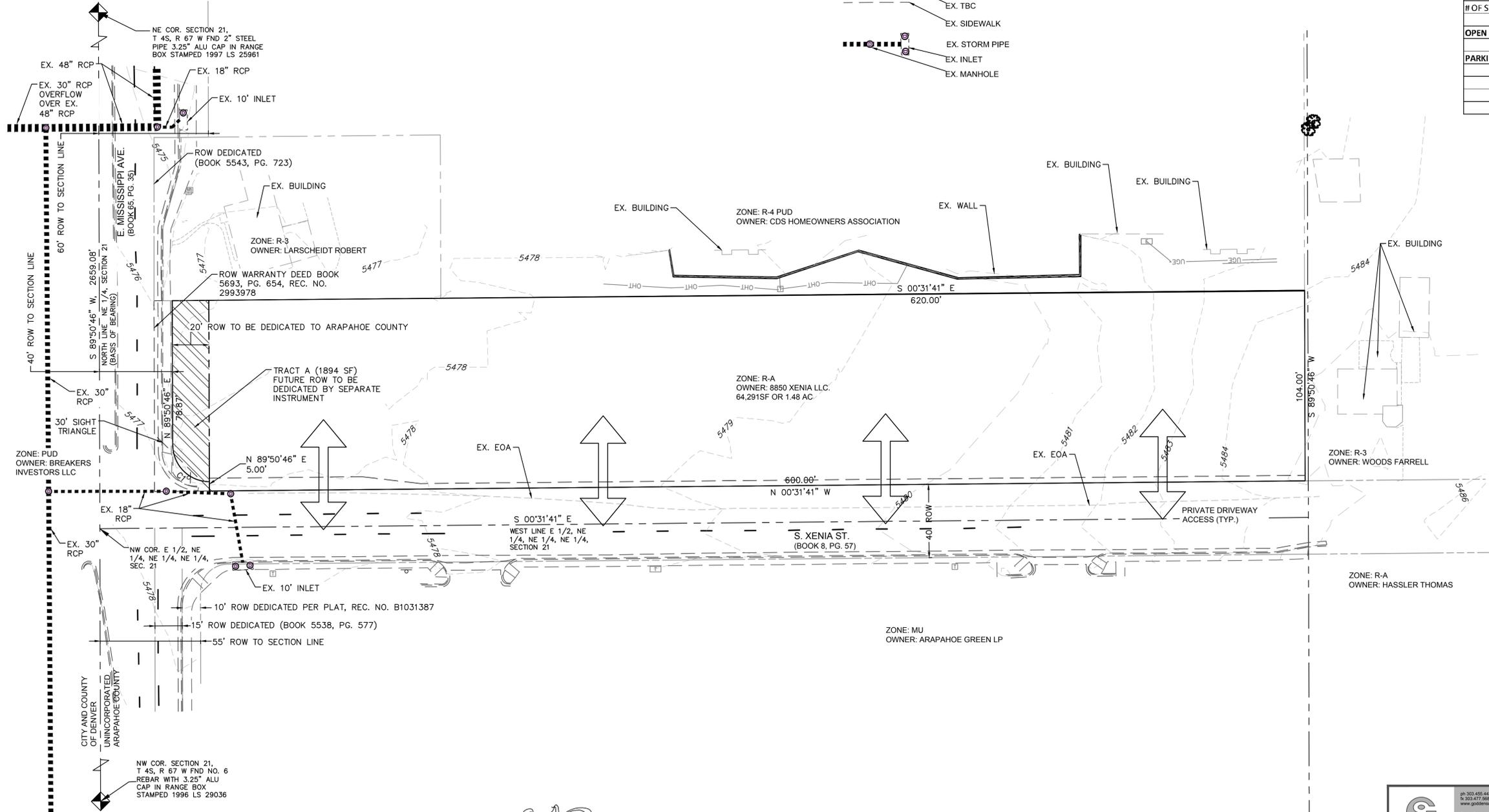
SITE DATA

GROSS AREA	64,291 sf	1.48 ac
E. MISSISSIPPI R.O.W. DEDICATION	1,894 sf	0.05 ac
NET AREA	62,397 sf	1.43 ac
PROPOSED DENSITY	28 UNITS	18.9 DU/AC GROSS 19.6 DU/AC NET
ZONING	EXISTING R-A	PROPOSED R-PH

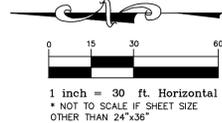
DEVELOPMENT CRITERIA:

PROPERTY SETBACKS: FROM R.O.W. / PROPERTY BOUNDARY		
EAST PROP. BOUNDARY (ADJ. PRIV. PROP.):	15'-0" MIN TO SIDE OF BUILDING	
NORTH PROP. BOUNDARY (E. MISS. AVE.):	70'-0" MIN TO FRONT OF BUILDING	
SOUTH PROP. BOUNDARY (ADJ. PRIV. PROP.):	25'-0" MIN TO FRONT OF BUILDING	
WEST PROP. BOUNDARY (S. XENIA ST.):	7'-6" MIN TO SIDE OF BUILDING	
BUILDING SETBACKS: BUILDING-BUILDING		
GARAGE-GARAGE	30'-0" MIN.	
FRONT-FRONT	40'-0" MIN.	
BUILDINGS		
HEIGHT:	PER COUNTY CODE R-PH	PROPOSED
# OF STORIES:	N/A	38'-0" MAX 3 STORIES
OPEN SPACE: (COVERAGE)		
	35%	35% MINIMUM
PARKING: (MINIMUM)		
STANDARD SPACES:	2.0 SPACES PER UNIT	2.0 SPACES PER UNIT
GUEST SPACES:	0.25 SPACES PER UNIT	0.25 SPACES PER UNIT
ACCESSIBLE PARKING:		
		1 SPACE MIN.

- LANDSCAPING AND BUFFERING WILL BE SHOWN ON THE FINAL DEVELOPMENT PLAN.
- EXTERIOR LIGHTING WILL BE SHOWN ON THE FINAL DEVELOPMENT PLAN.
- SIGNAGE WILL INCLUDE ONE PROJECT IDENTIFICATION SIGN. SIGN DETAILS WILL BE SHOWN ON THE FINAL DEVELOPMENT PLANS AND WILL BE IN ACCORDANCE WITH ARAPAHOE COUNTY CODE.
- PARKING REQUIREMENTS:
2 BEDROOM UNITS (2 STALLS)
3 BEDROOM UNITS (2 STALLS)
PLUS GUESTS (0.25 STALLS/UNIT - BOTH 2 AND 3 BEDROOM UNITS)
- FENCING AND WALL LOCATIONS AND MATERIALS TO BE DETERMINED IN FINAL DEVELOPMENT PLAN.
- PERIMETER FENCE/WALL SHALL BE NO MORE THAN 8' IN HEIGHT.
- MINIMUM UNOBSTRUCTED OPEN SPACE DOES NOT INCLUDE RIGHT OF WAY. IT DOES INCLUDE PUBLIC SIDEWALKS AND LANDSCAPE IN THE PUBLIC USE EASEMENT.
- MAXIMUM BUILDING COVERAGE SHALL NOT EXCEED 35%.



CURVE TABLE					
CURVE #	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	31.42	20.00	90°00'00"	N44°50'46"E	28.28



NOTES:

- IMPROVEMENTS IN S. XENIA ST. SHALL BE PER ARAPAHOE COUNTY STREET CRITERIA.
- PER ARAPAHOE COUNTY LAND DEVELOPMENT CODE, STRUCTURES, SITE AMENITIES OR PLANT MATERIAL GREATER THAN 30' IN HEIGHT ARE NOT PERMITTED WITHIN THE SITE TRIANGLES.
- STORM SEWER SYSTEM WILL BE DESIGNED WITH THE PHASE III DRAINAGE REPORT. CONVEYANCE OF RUNOFF WILL BE THROUGH SWALES, ROADWAY AND UNDERGROUND STORM SYSTEM.
- THE DETENTION FACILITY WILL BE PLACED IN AN EASEMENT AT THE TIME OF THE FINAL PLAT.


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 7200 E. HAMPDEN AVE. SUITE 300 DENVER, CO 80224 303-298-1644

XENIA STREET TOWNHOMES

ARAPAHOE COUNTY, COLORADO	
SUBMITTAL DATE:	AUGUST 3, 2015
PROJECT #	14109
REVISIONS:	
PHASE II SUBMITTAL	10/07/2015
MYLAR - CHECK PRINT	12/30/2015
REVISED BUILDING SETBACKS	4/26/2016

SHEET
2 OF 2

REZONING – WITH PDP

RESOLUTION NO. [Reso #] It was moved by Commissioner [Moved] duly seconded by Commissioner [Seconded] to adopt the following Resolution:

WHEREAS, application has been made by Phelps Engineering services, on behalf of the owner, 8850 Xenia LLC., for the rezoning of certain property hereinafter described from R-A zoning to Residential Planned Unit Development – High Density and approval of a preliminary development plan, Z15-004; and

WHEREAS, after a hearing on this matter, the Arapahoe County Planning Commission has made a favorable recommendation for said change in zoning subject to certain stipulations of said Planning Commission; and

WHEREAS, subsequently public notice has been properly given of such proposed rezoning and preliminary development plan by publication on April 14th, 2016 in the Villager, a newspaper of general circulation within the County of Arapahoe, by posting of said property and by mail notification of adjacent property owners in accordance with the Arapahoe County Zoning Resolution; and

WHEREAS, pursuant to statute and the aforementioned notice provisions, a public hearing was held before the Board of County Commissioners at the Arapahoe County Administration Building, 5334 South Prince Street, Littleton, Colorado, on the 3rd day of May, 2016 at 9:30 o'clock AM, at which time evidence and testimony were presented to the Board concerning said rezoning request; and

WHEREAS, the administrative record for this Case includes, but is not limited to, all duly adopted ordinances, resolutions and regulations, together with all Public Works and Development Department processing policies which relate to the subject matter of the public hearing, the staff files and reports of the Planning and Engineering case managers, and all submittals of the applicant; and

WHEREAS, representations, statements and positions were made by or attributed to the applicant or its representatives on the record, including representations contained in the materials submitted to the Board by the applicant and County staff; and

WHEREAS, the applicant has agreed to all conditions of approval recommended by County staff, and has agreed to execute all agreements and to convey all rights of way and easements recommended by staff, except as stated in this resolution; and

WHEREAS, pursuant to the authority vested unto the Board of County Commissioners by Article 28 of Title 30 C.R.S. as amended, the Board has concluded that the public health, safety, convenience and general welfare, as well as good zoning practice, justifies granting a change in the zoning of the hereinafter described property subject to the conditions precedent and/or other conditions as hereinafter delineated.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County as follows:

1. The Board of County Commissioners for Arapahoe County hereby grants and approves rezoning of the following parcel from R-A zoning to Residential Planned Unit Development – High Density zone district and approval of a preliminary development plan, Z15-004 subject to the conditions precedent and/or other conditions as hereinafter delineated.

LEGAL DESCRIPTION

THAT PART OF THE EAST 1/2 NORTHEAST 1/4 NORTHEAST 1/4 OF SECTION 21, TOWNSHIP 4, RANGE 67 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 30 FEET SOUTH AND 20 FEET EAST OF THE NORTHWEST CORNER OF SAID EAST 1/2 NORTHEAST 1/4 NORTHEAST 1/4 NORTHEAST 1/4;
THENCE EAST 104 FEET;
THENCE SOUTH 630 FEET;
THENCE WEST 104 FEET;
THENCE NORTH 630 FEET TO THE POINT OF BEGINNING, EXCEPT ANY PART OF THE ABOVE DESCRIBED PROPERTY LYING WITHIN THE SOUTHEAST 1/4 NORTHEAST 1/4 NORTHEAST 1/4 NORTHEAST 1/4 OF SAID SECTION 21, AND FURTHER EXCEPT ANY PORTION THEREOF LYING WITHIN THAT PARCEL CONVEYED TO THE COUNTY OF ARAPAHOE AND DESCRIBED IN DEED RECORDED MAY 10, 1989 IN BOOK 5693 AT PAGE 654.

2. Approval of this rezoning and preliminary development plan is based upon the following understandings, agreements and/or representations:
 - a) The applicant's assent and/or agreement to make all modifications to the final version of the documents that are necessary to conform the documents to the form and content requirements of the County in existence at the time the documents are submitted for signature.
 - b) The representations, statements and positions contained in the record that were made by or attributed to the applicant and its representatives, including all such statements contained in materials submitted to the Board by the applicant and County staff.
3. Approval of this rezoning and preliminary development plan shall be and is subject to the following conditions precedent and/or other conditions, which the applicant has accepted and which the applicant is also deemed to accept by preparing a mylar for signature by the Chairman of the Board of County Commissioners within sixty (60) days of this date and by continuing with the development of the property:

- a) The applicant's compliance with the conditions of the Arapahoe County Planning Commission as set forth in its resolution.
 - b) The applicant's compliance with all conditions of approval recommended by the staff case managers in the written staff reports presented to the Board, and any conditions stated by staff on the record. (won't know this until after the BOCC hearing)
 - c) The applicant's compliance with all additional conditions of approval stated by the Board, including (won't know this until after the BOCC hearing).
 - d) The applicant's performance of all commitments and promises made by the applicant or its representatives and stated to the Board on the record, or contained within the materials submitted to the Board.
4. Upon the applicant's completion of any and all changes to the rezoning mylar as may be required by this Resolution, the Chairman of the Board of County Commissioners is hereby authorized to sign same.
 5. That the Zoning Map of Arapahoe County shall be and the same is hereby amended to conform to and reflect said change in zoning.
 6. County planning, engineering and legal staff are authorized to make any changes to the mylar form of the approved document as may be needed to conform the documents to the form and content requirements of the County in existence at the time the documents are submitted for signature, and to make such other changes that are expressly stated by staff before the Board, or are recommended by staff in the written staff reports, or are referred to by the movant Commissioner. No other deviation or variance from the form and content of the documents submitted for the Board's consideration are approved except to the extent stated in this resolution.
 7. The County Attorney, with the concurrence of the planning and/or engineering case managers, is authorized to make appropriate modifications to the resolution and plan documents as needed to accurately reflect the matters presented to the Board and to record and clarify, as necessary, other aspects and ramifications of the Board's action.

The vote was:

Commissioner Bockenfeld, ; Commissioner Doty, ; Commissioner Holen, ; Commissioner Jackson, ; Commissioner Sharpe, .

The Chair declared the motion carried and so ordered.