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

April 26, 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 - March 22, 2016**

   Documents: BOCC PUBLIC MEETING MINUTES 03.22.2016.PDF

2. **BOCC Public Meeting Minutes - March 29, 2016**

   Documents: BOCC PUBLIC MEETING MINUTES 03.29.2016.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**
   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

   Julia McQueen, Business Analyst, Assessor's Office
   Corbin Sakdol, Assessor
   Ron Carl, County Attorney

   Documents: BOARD SUMMARY REPORT FOR APRIL 26 2016.DOC, CONSENT AGENDA 4.26.16.XLS, 2016 RESOLUTION BOARD APPROVAL TEMPLATE.DOC

2. **Abatements**
   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

   Barbara LeBlanc, Paralegal
   Ron Carl, County Attorney

   Documents: DRAFT RESO.DOC, 4-26 BSR.DOC

3. **Abatements**
   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

   Barb LeBlanc, Paralegal
   Ron Carl, County Attorney

   Documents: 4-26 BSR.DOC, DRAFT RESO.DOC

4. **Arapahoe County Fairgrounds Exhibit Hall Fire Lane**
   Adoption of a resolution approving that 25690 East Quincy Avenue be adopted into the Fire Lane Resolution program

   Jennifer Jepson-Cook, Assistant Traffic Engineer, Public Works and Development
   Dave Schmit, Director, Public Works and Development
   Keith Ashby, Purchasing Manager, Finance
   Robert Hill, Senior Assistant County Attorney

   Documents: FIRE LANE CONSENT AGENDA AC FAIRGROUNDS EXHIBIT HALL 4-25-16.DOC, AC EXHIBIT HALL FIRE LANE REQUEST.PDF

5. **1200 South Valentia Court Fire Lane Resolution**
   Adoption of a resolution approving Alpert Development, Inc's request pertaining to Final Development Plan case number P07-008 that 1200 South Valentia Court, located south of Mississippi Avenue between the 1200 block of South Valentia and the 1200 block of South Willow Street, be adopted into the Fire Lane Resolution program

   Jennifer Jepson-Cook, Assistant Traffic Engineer, Public Works and Development
   Dave Schmit, Director, Public Works and Development
   Keith Ashby, Purchasing Manager, Finance

Robert Hill, Senior Assistant County Attorney

Documents: FIRE LANE CONSENT AGENDA VALENTIA COURT.DOC, VALENTIA CT FIRE LANE REQUEST.PDF

GENERAL BUSINESS ITEMS

1. ***PUBLIC HEARING - Cherry Tree Estates Preliminary Development Plan (Z15-001)**
   Consideration of a request that the Board of County Commissioners approve the Cherry Tree Estates Preliminary Development Plan (Case: Z15-001)proposing to rezone 10.656 acres from Agricultural-2 (A-2) to Mixed Use - Planned Unit Development (MU-PUD) for senior housing

   Presenter - Molly Orkild-Larson, Senior Planner, Public Works and Development
   Jan Yeckes, Planning Division Manager, Public Works and Development
   Dave Schmit, Director, Public Works and Development
   Todd Weaver, Budget Manager, Finance
   Robert Hill, Senior Assistant County Attorney

   Documents: 1_BSR Z15-001.PDF, 2_SR Z15-001.PDF, 3_APPLIC MATERIALS Z15-001.PDF, 4_EXHIBIT Z15-001.PDF, 5_MOTIONS Z15-001.PDF, 6_RESOLUTION Z15-001.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.**

Arapahoe County is committed to making its public meetings accessible to persons with disabilities. 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, MARCH 29, 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**
Joleen Sanchez	**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 Holen 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.

The audio recording is the official County record of this meeting. Written minutes are a summary of the meeting and provided as a courtesy only.

CONSENT AGENDA

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

The motion passed 5-0.

GENERAL BUSINESS ITEMS

There were no general business items on this date.

COMMISSIONER COMMENTS

Commissioner Holen stated this week marks the 50th anniversary of the Viet Nam war. He acknowledged his fellow veterans and those who did not come home. The Board recognized a moment of silence for the servicemen who died in that conflict.

Commissioner Doty took a moment to remember the many victims of the bombings in Brussels. She said there is not much we can do from here to assist in the devastation, we can take time to remember them in our thoughts and prayers.

She stated that on Good Friday, Father Tom Uzhunnalil was crucified by ISIS in Yemen, and she wondered when this madness will stop.

There being no other business before the Board, the public meeting was adjourned by Commissioner Doty at 9:38 a.m.

ARAPAHOE COUNTY BOARD OF COUNTY COMMISSIONERS

_____

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

The audio recording is the official County record of this meeting. Written minutes are a summary of the meeting and provided as a courtesy only.

MINUTES OF THE ARAPAHOE COUNTY
BOARD OF COUNTY COMMISSIONERS
TUESDAY, MARCH 29, 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**
Joleen Sanchez	**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 Holen 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.

The audio recording is the official County record of this meeting. Written minutes are a summary of the meeting and provided as a courtesy only.

CONSENT AGENDA

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

The motion passed 5-0.

GENERAL BUSINESS ITEMS

There were no general business items on this date.

COMMISSIONER COMMENTS

Commissioner Holen stated this week marks the 50th anniversary of the Viet Nam war. He acknowledged his fellow veterans and those who did not come home. The Board recognized a moment of silence for the servicemen who died in that conflict.

Commissioner Doty took a moment to remember the many victims of the bombings in Brussels. She said there is not much we can do from here to assist in the devastation, we can take time to remember them in our thoughts and prayers.

She stated that on Good Friday, Father Tom Uzhunnalil was crucified by ISIS in Yemen, and she wondered when this madness will stop.

There being no other business before the Board, the public meeting was adjourned by Commissioner Doty at 9:38 a.m.

ARAPAHOE COUNTY BOARD OF COUNTY COMMISSIONERS

_____

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

The audio recording is the official County record of this meeting. Written minutes are a summary of the meeting and provided as a courtesy only.

Board Summary Report

Date: **April 26, 2016**

To: Board of County Commissioners

Through: Corbin Sakdol, Assessor

From: Julia McQueen, Business Analyst

Subject: Abatements (1 Resolution Number)

Purpose and Recommendation

The purpose of this request is to obtain the authorization for the Chair to sign a resolution approving the recommendations of the Assessor concerning the listed abatements.

Background

These abatements were filed by the Assessor's Office. C.R.S. 39-1-113(1) states, "…no decision on any petition regarding abatement or refund of taxes shall be made unless a hearing is had thereon…"

Discussion

The following approved abatements are the recommendation of the Assessor.

Per attached listing

I NEED 1 RESOLUTION NUMBER

Alternatives

Fiscal Impact

A decrease in the taxes collected on approved petitions.

Concurrence

The Assessor and County Attorney support these recommendations.

Reviewed By

Ronald A. Carl, County Attorney
Corbin Sakdol, Assessor
Julia McQueen, Business Analyst

Consent Agenda 4/26/2016

Parcel/Schedule Number	Petitioner Name and Address	Year(s)	previous tax	new tax	refund
2073-30-2-13-001	PPG MOB FUND IA LLC 14000 E ARAPAHOE RD	2015	287,738.00	-	$287,738.00
Computation error - incorrect data input resulted in erroneous value. C.R.S. 39-5-122.					
2075-21-1-34-002	SHEA COLORADO LLC 6360 S FIDDLERS GREEN CIR	2015	384,330.94	64,085.40	320,245.54
Computation error - incorrect data input resulted in erroneous value. C.R.S. 39-5-122.					
TOTALS			$672,068.94	$64,085.40	$607,983.54

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

RESOLUTION NO. 160 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, _____, 2016; 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
_____			
_____			

The vote was:

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

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 160--- 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, April 26, 2016; 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
Bank Midwest	2075-16-4-06-002	2013	$22,719.13
Information received from poprety owner, after the original value was placed on property, resulted in a reduction to that property's value.			
Lazy K S Ranch	1977-00-0-00-372	2015	$37,329.62
This petition is based on “Overvaluation” and the recommendation for approval is based on C.R.S.39-10-114(1)(a)(l)(A).			
Lazy K S Ranch	1977-00-0-00-348	2015	$27,073.02
This petition is based on “Overvaluation” and the recommendation for approval is based on C.R.S.39-10-114(1)(a)(l)(A).			
United Launch Alliance	27392-70342-001	2013	$201,113.22
C.R.S. 39-10-114(1)(a)(l)(A) now allows errors by the property owner in the declaration to be abated.			

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: **April 4, 2016**

To: Board of County Commissioners

Through: Ron Carl, County Attorney

From: Barbara LeBlanc, Paralegal

Subject: Abatement

Request and Recommendation
The purpose of this request is to obtain the authorization for the Chair to sign a resolution approving the recommendations of the Assessor concerning the listed abatement.

Background
These abatements were filed by petitioners and approved the Assessor's Office. C.R.S. 39-1-113(1) states. . ."no decision on any petition regarding abatements or refund of taxes shall be made unless a hearing is had thereon. . ."

Discussion
Attached in draft resolution

Alternatives:
None

Fiscal Impact
A decrease in the taxes collected on approval abatements.

Concurrence
The Assessor and County Attorney support these recommendations.

Reviewed by:
Barbara LeBlanc, Paralegal
Ron Carl, County Attorney

Board Summary Report

Date: **April 4, 2016**

To: Board of County Commissioners

Through: Ron Carl, County Attorney

From: Barbara LeBlanc, Paralegal

Subject: Abatement

Request and Recommendation
The purpose of this request is to obtain the authorization for the Chair to sign a resolution approving the recommendations of the Assessor concerning the listed abatement.

Background
These abatements were filed by petitioners and approved the Assessor's Office. C.R.S. 39-1-113(1) states. . ."no decision on any petition regarding abatements or refund of taxes shall be made unless a hearing is had thereon. . ."

Discussion
Attached in draft resolution

Alternatives:
None

Fiscal Impact
A decrease in the taxes collected on approval abatements.

Concurrence
The Assessor and County Attorney support these recommendations.

Reviewed by:
Barbara LeBlanc, Paralegal
Ron Carl, 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 of Arapahoe County met at a duly and lawfully called meeting held on Tuesday, April 26, 2016; 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.

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Bank Midwest	2075-16-4-06-002	2013	$22,719.13
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United Launch Alliance	27392-70342-001	2013	$201,113.22
C.R.S. 39-10-114(1)(a)(l)(A) now allows errors by the property owner in the declaration to be abated.			

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: April 11, 2016

To: Board of County Commissioners

Through: David M Schmit, P.E., Director, Public Works and Development

From: Jennifer Jepsen-Cook, Assistant Traffic Engineer

Subject: Consent for Fire Lane Resolution

Request and Recommendation
Arapahoe County Facilities and Fleet Management is asking that 25690 East Quincy Avenue be adopted into the Fire Lane Resolution program. Cunningham FPD has determined that in the interest of safety, these lanes should be marked and determined enforceable under said resolution.

The Board of County Commissioners has the authority pursuant to section 42-4-1210, C.R.S. to designate areas on private property for authorized vehicles. The Board of County Commissioners also has authority pursuant to 18-9-117, C.R.S. to adopt rules for regulating use of public property.

Background
Cars parked in fire lanes block the access of emergency vehicles. Therefore, a Fire Lane restriction is warranted.

Discussion
This Transportation Division has reviewed the attached request and supports this resolution.

Alternatives
Approve or deny said request.

Fiscal Impact
There is no fiscal impact.

Concurrence:
Arapahoe County Sheriff's office and Cunningham Fire Protection District support this resolution**.**

Attorney Comments
N/A

Reviewed By:
Staff Member – Jennifer Jepsen-Cook
Department Director or Elected Official – Dave Schmit
County Attorney – Robert Hill

FIRE LANE DESIGNATION

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

WHEREAS, Section 42-4-1210, C.R.S., allows the Board of County Commissioners to designate certain areas on private property for use by authorized vehicles only; and

WHEREAS, on August 25, 1981, the Board of County Commissioners adopted Resolution No. 891-81 which established certain procedures to be utilized to designate such areas for enforcement by the Arapahoe County Sheriff's Office; and

WHEREAS, in relation to this matter, the Arapahoe County Facilities has submitted a request to designate certain parking and drive areas within 25690 East Quincy Avenue for use by authorized vehicles only; and

WHEREAS, a map has been submitted with said request showing said areas to be designated as required by the Board of County Commissioners; and

WHEREAS, the Transportation Division of the Arapahoe County Department of Public Works and Development has referred this matter to the Arapahoe County Attorney, Arapahoe County Sheriff's Office and the Cunningham Fire Protection District for review and comment as required by the Board of County Commissioners; and

WHEREAS, there has been no objection to said designation by any of the aforementioned agencies; and

WHEREAS, on the basis of the above request and referrals, and the authority of the Board of County Commissioners pursuant to Section 42-4-1210, C.R.S., the Board desires to designate certain areas within as Fire Lanes and/or Emergency Parking Only.

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

1) The Board hereby designates those areas within 25690 East Quincy Ave. as shown on the map as submitted, as Fire Lanes and/or Emergency Vehicle Parking Only.

2) The Board hereby directs the Transportation Division of the Department of Public Works and Development to notify the Arapahoe County Sheriff's Office, the Cunningham Fire Protection District, and the Arapahoe County Facilities and Fleet Management of said designation by the Board.

3) The Board hereby directs that enforcement of said designated areas begin as soon as the Arapahoe County Traffic Engineer approves the signage and markings as being consistent with the Manual on Uniform Traffic Control Devices.

4) In the event that additional or different signage or markings for this site are required by the Arapahoe County Transportation Division, no cost shall be borne by Arapahoe County for installation of said signage or markings.

5) All said signs and markings shall be keyed to the Manual on Uniform Traffic Control Devices for all classes of streets and highways as adopted by the Colorado Department of Transportation and said signs shall be erected in accordance with said Manual at approximately the location(s) designated on the diagram submitted with said request and as approved by the Arapahoe County Transportation Division.

6) Designation of said areas shall continue until the Board of County Commissioners receives written notice from Arapahoe County Facilities, 25690 E Quincy Avenue that their request for designation is withdrawn.

7) Any fines or forfeitures collected by the courts for violations of Section 42-4-1210, C.R.S., shall be paid into the treasury of Arapahoe County monthly.

RESOLUTION NO. _____. It was moved by Commissioner _____ and duly seconded by Commissioner _____ to adopt the (Name of Contract, Policy, or other item being presented for approval) as presented to the Board of County Commissioners on this date.

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

Facilities and Fleet Management

1610 West Littleton Boulevard, Suite 100
Littleton, Colorado 80120
Phone: 303-734-5489
Fax: 303-734-5452
TDD: 303-738-7915
www.arapahoegov.com
ffm@arapahoegov.com

DICK HAWES
Director

April 30, 2015

Arapahoe County Attorney's Office
5334 South Prince Street
Littleton, CO 80166

Re: Inclusion into fire lane program- Arapahoe County Fairgrounds Exhibit Hall

To Whom It May Concern:

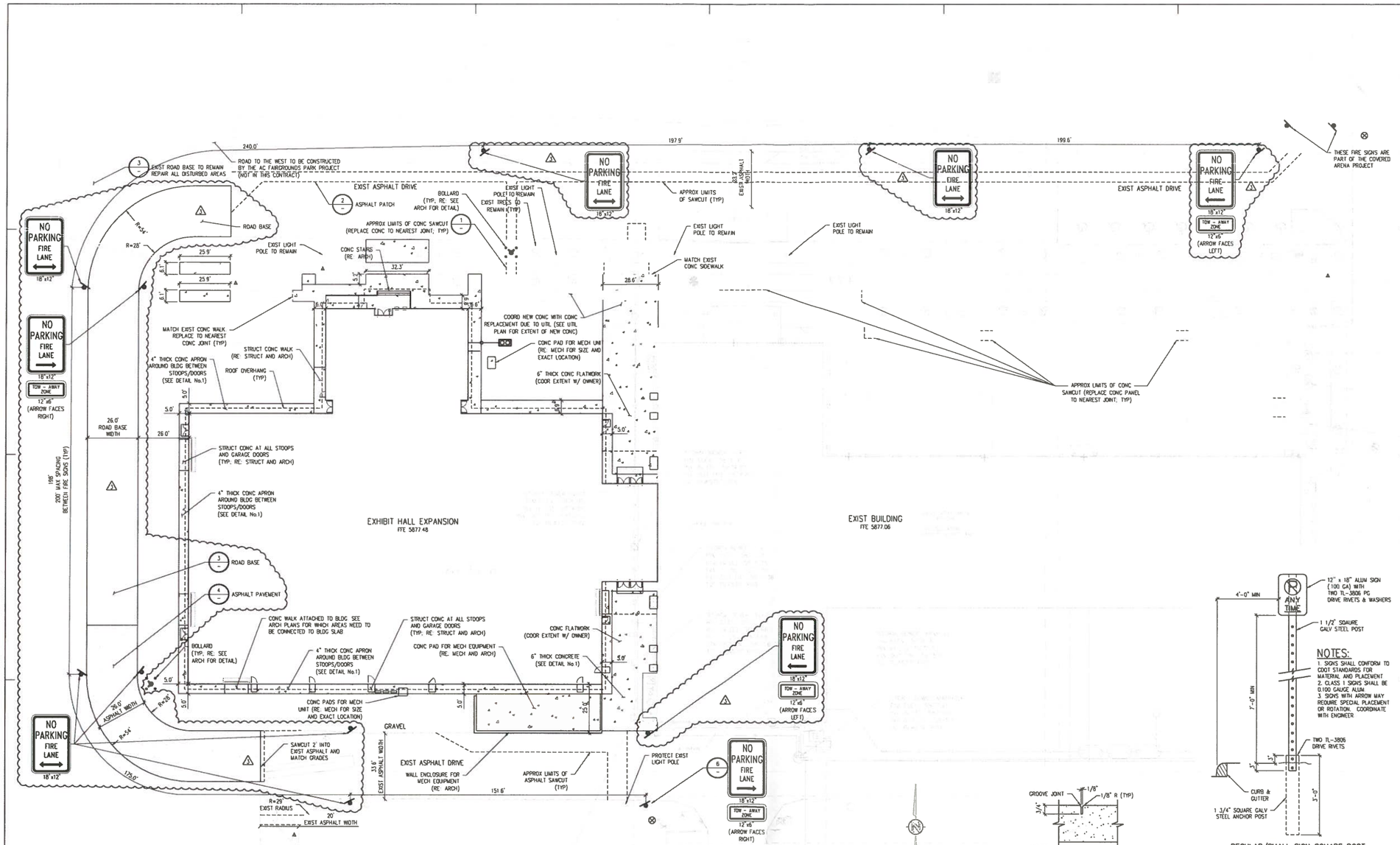
Please accept this letter as a formal request for the Arapahoe County Fairgrounds Exhibit Hall, located at 25690 E. Quincy Avenue, to participate in the county program for enforcement of private property parking.

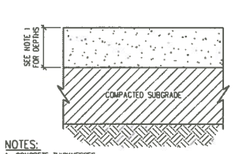
This program will help us maintain unobstructed fire apparatus access within our property in the event of a fire or other emergency.

Sincerely,

Ken Morris
Manager of Project Operations

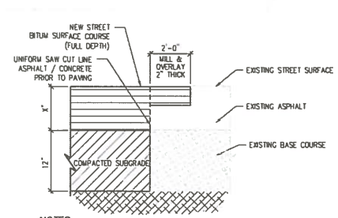
ARAPAHOE COUNTY GOVERNMENT





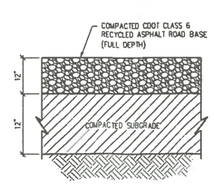
NOTES:
1. CONCRETE THICKNESSES:
   4" FOR CONC APRON AROUND BLDG BETWEEN STOOPS/DOORS (SEE STRUCT AND ARCH FOR STRUCT CONC DETAILS AT STOOPS AND GARAGE DOORS)
   6" FOR WALKS AND DRIVES
   8" FOR TRASH PADS
2. COMPACT SUBGRADE PER SPECIFICATIONS.
3. SEE CONTRACTION JOINT AND EXPANSION JOINT DETAILS.

CONCRETE PAVING SECTION DETAIL 1
NTS

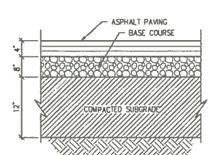


NOTES:
1. MATCH EXIST ASPHALT DEPTH UNLESS OTHERWISE SPECIFIED
2. COMPACT SUBGRADE TO 95% STD PROCTOR (ASTM D698) 2% OPTIMUM MOISTURE CONTENT

ASPHALT PATCH DETAIL 2
NTS

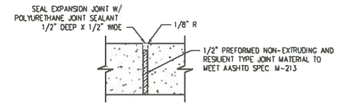


ROAD BASE SECTION DETAIL 3
NTS



NOTES:
1. COMPACT SUBGRADE PER SPECIFICATIONS.

ASPHALT PAVING DETAIL 4
NTS



NOTE:
EXPANSION JOINTS EVERY 100' MAX AND WHEREVER SIDEWALK ABUTS EXISTING & PROPOSED CONCRETE STRUCTURES (TYP)

EXPANSION JOINT DETAIL 5
NTS

NOTE:
CONTRACTION JOINTS AT INTERVAL TO MATCH WIDTH OF SIDEWALK (TYP)

CONTRACTION JOINT DETAIL 7
NTS

NOTES:
1. SIGNS SHALL CONFORM TO CDOT STANDARDS FOR MATERIAL AND PLACEMENT
2. CLASS 1 SIGNS SHALL BE 0.100 GAUGE ALUM
3. SIGNS WITH ARROW MAY REQUIRE SPECIAL PLACEMENT OR ROTATION. COORDINATE WITH ENGINEER

REGULAR/SMALL SIGN SQUARE POST
FOR USE W/ SINGLE SMALL SIGN (MAX SIZE 12"W X 18"H)

SIGN DETAIL 6
NTS

Pahl ARCHITECTURE
303 EAST 17TH AVENUE SUITE 555
DENVER, CO 80203-1256
T (303) 861 7147 | F (303) 861 7227
www.pahlarch.com

OWNER
Arapahoe County
Colorado's First

CONSULTANT
JVA, Incorporated
1319 Spruce Street
Boulder, CO 80302
Phone: 303.444.1951
Fax: 303.444.1957
e-mail info@jvajva.com

JVA JOB NO. 2244c

ARAPAHOE COUNTY EXHIBIT HALL EXPANSION

25690 E QUINCY AVE
AURORA, CO 80016

PROJECT NORTH | TRUE NORTH

PROJECT NO 13117 | COPYRIGHT: 2014, Denver, Colorado

SHEET CHECK: PM | KJC | JC | XT

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REVISIONS

MARK	DESCRIPTION	DATE
1	PERMIT AND OWNER COMMENTS	03/06/2015
3	ADDENDUM No.1	03/20/2015

SHEET TITLE:
HORIZONTAL CONTROL PLAN

C3.0

ISSUE: CONSTRUCTION DOCUMENTS DECEMBER 19, 2014

Board Summary Report

Date: April 11, 2016

To: Board of County Commissioners

Through: David M Schmit, P.E., Director, Public Works and Development

From: Jennifer Jepsen-Cook, Assistant Traffic Engineer

Subject: Consent for Fire Lane Resolution

Request and Recommendation
Alpert Development is asking that 1200 South Valentia Court located south of Mississippi Avenue between the 1200 block of South Valentia and the 1200 block of South Willow Street be adopted into the Fire Lane Resolution program. Cunningham FPD has determined that in the interest of safety, these lanes should be marked and determined enforceable under said resolution.

The Board of County Commissioners has the authority pursuant to section 42-4-1210, C.R.S. to designate areas on private property for authorized vehicles. The Board of County Commissioners also has authority pursuant to 18-9-117, C.R.S. to adopt rules for regulating use of public property.

Background
Cars parked in fire lanes block the access of emergency vehicles. Therefore, a Fire Lane restriction is warranted.

Discussion
This Transportation Division has reviewed the attached request and supports this resolution.

Alternatives
Approve or deny said request.

Fiscal Impact
There is no fiscal impact.

Concurrence:
Arapahoe County Sheriff's office and Cunningham Fire Protection District support this resolution**.**

Attorney Comments
N/A

Reviewed By:
Staff Member – Jennifer Jepsen-Cook
Department Director or Elected Official – Dave Schmit
County Attorney – Robert Hill

FIRE LANE DESIGNATION

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

WHEREAS, Section 42-4-1210, C.R.S., allows the Board of County Commissioners to designate certain areas on private property for use by authorized vehicles only; and

WHEREAS, on August 25, 1981, the Board of County Commissioners adopted Resolution No. 891-81 which established certain procedures to be utilized to designate such areas for enforcement by the Arapahoe County Sheriff's Office; and

WHEREAS, in relation to this matter, the Arapahoe County Facilities has submitted a request to designate certain parking and drive areas within 1200 South Valentia Court located south of Mississippi Avenue between the 1200 block of South Valentia and the 1200 block of South Willow St for use by authorized vehicles only; and

WHEREAS, a map has been submitted with said request showing said areas to be designated as required by the Board of County Commissioners; and

WHEREAS, the Transportation Division of the Arapahoe County Department of Public Works and Development has referred this matter to the Arapahoe County Attorney, Arapahoe County Sheriff's Office and the Cunningham Fire Protection District for review and comment as required by the Board of County Commissioners; and

WHEREAS, there has been no objection to said designation by any of the aforementioned agencies; and

WHEREAS, on the basis of the above request and referrals, and the authority of the Board of County Commissioners pursuant to Section 42-4-1210, C.R.S., the Board desires to designate certain areas within as Fire Lanes and/or Emergency Parking Only.

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

1) The Board hereby designates those areas within 1200 South Valentia Court located south of Mississippi Avenue between the 1200 block of South Valentia and the 1200 block of South Willow St as shown on the map as submitted, as Fire Lanes and/or Emergency Vehicle Parking Only.

2) The Board hereby directs the Transportation Division of the Department of Public Works and Development to notify the Arapahoe County Sheriff's Office, the Cunningham Fire Protection District, and the Arapahoe County Facilities and Fleet Management of said designation by the Board.

3) The Board hereby directs that enforcement of said designated areas begin as soon as the Arapahoe County Traffic Engineer approves the signage and markings as being consistent with the Manual on Uniform Traffic Control Devices.

4) In the event that additional or different signage or markings for this site are required by the Arapahoe County Transportation Division, no cost shall be borne by Arapahoe County for installation of said signage or markings.

5) All said signs and markings shall be keyed to the Manual on Uniform Traffic Control Devices for all classes of streets and highways as adopted by the Colorado Department of Transportation and said signs shall be erected in accordance with said Manual at approximately the location(s) designated on the diagram submitted with said request and as approved by the Arapahoe County Transportation Division.

6) Designation of said areas shall continue until the Board of County Commissioners receives written notice from Alpert Development. Inc., 9145 E. Kenyon Avenue, Denver, CO 80237 that their request for designation is withdrawn.

7) Any fines or forfeitures collected by the courts for violations of Section 42-4-1210, C.R.S., shall be paid into the treasury of Arapahoe County monthly.

RESOLUTION NO. _____. It was moved by Commissioner _____ and duly seconded by Commissioner _____ to adopt the (Name of Contract, Policy, or other item being presented for approval) as presented to the Board of County Commissioners on this date.

The vote was:

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

The Chair declared the motion carried and so ordered.

ALPERT DEVELOPMENT INC.

August 29, 2007

Arapahoe County Attorney's Office
5334 South Prince Street
Littleton, Colorado 80166

RE: Inclusion into Fire Lane Program for Valentia Court/FDP Case No. P07-008
Location: 1200 South Valentia Street

Dear Sir or Madam:

Please accept this letter as a formal request for Valentia Court located south of Mississippi Avenue between the 1200 Block of South Valentia Street and the 1200 Block of South Willow Street, Denver, Colorado 80247 in Unincorporated Arapahoe County to participate in the County program for enforcement of Private Property parking.

This program will assist the Homeowners' Association with maintaining unobstructed ingress of fire apparatus and egress of personnel from the premises in the event of a fire or other emergency.

Sincerely,

Alpert Development, Inc.

Scott Alpert
President

9145 E. Kenyon Ave., Suite 100 • Denver, CO 80237 • 303/220-0040 • 303/267-0194 Fax

UNPLATTED

LOT 1, BLOCK 1
WILLOWMISS SUBDIVISION FILING NO. 1

TRACT F

BLOCK 1

EAST ARIZONA PLACE

TRACT A

TRACT C

TRACT B

TRACT D

BLOCK 2

BLOCK 3

BLOCK 4

TRACT E

SOUTH VALENTIA COURT

SOUTH VERBENA STREET

SOUTH WABASH STREET

SOUTH WABASH COURT

EAST ARIZONA PLACE

EAST LOUISIANA AVENUE

South Valentia Street (60')

South Willow Street (60')

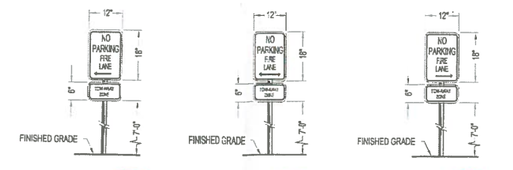
DEVON SQUARE SUBDIVISION

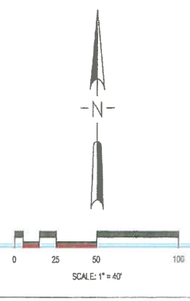
UNPLATTED

UNPLATTED

LOT 1, VALENTIA MINI STORAGE

CUNNINGHAM FIRE PROTECTION DISTRICT
Fire Prevention Bureau
Plan Reviewer:
Date: 3/22/14





811
Know what's below.
Call before you dig.
CALL 2 BUSINESS DAYS IN ADVANCE
FOR THE MARKING OF UNDERGROUND UTILITIES
BEFORE YOU DIG, GRADE, OR EXCAVATE.

No.	Revisions	Date	By

Reams & Patterson, Inc.
Consulting Engineers and Land Surveyors
2950 South Jamaica Court, Suite 311
Aurora, Colorado 80014
(303) 745-4747
ATTN: STEPHEN REAMS

PROJECT: A PORTION OF THE NE 1/4 OF SECTION 21, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE 6TH P.M.
ARAPAHOE COUNTY, COLORADO

VALENTIA COURT SUBDIVISION FILING NO. 1

Fire Lane Plan

Designed	SBR	Scale	1" = 40'
Drawn	DCA		
Checked	SBR	Date	AUGUST 29, 2007
Sheet	1	Job No.	10502
File			

ARAPAHOE COUNTY
COLORADO'S FIRST

Board Summary Report

Date: April 12, 2016 **Hearing Date:** April 26, 2016

To: Board of County Commissioners

Through: Jan Yeckes, Planning Division Manager

From: Molly Orkild-Larson, Senior Planner

Subject: Cherry Tree Estates Preliminary Development Plan (PDP)

Request and Recommendation

Request:

The PDP proposes to rezone 10.656 acres from Agricultural-2 (A-2) to Mixed Use - Planned Unit Development (MU-PUD).

The application is for a residential community for individuals 55 years of age or older needing assistance in one or more daily life activities due to handicaps that limit their capacities to care for themselves (assisted living) and residential housing for independent seniors.

The applicant proposes that this community comply with the Housing for Older Persons Act of 1995 Amendment to the Fair Housing Act (HOPA), which exempts senior housing communities from certain anti-discrimination provisions of the Fair Housing Act. In order to qualify for the exemption for housing for older persons, at least 80 percent of the occupied units must be occupied by at least one person who is 55 years of age or older and the community must publish and follow policies and procedures which demonstrate an intent to be a 55 and older community. The County, however, is not the responsible enforcement authority for the Fair Housing Act or the requirements of HOPA.

<u>Planning Areas</u>

This subject parcel is divided into two development areas, Planning Areas 1 and 2. These areas are separated by a 75' wide overhead power line easement.

- Planning Area 1:
  Planning Area 1 is 4.8 acres in size and proposes a maximum of 10 dwelling units (du) with a density of 2.06 dwelling units per acre (du/ac). Land uses proposed for this area

include assisted living and single family attached dwelling units for seniors living independently.

The assisted living will be housed in a residence and contain a kitchen, one to two living areas, and bedrooms to accommodate up to 16 residents, as specified on the PDP. The applicant defines an assisted living residence as *"A residential facility that makes available to three (3) or more persons, not related to the owner of such facility, either directly or indirectly through a resident agreement with the resident, room and board and at least the following services: personal services; protective oversight; social care due to impaired capacity to live independently; and regular supervision that shall be available on a twenty-four (24) hour basis, but not to the extent that regular twenty-four (24) hour medical or nursing care is required as defined under CCR 1011-1."* (Arapahoe County Land Development Code, Chapter 19: Definitions)

The height of the buildings in Planning Area 1 will be no more than two stories with a maximum height of 32'. Building setbacks from all property lines will be a minimum of 20'.

- Planning Area 2:
  Planning Area 2 is 5.8 acres and proposes a maximum of 43 du with a maximum density of 7.41 du/ac. Land uses proposed for this area include assisted living residences and independent senior housing such as single family detached residential and single family attached residential. A club house is proposed as an accessory use and to be used by residents and staff of the development. This building may contain an office, kitchen facilities and gathering area for social activities and events.

  In the original submittal, the maximum height for buildings in Planning Area 2 was 42' and no more than three stories. However, during the Planning Commission public hearing, the applicant agreed to the proposed Four Square Mile Neighborhood group's suggestion of a maximum height of 38' and no more than three stories. Building setbacks from the property lines will be a minimum of 20'.

  The subject property proposes a total of 53 du for both planning areas, with a gross maximum density of 4.97 du/ac.

Recommendation:

Planning Commission (PC): On February 16, 2016 the PC held a public hearing on the PDP and recommended approval with conditions by a vote of 6 to 1. The PC amended condition 5 by recommending the placement of a sidewalk along the perimeter of the development in order to provide a pedestrian connection between E. Colorado Avenue and S. Quebec Street, as well as connectivity between the development and adjacent neighborhoods.

Background
The existing parcel is vacant. The property is unplatted and was created as a remnant parcel. The parcel is triangular in shape and surrounded by the City and County of Denver.

The south portion of the project, Planning Area 2, is the location of a former Denver municipal waste site. With the closure of the waste site, the parcel continued to be the local dumping ground (i.e., grass clippings, tree branches, etc.). There are 24 monitoring wells on the property operated by the Colorado Department of Public Health and Environment (CDPHE) to monitor methane. Six monitoring wells are still producing methane gas. The applicant has been speaking with CDPHE about their voluntary cleanup program and developing a Materials Management Plan. The applicant plans to remove all land fill material prior to developing the site. Staff has a condition of approval that the applicant remove land fill debris on-site before development occurs.

Links to Align Arapahoe
This request, if approved, could improve the County's economic environment by generating new jobs.

Discussion
Building Heights
In order to make the proposed development more compatible with the surrounding residential development, the applicant proposes:

- restricting the buildings in Planning Area 1 to two stories which matches the number of stories of the adjacent Concha subdivision;
- restricting the buildings in Planning Area 2 to three stories which matches the number of stories of the adjacent Granville West townhomes; and,
- using similar architectural styles and materials of the surrounding neighborhoods.

To further enhance compatibility with the adjacent single-family homes, Planning Commission and staff recommend requiring pitched roofs on all buildings in Planning Area 1 oriented parallel to the property line to provide a transition from lower heights adjacent to neighboring properties to the maximum building height at the peak of the roof.

Access
Access to the development will be from S. Quebec Street and E. Colorado Avenue through the City and County of Denver (City) property. The applicant has obtained access permits for both points of access from the City. The primary access to the site will be from S. Quebec Street and restricted to a right-in and right-out turning movement due to the median in S. Quebec Street. The approval of these permits was based on a conceptual design which takes into consideration sight distance lines, fire truck turning radii and existing utility poles and bridge along S. Quebec Street (see attached letter).

The roadway within the development will be private and designed with traffic calming measures which may include one or more elements such as a curvilinear roadway design, round-abouts, signage, speed bumps and gates at either or both entrances and exits of the

development. In response to neighborhood concerns about the potential cut-through traffic from S. Quebec Street to E. Colorado Avenue, the applicant committed to specifying traffic calming measures with the Final Development Plan (FDP).

Landfill

Tri-County Health Department indicates in their referral letter that the subject property is located on a former landfill and flammable gas from the landfill can be a hazard. This agency recommends that the applicant to work with CDPHE Hazardous Materials and Waste Management Division to develop a Materials Management Plan and other related plans and incorporate flammable gas control systems into the project.

Tri-County Health contacted CDPHE on January 25, 2016 to discuss the proposed cleanup of the property by the applicant. If the applicant removes all landfill material on the property Tri-County Health then doesn't see the need to install flammable gas control systems on-site.

The applicant is aware of the site's history and has met with CDPHE to discuss what process and management plan will be needed for the removal of the on-site debris. Staff is making a condition of approval to address this issue at FDP.

PC Public Hearing – Public Comment

At the PC hearing, a representative from the Four Square Mile Neighborhood group spoke in favor of the project, including the proposed 38' height limit proposed in Planning Area 2. A letter from Councilman Kashmann with the City and County of Denver was also read into the record. Councilman Kashmann indicated that areas of special concern were the effects on the neighbors to the north and east of the proposed development. Their concerns included impacts to the streets in the area and the design of the east access of the property. Twenty-two residents of Denver spoke in opposition, citing concerns about traffic in the area, traffic cutting through the development, pedestrian/bike safety along S. Quebec Street, difficulty of accessing the site from southbound S. Quebec Street, safety at the E. Iowa Avenue and S. Quebec Street intersection, parking needs for this type of use, building heights, building design, the fact that a portion of the residents could be under 55 years of age, allowing independent living, changes in the plans during the process, environmental cleanup, non-compliance with the sub-area plan, and proximity to the Concha 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 could have some positive fiscal impact on the County.

Reviewed By

The Board Summary Report has been reviewed by the Planning and Engineering Service Divisions of Public Works and Development, and County Attorney's Office. The application was additionally reviewed by SEMSWA, Tri-County Health Department, City and County of Denver Wastewater and Planning, Cunningham Fire Protection District, Cherry Creek Valley Water and Sanitation, Xcel Energy and other referral agencies.

Staff Member
Division Manager: Jan Yeckes
Department Director or Elected Official: Dave Schmit
Finance Department: Todd Weaver
County Attorney: Robert Hill

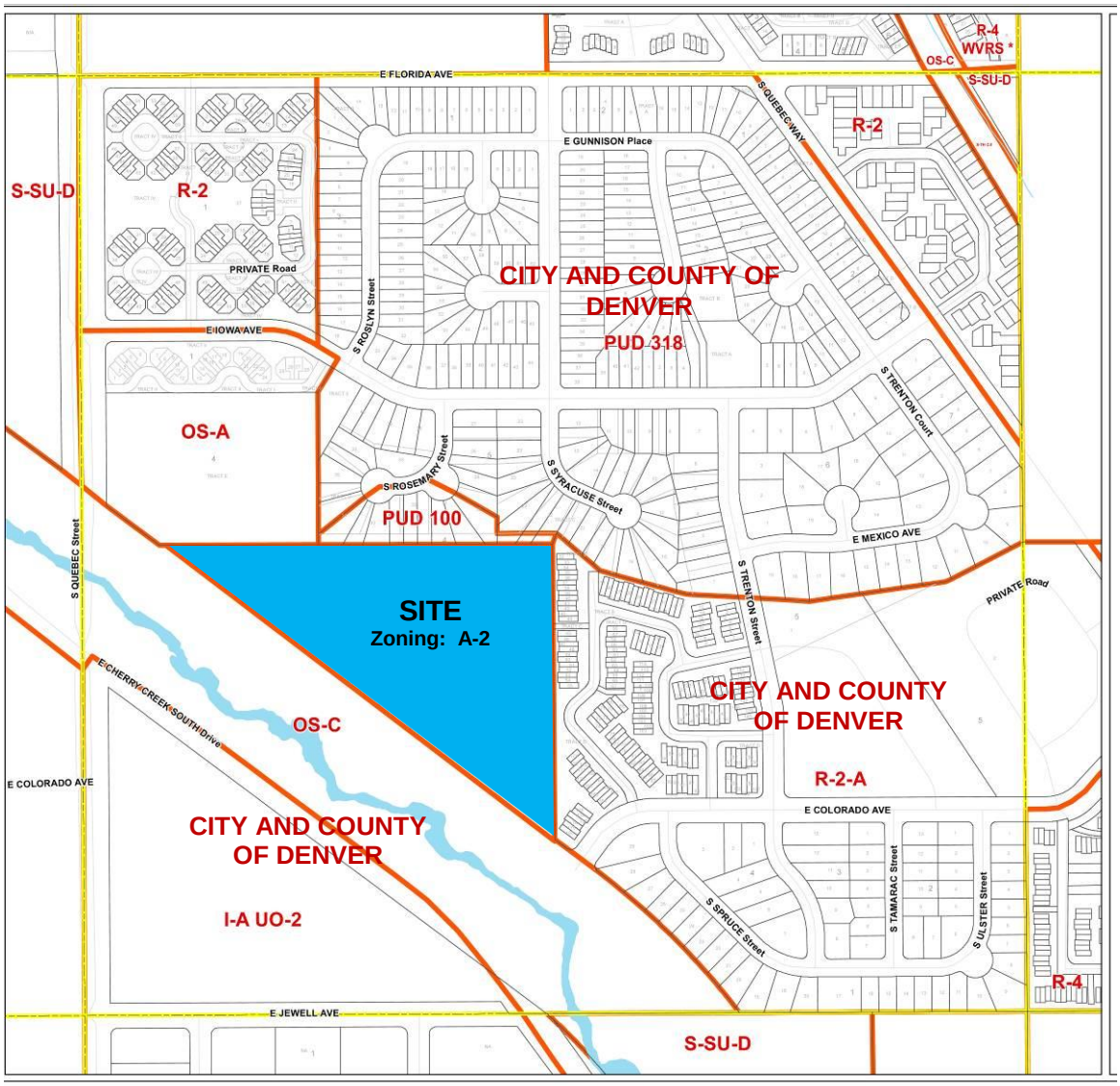
ARAPAHOE COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING
April 26, 2016
9:30 A.M.

SUBJECT: Z15-001 – CHERRY TREE ESTATES, PRELIMINARY DEVELOPMENT PLAN

MOLLY ORKILD-LARSON, SENIOR PLANNER **April 12, 2016**

LOCATION:
The Cherry Tree Estate development is proposed northeast of and across Cherry Creek from the South Quebec Street and Cherry Creek Drive South intersection. It is also situated in Commissioner District No. 4.

Vicinity Map



Zoning Map

ADJACENT SUBDIVISIONS, ZONING, AND LAND USES:

North - Immediately north is the Chennai Park and Concha Townhouses located in the City and County of Denver. The zoning is Open Space-Public Parks (OS-A) and Planned Unit Development (PUD), respectively.

South - Cherry Creek corridor located within the City and County of Denver and zoned Open Space-Conservation (OS-C).

East - Granville West townhome development and is located within the City and County of Denver. The zoning is Residential (R-2-A).

West - Cherry Creek corridor located within the City and County of Denver and is zoned OS-C.

PROPOSAL:

The applicant, Kendrick Consulting, Inc., on behalf of the property owner, Cherry Tree Estates, LLC, is seeking approval of a Preliminary Development Plan (PDP) known as Case No. Z15-001, Cherry Tree Estates PDP.

The property is infill development surrounded by the City and County of Denver. The PDP proposes to rezone the 10.656 acre parcel from an Agricultural District - 2 (A-2) to Mixed Use - Planned Unit Development (MU-PUD).

As indicated on the PDP, the applicant proposes a residential community for individuals 55 years of age or older needing assistance in one or more daily life activities due to handicaps that limit their capacities to care for themselves (assisted living) and residential housing for independent seniors.

The applicant proposes that this community comply with the Housing for Older Persons Act of 1995 Amendment to the Fair Housing Act (HOPA), which exempts senior housing communities from certain anti-discrimination provisions of the Fair Housing Act. In order to qualify for the exemption for housing for older persons, at least 80 percent of the occupied units must be occupied by at least one person who is 55 years of age or older and the community must publish and follow policies and procedures which demonstrate an intent to be a 55 and older community. The County, however, is not the responsible enforcement authority for the Fair Housing Act or the requirements of HOPA.

Planning Areas

This subject parcel is divided into two development areas, Planning Areas 1 and 2. These areas are separated by a 75' wide overhead power line easement.

Planning Area 1:

Planning Area 1 is 4.8 acres in size and proposes a maximum of 10 dwelling units (du) with a density of 2.06 dwelling units per acre (du/ac). Land uses proposed for this area include assisted living and single family attached dwelling units for seniors living independently.

The assisted living will be housed in a residence and contain a kitchen, one to two living areas, and bedrooms to accommodate up to 16 residents, as specified on the PDP. The applicant defines an assisted living residence as *"A residential facility that makes available to three (3) or more persons, not related to the owner of such facility, either directly or indirectly through a resident agreement with the resident, room and board and at least the following services: personal services; protective oversight; social care*

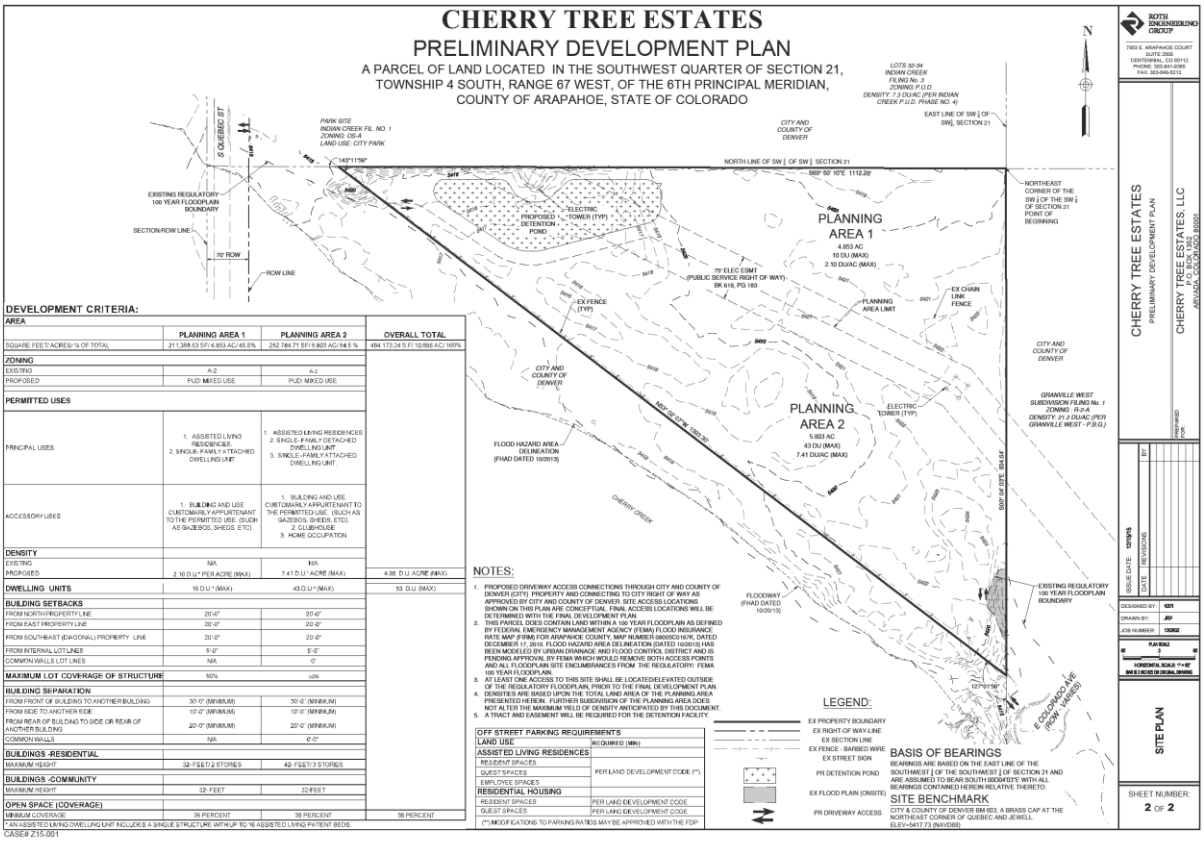
due to impaired capacity to live independently; and regular supervision that shall be available on a twenty-four (24) hour basis, but not to the extent that regular twenty-four (24) hour medical or nursing care is required as defined under CCR 1011-1." (Arapahoe County Land Development Code, Chapter 19: Definitions)

The height of the buildings in Planning Area 1 will be no more than two stories with a maximum height of 32'. Building setbacks from all property lines will be a minimum of 20'.

Planning Area 2:
Planning Area 2 is 5.8 acres and proposes a maximum of 43 du with a maximum density of 7.41 du/ac. Land uses proposed for this area include assisted living residences and independent senior housing such as single family detached residential and single family attached residential. A club house is proposed as an accessory use and to be used by residents and staff of the development. This building may contain an office, kitchen facilities and gathering area for social activities and events.

In the original submittal, the maximum height for buildings in Planning Area 2 was 42' and no more than three stories. However, during the Planning Commission public hearing, the applicant agreed to the proposed Four Square Mile Neighborhoods group suggestion of a maximum height of 38' and no more than three stories. Building setbacks for the property lines will be a minimum of 20'.

The subject property proposes a total of 53 du and a gross maximum density of 4.97 du/ac.



Site Plan

Access

Access to the development will be from S. Quebec Street and E. Colorado Avenue through the City and County of Denver (City) property. The applicant has obtained access permits for both points of access from the City. The primary access to the site will be from S. Quebec Street and restricted to a right-in and right-out turning movement. The approval of these permits were based on a conceptual design developed by SEH which takes into consideration sight distance lines, fire truck turning radii and existing utility poles and bridge along S. Quebec Street, see attached letter.

The roadway within the development will be private and designed with traffic calming measures which may include one or more elements such as a curvilinear roadway design, round-abouts, signage, speed bumps and gates at either or both entrances and exits of the development. The road layout will be determined with the Final Development Plan (FDP), but was requested by neighbors to be addressed due to concerns about serving as a potential cut-through from S. Quebec Street to E. Colorado Avenue.

Architecture

The applicant is proposing the development's architectural styles to be similar in character to the single family and attached housing in the adjacent neighborhoods. The architecture of the development is to be constructed with materials that may include but not limited to wood, brick, stone and metal with typical asphalt or similar roofing materials. Wall expanses will have openings or changes in elevation or plane. Specific materials and architectural treatments will be determined at FDP.

Floodplain

County requirement for a new "at-risk population facilities" such as elder care is to have continuous non-inundated access during a 100-year flood event. Current FEMA floodplain mapping has a small section of the site and potential access roads within the 100 year floodplain. There is an existing Flood Hazard Area Delineation (FHAD) from October 2013 that removes all portions of the site and both access roads from the floodplain. The FHAD is currently under review with FEMA (minimum 18 months for review time). The FHAD will need to be approved/accepted by FEMA prior to the FDP approval or access roads may need to be elevated or relocated out of floodplain. Access points are general concepts at this time based on access permits from City and County of Denver.

RECOMMENDATION:

Planning Commission (PC): On February 16, 2016 the PC held a public hearing on the PDP and recommended approval with conditions by a vote of 6 to 1. The PC amended condition 5 by recommending the placement of a sidewalk along the perimeter of the development in order to provide a pedestrian connection between E. Colorado Avenue and S. Quebec Street, as well as connectivity between the development and adjacent neighborhoods.

The conditions recommended by the PC are as follows:

1. Prior to signature of the final mylar copy of the Preliminary Development Plan, the applicant agrees to address the Planning Division, Mapping Division, and Engineering Services Division comments and concerns, as outlined in their plans and reports.

2. At the time of the Final Development Plan, the applicant shall address the landfill material on-site and presence of flammable gas (methane) to the satisfaction of the Tri-County Health Department and Colorado Department of Public Health and Environment.

3. Prior to construction on the property, all land fill material shall be removed from the site.

4. All buildings in Planning Area 1 shall have a pitched roof (minimum 4:12) oriented parallel to the property line to provide a transition from lower heights adjacent to neighboring properties to the maximum building height at the peak of the roof.

5. At the time of Final Development Plan, a pedestrian path shall be developed along the perimeter of the development to connect E. Colorado Avenue with S. Quebec Street.

6. This approval is limited to approval of a senior community that shall operate in compliance with the Housing for Older Persons Act of 1995 Amendment to the Fair Housing Act.

7. At Final Development Plan, the applicant shall develop a mechanism to assure compliance with the Housing for Older Persons Act of 1995 Amendment to the Fair Housing Act.

8. Add a note to the Preliminary Development Plan that includes:

    a. This development is approved only as a senior community that shall operate in compliance with the Housing for Older Persons Act of 1995 Amendment to the Fair Housing Act.

    b. At Final Development Plan, the applicant shall develop a mechanism to assure compliance with the Housing for Older Persons Act of 1995 Amendment to the Fair Housing Act (HOPA), which shall include at a minimum the adoption of appropriate covenants, leasing agreement provisions, or other policies as required under HOPA and provision for maintaining and providing data to the County when requested to assure the County that the community is being operated as senior community in compliance with HOPA.

At the PC hearing, a representative from the Four Square Mile Neighborhoods group spoke in favor of the project, including the proposed 38' height limit proposed in Planning Area 2. A letter from Councilman Kashmann with the City and County of Denver was also read into the record. Councilman Kashmann indicated that areas of special concern were the effects on the neighbors to the north and east of the proposed development. Concerns of these citizens included impacts to the streets in the area by the development and design of the east access of the property. Twenty-two residents of Denver spoke in opposition, citing concerns about traffic in the area, traffic cutting through the development into their neighborhood, pedestrian/bike safety along S. Quebec Street, difficulty of accessing the site from southbound S. Quebec Street, safety at the E. Iowa Avenue and S. Quebec Street intersection, parking needs for this type of use, building heights, building design, the fact that a portion of the residents could be under 55 years of age, allowing independent living, changes in the plans during the

process , environmental cleanup, non-compliance with the sub-area plan, and proximity to the Concha development.

Staff: Staff recommends the application be approved with the Planning Commission recommended conditions of approval based on the findings outlined herein.

I. BACKGROUND

The existing zoning for this parcel is A-2 and vacant. The property is unplatted and was created as a remnant parcel. The parcel is triangular in shape and surrounded by the City and County of Denver.

The south portion of the project, Planning Area 2, is the location of a former Denver municipal waste site. With the closure of the waste site, the parcel continued to be the local dumping ground (i.e., grass clippings, tree branches, etc.). There are 24 monitoring wells on the property operated by the Colorado Department of Public Health and Environment (CDPHE) to monitor methane. Six monitoring wells are still producing methane gas. The applicant has been speaking with CDPHE about their voluntary cleanup program and developing a Materials Management Plan. The applicant plans to remove all land fill material prior to developing the site. Staff recommends as a condition of approval that the applicant remove land fill debris on-site before development occurs.

II. DISCUSSION

Staff review of this application included a comparison of the proposal to: 1) applicable policies and goals outlined in the Comprehensive Plan; 2) review of pertinent zoning regulations; and 3) analysis of referral comments.

1. <u>The Comprehensive Plan</u>

   Comprehensive Plan: This application complies with the following Goals and Policies of the Comprehensive Plan, as follows:

   - Goal GM 4 – Promote Compact Growth in the Urban Service Area.
     The proposed development maximizes existing public facilities.
   - Policy GM 4.3 – Promote Infill Development and Redevelopment in the Urban Service Area.
     The proposal provides infill development.
   - Goal PFS1 – Plan for Adequate Public Facilities and Services in Growth Areas.
     Based on responses from service providers, adequate public facilities and services are present in the area.
   - Policy NH 1.2 – Promote a Diversity of Housing types in Growth Areas Countywide.
     If approved, the proposal would promote a housing type that is in demand.
   - Policy NH 3.2 – Support Provision of Special-Needs Housing in Growth Areas.
     The proposal supports the provision of elderly housing.

Four Square Mile (4SQM) Subarea Plan:
The Comprehensive Plan's 4SQM Subarea Plan designates this site as Urban Residential (1-12 du/ac) and Potential Park/Open Space.

Urban Residential primary uses include: detached single family dwellings, single family attached (duplex, triplex, four-plex, townhouse, row houses), and small multi-family dwelling units. Secondary uses include: neighborhood commercial centers, parks and recreation facilities, places of worship, and schools, both public and private. The development density is one to 12 dwelling units per gross acre. The applicant's proposal meets the density provided by the 4SQM Subarea Plan for Urban Residential.

2. Land Development Code (LDC) Review

Section 9-100 MU-Mixed Use:
The applicant proposes to rezone the parcel to Mixed Use Planned Unit Development (MU-PUD) in order to provide assisted living services to individuals under the age of 55 years. The Senior Housing zone district doesn't allow this. The applicant also preferred to use the Federal requirement of at least 80 percent of the occupied units must be occupied by at least one person who is 55 years of age rather than the County's Senior Housing requirement of "at least one resident per unit."

Section 13-100 Planned Unit Development:
This Section of the LDC states that the PUD 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 property is within Cherry Creek Valley Water and Sanitation District. Stormwater drainage and detention for the site will be accommodated on the parcel.

The applicant has obtained access permits from the City and County of Denver for both access points to the site. A Traffic Impact Study (TIS) was also conducted and concluded that the proposed development will generate low traffic volumes.

RTD bus service is available on S. Quebec Street which is directly west of the site.

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

While the 4SQM Subarea Plan does not mention a specific height limit for residential, it does have a strategy to address transition between buildings of varied scale:

"Strategy: (To) Consider residential zoning districts for the Four Square Mile Area crafted to address such issues as density of development, building mass (size and bulk), scale and building height to encourage compatibility with adjacent developed properties." (Four Square Mile Subarea Plan, Page 2 – Vision Statement)

The applicant believes the proposed development is compatible with the surrounding residential development by:

- *Restricting the buildings in Planning Area 1 to two stories which matches the number of stories of the adjacent Concha subdivision;*
- *Restricting the buildings in Planning Area 2 to three stories which matches the number of stories of the adjacent Granville West townhomes; and,*
- *Using similar architectural styles and materials of the surrounding neighborhoods.*

To further enhance compatibility with the adjacent single-family homes, staff recommends requiring pitched roofs on all buildings in Planning Area 1 oriented parallel to the property line to provide a transition from lower heights adjacent to neighboring properties to the maximum building height at the peak of the roof.

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 can be served by existing public services as evidenced by referral responses.

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 proposed development will provide employment opportunities and housing types (independent senior and assisted living housing) that are in demand.

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.

Tri-County Health Department indicates in their referral letter that the subject property is located on a former landfill and flammable gas from the landfill can be a hazard. This agency recommends that the applicant to work with CDPHE Hazardous Materials and Waste Management Division to develop a Materials Management Plan and other related plans and incorporate flammable gas control systems into the project.

Tri-County Health contacted CDPHE on January 25, 2016 to discuss the proposed cleanup of the property by the applicant. If the applicant removes all landfill material on the property Tri-County Health then doesn't see the need to install flammable gas control systems on-site.

The applicant is aware of the site's history and has met with CDPHE to discuss what process and management plan will be needed for the removal of the on-site debris. Staff suggests making a condition of approval to address this issue at Final Development Plan (FDP).

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.M of the LDC, a PDP may indicate conceptual points of access; while access points are not considered approved by Arapahoe County until the FDP, staff would note the access locations in this case are under the control of the City and County of Denver. The applicant has received permits from the City and County of Denver for access onto S. Quebec Street and E. Colorado Avenue.

Denver Planning has received a referral on the PDP. Denver Public Works will be notified of the land use change if the PDP is approved and will receive a referral for the future FDP application.

A detailed analysis of any internal roadways will be conducted when a site plan is submitted at the time of the FDP. Staff also recommends that pedestrian access be provided for the public between existing sidewalks on S. Quebec Street and E. Colorado Avenue for improved access to Chennai Park and to transit routes on S. Quebec Street, with the location to be determined

with the future FDP application. Staff recommends as a condition of approval the applicant provide a path connecting S. Quebec Street with E. Colorado Avenue.

The applicant proposes to meet the parking standards as per the LDC. The applicant has noted on the PDP that modification to the parking ratio for the assisted living residences may be requested during the FDP.

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

No significant physiographic features exist on this site. Cherry Creek is located immediately south of the site and the applicant has no plans to disrupt the stream channel.

Open Space provided an initial referral letter encouraging the applicant to create an 8' sidewalk along the southern edge of the property to connect S. Quebec Street and E. Colorado Avenue and also along the entrances of the development. The applicant had concerns regarding the safety of its residents if there was a pathway through the development and Open Space retracted their request. However, through further review, staff believes implementation of a path can be designed to be safe and will benefit the seniors living in this community by giving them access to the Cherry Creek trail and adjacent neighborhoods. Staff recommends as a condition of approval for the applicant to develop a path connecting S. Quebec Street to E. Colorado Avenue.

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 minimum open space requirement of 35%. Additional detail in the form of landscape plans, vegetation specifications, and architectural elevations will be required with the FDP.

The subject site is located adjacent to the Cherry Creek Trail corridor. The Cherry Creek Trail is part of the Denver Urban Area network of trails and connects directly too many of the area's significant bike/pedestrian trail corridors as well as regional park facilities.

Impacts to mountain views will be similar to those created by any of the wide variety of structures existing in the area.

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

The PDP allocates 35% of the property to unobstructed open space (not within public rights-of-way and detention areas).

3. Referral Comments

Comments received during the referral process are as follows:

Referral Agency	Comments
Arapahoe County Long Range Planning	Recommended the removal of multi-family as a principal land use for the development. The applicant has complied.
Arapahoe County Engineering Services Division	Staff is working with the applicant to address all engineering comments.
Arapahoe County Mapping	Staff is working with the applicant to address all mapping comments.
Arapahoe County Open Space	Two letters were received; first recommending the placement of an 8' regional path along the development connecting E. Colorado Avenue to S. Quebec Street; the second withdrawing this request due to safety concerns of the residents. To adhere to the PUD standards connectivity between the development and existing adjacent uses. Staff believes that a path can be designed to addresses safety issues and therefore is recommending as a condition of approval that a path be developed in the FDP connecting these streets and providing access to the Cherry Creek Trail.
Arapahoe County Zoning	No comments.
Arapahoe County Assessor	No response received.
Arapahoe County Sheriff	No comments.
Arapahoe County Library District	No comments.
City and County of Denver – Planning	This agency is in support of the sidewalk connection from E. Colorado Avenue and S. Quebec Street. Request that any 6' fence built adjacent to this path be 75% transparent. Staff recommends the details regarding the project's fencing be addressed at FDP.
City and County of Denver – Wastewater Management	No comments.
Cunningham Fire Protection District	No issues with the PDP.
Arapahoe County Parks and Recreation District	No response received.
Post Office Growth Coordinator	No response received.
Cherry Creek School District	District understands the facility will not have any children; therefore, no cash-in-lieu fees will be required. However, if in the future, the

	utilization changes to include children, District reserves the right to ask for fees.
Tri-County Health Department	Indicates the subject property is located on a former landfill and flammable gas from this material is a hazard. This agency recommends that the applicant to work with CDPHE to develop a Materials Management Plan and incorporate flammable gas control systems into the project.
Colorado Department of Public Health and Environment (CDPHE)	County staff contacted Fonda Apostolopoulous at CDPHE. The applicant has contacted Mr. Apostolopoulous about removing the organic debris from the site and a Materials Management Plan addressing removal of the debris is anticipated to be submitted. Removal of the debris will remove the methane on-site and enable the site to be developed.
Four Square Mile Neighborhoods	4SQM is in support of the application. Recommends that the height of the buildings in Planning Area 2 be reduced from 42' to 38'.
West Arapahoe Conservation District	No response received.
E-470 Authority	No response received.
RTD	No response received.
Century Link	No response received.
Xcel Energy	Xcel indicates no conflicts at this time. When plans are finalized, the applicant will need to submit those plans for Xcel's review and approval.
Army Corps. of Engineers	No response received.
Southeast Metro Stormwater Authority (SEMSWA)	Comments have been addressed.
Cherry Creek Valley Water and Sanitation	Property is within its service area. Water and sewer service is available subject to extension of lines, payment of all fees and District's rules.
Urban Drainage	No response received.
Concha Townhome Association	Many concerns see discussion; see attached emails and discussion below.
Park at Indian Creek	No response received.
Cook Park Neighborhood Association	No response received.

4. <u>Meetings</u>

   <u>Concha Townhouse Association (HOA)</u>: The property owner and his representatives met with the HOA on September 30, 2014, August 11, 2015 and November 3, 2015.

   Several emails dated April 22, 2015 and August 24, 2015 from the HOA were received by staff. These letters expressed the following:

- Maximum building heights could potentially allow for three and four story buildings;
- Density in the Letter of Intent does not match the information on the site plan;
- Concerns of the removal and addition of site information on the site plan;
- Traffic Impact Analysis isn't accurate, doesn't reflect full build-out for both Planning Areas and doesn't anticipate additional traffic generated by a non-gated road allowing through traffic and doesn't provide mitigation methods to relieve potential impacts at the Iowa and Quebec intersection;
- Request the implementation of a bulk plane along the property line of the Concha Townhouse development;
- Need to delineate on-site drainage along with sound and visual buffers between Concha Townhouse subdivision and proposed development;
- Want the internal road to be private and gated;
- Need to reword the County's Landscape Maintenance and Drainage Master Plan notes so that the Concha development isn't responsible for the proposed development's landscape maintenance and design and construction of drainage connection systems;
- Need to comply with Dark Skies guidelines;
- Need to clarify the age restrictions, off-street parking requirements; materials of buildings;
- Concern of having commercial mobile radio facilities as an allowed accessory use; and,
- Request to limit the hours of construction and a bio-waste removal plan.

Staff comments: The applicant has addressed the above concerns in letters dated November 3, 2015 and November 6, 2015 and as follows:

- *<u>Building Height</u>: Planning Area 1 has been reduced from 35' to 32' with a maximum of two-stories. Planning Area 2 has been reduced from 45' to 42' with a maximum of three-stories and during the Planning Commission hearing the applicant agreed to lower the height to 38'. Further, staff is recommending as a condition that that all buildings feature pitched roofs in Planning Area 1 oriented parallel to the property line.*
- *<u>Density</u>: There was confusion regarding the density since the Letter of Intent and the PDP initially conflicted. The proposed density is shown on the PDP.*
- *<u>Removal/Addition of Information on the PDP Document</u>: Staff recommended the applicant follow the requirements of the PDP and show the site design in more of a conceptual manner since a final design and layout for the project has not been solidified. This reduces future modifications of the PDP. The applicant was also asked to revise text, numbers, etc. on the PDP to further clarify or correct information that wasn't accurate.*

- *<u>Traffic Impact Analysis</u>: The applicant's engineer prepared a Traffic Impact Study (TIS) for the PDP that used a trip generation categories of "Assisted Living" and "Townhouse/Condominium." The TIS estimated trip generation rates based on the maximum uses proposed on the PDP, 112 assisted living care facility residents with 28 employees and 44 townhome/condo units. The study area encompasses the existing S. Quebec Street intersections of E. Iowa Avenue and Cherry Creek South Drive, the intersection of E. Colorado Avenue and Spruce Street and the proposed site access onto S. Quebec Street. This study also assumes that the site access is provided by way of a restricted (right in/right out) on S. Quebec Street and full movement access onto E. Colorado Avenue.*

  This Traffic Impact Study uses the Institute of Transportation Engineers Trip Generation Manual to develop the traffic generated by the development, as per County requirements. This manual provides traffic generated rates, based on land uses and development sizes, to determine the daily traffic volumes generated from site development. The total trips generated in a 24 hour period estimated for this development is 366; 110 for the Assisted Living - 28 employees (no residents will drive) and 256 for the Townhouse/Condominiums – 44 townhome/condo units.

  The study concludes that the additional site generated traffic occurring during peak traffic hours is expected to create no discernable impact on traffic operations for the existing and surrounding roadway system; results for Year 2017 and Year 2035 total traffic conditions concludes that all existing intersections will operate at levels of service comparable to existing or background conditions during the peak hours; and, the study identifies no special roadway improvements needed to serve the proposed development.
- *<u>Bulk Plane</u>: The County does not have a bulk plane requirement in the Land Development Code (LDC). To address the concern of having similar and more compatible residential development adjacent to the Concha Townhouse subdivision, staff is recommending as a condition of approval that the buildings in Planning Area 1 have a pitched roof; this will have a similar impact to bulk plane requirements.*
- *<u>Internal Road of the Development</u>: The applicant is proposing that the internal road within the site to be private and traffic calming measures implemented to reduce or eliminate cut through traffic. These measures will be further defined in the FDP.*
- *<u>County Standard Notes</u>: The applicant has shown the notes as specified in the LDC. The County doesn't hold the Concha Townhouse development and/or Concha HOA responsible for the proposed applicant's landscaping or drainage.*

- *<u>Dark Skies Regulation</u>: The County does not have a Dark Skies regulation. Applications within the County are required to adhere to Section 12-1300 Lighting Standards of the LDC, which include many Dark Skies recommendations.*
- *<u>Age Restrictions, Off-street Parking Requirements and Materials of Buildings</u>: The applicant has clarified this information on the PDP.*
- *<u>Commercial Mobile Radio Facilities (wireless telecommunication facilities)</u>: The applicant has removed this accessory use from the PDP. However, commercial mobile radio facilities (attached – not freestanding and freestanding facility - concealed) in Mixed Use zone districts are permitted by administrative review process.*
- *<u>Hours of Construction, Non-Emergency Service Vehicle Hours and Bio-Waste Hazard Disposal Plan</u>: There are no County requirements specifying the hours of construction or delivery hours. County staff feels these items can be further addressed at the time of FDP. It is not clear if an assisted living facility would need a bio-waste hazard plan. If necessary, this can be addressed at the time of the FDP with CDPHE input.*

<u>Four Square Mile Neighborhoods Association (4SQM)</u>: The applicant presented the application to 4SQM on September 9, 2015 and October 14, 2015. The following was discussed at these meetings:

- Setback distance to adjacent homes;
- Concern for "scope creep" on what can be built in Planning Area 2 and whether senior housing (preferred) or just homes for anyone are proposed in this area;
- Request from neighbors to gate the road that runs through the development, as the neighbors are concerned this will be a cut-through to their neighborhoods even if the road is private;
- Request to alter the layout and design of internal road to make it more meandering and less appealing as a cut-through;
- What is being done about the former landfill on the site;
- Concern about the location of access point on S. Quebec Street being controlled by City/County of Denver and not Arapahoe County with respect to safety, sight distances, and speeds on Quebec; and,
- The PDP is too vague and want a more detailed site plan.

Staff comments:

- *<u>Setback</u>: To address the concern of having similar and more compatible residential development adjacent to the Concha Townhouse subdivision, staff is recommending as a condition of approval that all the buildings in Planning Area 1 have a pitched roof oriented parallel to the property line.*

- *<u>Scope Creep</u>: The initial submittal's principal uses for both Planning Areas were unclear and staff requested that the applicant provide clarification of what uses they're proposing. The applicant added multi-family to Planning Area 2, but has removed multi-family from the PDP in response to staff comments.*
- *<u>Gated Road</u>: The applicant proposes several traffic calming techniques that could be used to address cut-through traffic, one being gating the development. At this time, the applicant hasn't ruled out gated access as an option. These techniques will be further addressed at FDP.*
- *<u>Landfill</u>: The applicant is working with CDPHE regarding the clean-up of the property. Staff is recommending as a condition of approval for the land fill material to be removed prior to on-site construction.*
- *<u>Access onto S. Quebec Street</u>: Access to S. Quebec Street lies within the jurisdiction of the City and County of Denver, and Denver approved an access point. A right in/right out is proposed for this point of access, which is appropriate since a median exists in S. Quebec Street. This access point appears to have adequate sight distance along S. Quebec Street, see attached SEH letter. Also, having a traffic signal at S. Quebec Street and E. Cherry Creek South Drive will provide breaks in traffic allowing travelers opportunities to exit the subject site.*
- *<u>PDP is Vague</u>: The purpose of the PDP is to establish land uses and siting restrictions (setbacks, heights, etc.) for a parcel of land. The uses and siting restrictions permitted by the PDP set the general parameters with which the development must comply. After the PDP is approved, the next step is the FDP. The FDP provides specific information on the uses to be permitted and the manner in which they may be situated on the property. As part of that later review a detailed site plan will be submitted. The PDP document format meets the requirements of the LDC.*

<u>Other Public Comment</u>:
Ten emails were received having concerns of adding more housing to the area, density of the development, parking, traffic that would be generated from the development onto S. Quebec Street and into surrounding neighborhoods, construction traffic and construction debris, construction fences that block the use of the social trails along Cherry Creek, who will be the occupants of the 20% of the units not required to meet the age restriction, having a vague PDP, proposed building heights and setbacks, and provision of utilities.

Field Trip:
The applicant also hosted six to eight residents from the Concha subdivision to visit his assisted living/memory care facility in Arvada on October 18, 2014.

Balloon Demonstration:
On November 14, 2015 the applicant demonstrated the height of the proposed structures on the subject property by placing balloons on poles at various locations on-site. A letter dated December 6, 2015 from Dean Foreman, Chairman of the Architectural Control Committee - Concha HOA, states that he appreciates the applicant conducting this exercise but still has concerns regarding the height of the proposed buildings and setback of the structures from the property line. To address these concerns neighbors requested the applicant to implement an angled bulk plane.

Staff comment: The County doesn't have a bulk plane regulation but has minimum setbacks and maximum building heights as means of guiding development. To prevent a building being 32' in height at the 20' setback, staff is recommending as a condition of approval that all buildings to have pitched roofs in Planning Area 1 oriented parallel to the property line. This will provide an area of transition from a lower wall height at the setback line to the maximum building height.

STAFF FINDINGS:
Staff has visited the site and reviewed the plans, supporting documentation, referral comments and citizen input in response to this application. Based on the review of applicable policies and goals, as set forth in the Comprehensive Plan, review of the development regulations and analysis of referral comments, our findings include:

1. The proposed Preliminary Development Plan for senior housing, to include assisted living and independent senior living, generally conforms to the overall goals and intent of the Arapahoe County Comprehensive Plan and the Four Square Mile Subarea Plan in regards to the policies set forth in those plans and nature of the development.

2. The proposed Preliminary Development Plan is consistent with development standards enumerated in the Arapahoe County Land Development Code; the Preliminary Development Plan does note that a change in a parking standard may be clarified with a future Final Development Plan application.

3. The proposed Preliminary Development Plan complies with the process and other requirements outlined in Sections 9-100 MU-Mixed Use (a PUD zone district) and 13-100 Planned Unit Development (PUD) of the Arapahoe County Land Development Code.

STAFF RECOMMENDATION:
Considering the findings and other information provided herein, staff recommends approval of Case No. Z15-001, Cherry Tree Estates PDP, subject to the following PC recommended conditions:

1. Prior to signature of the final mylar copy of the Preliminary Development Plan, the applicant agrees to address the Planning Division, Mapping Division, and Engineering Services Division comments and concerns, as outlined in their plans and reports.

2. At the time of the Final Development Plan, the applicant shall address the landfill material on-site and presence of flammable gas (methane) to the satisfaction of the Tri-County Health Department and Colorado Department of Public Health and Environment.

3. Prior to construction on the property, all land fill material shall be removed from the site.

4. All buildings in Planning Area 1 shall have a pitched roof (minimum 4:12) oriented parallel to the property line to provide a transition from lower heights adjacent to neighboring properties to the maximum building height at the peak of the roof.

5. At the time of Final Development Plan, a pedestrian path shall be developed along the perimeter of the development to connect E. Colorado Avenue with S. Quebec Street.

6. This approval is limited to approval of a senior community that shall operate in compliance with the Housing for Older Persons Act of 1995 Amendment to the Fair Housing Act.

7. At Final Development Plan, the applicant shall develop a mechanism to assure compliance with the Housing for Older Persons Act of 1995 Amendment to the Fair Housing Act.

8. Add a note to the Preliminary Development Plan that includes:

    a. This development is approved only as a senior community that shall operate in compliance with the Housing for Older Persons Act of 1995 Amendment to the Fair Housing Act.

    b. At Final Development Plan, the applicant shall develop a mechanism to assure compliance with the Housing for Older Persons Act of 1995 Amendment to the Fair Housing Act (HOPA), which shall include at a minimum the adoption of appropriate covenants, leasing agreement provisions, or other policies as required under HOPA and provision for maintaining and providing data to the County when requested to assure the County that the community is being operated as senior community in compliance with HOPA.

Attachments:
Application & Exhibits
Engineering Staff Report
Referral Comments
Meeting Information
Public Comment
Support Material

Arapahoe County
Colorado's First

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

APPLICANT/REPRESENTATIVE: Melissa Kendrick	ADDRESS: 362 S. Fairfax St. Denver, CO 80246 PHONE: FAX: EMAIL:	SIGNATURE: Melissa Kendrick NAME: Melissa Kendrick TITLE: Owner
OWNER(S) OF RECORD: Tim Van Meter	ADDRESS: P.O. Box 1352 Arvada, CO 80001 PHONE: 303-888-5459 FAX: EMAIL: van meter_t@msn.com	SIGNATURE: NAME: Tim Van Meter TITLE: Owner
ENGINEERING FIRM: Roth Engineering Group	ADDRESS: 7853 E. Arapahoe G. Suite 2500 Centennial, CO 80112 PHONE: 303-841-9365 FAX: EMAIL: kroth@rothengineering.com	CONTACT PERSON: Kevin Roth

Pre-Submittal Case Number: Q14-082 Pre-Submittal Planner: Molly Orkild-Larsen Pre-Submittal Engineer: Sarah White

Parcel ID number:	1973-21-3-00-002
Address:	Quebec and Cherry Creek Dr
Subdivision Name:	unplatted

	EXISTING	PROPOSED
Zoning:	A-2	~~SH-PUD~~ MU-PUD
Project/Subdivision Name:	Cherry Tree Estates PDP	Cherry Tree Estates PDP
Site Area (Acres):	10.6	10.6
Floor Area Ratio (FAR):	n/a	n/a
Density (Dwelling Units/Acre):		
Building Square Footage:	n/a	n/a
Disturbed Area (Acres):	N/A	
Related Case Numbers: (Final/Preliminary Development Plan, Rezoning, and/or Plat)	n/a	n/a

CASE TYPE

	1041- Areas & Activities of State Interest		Location & Extent	X	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

ENG15-004

THIS SECTION FOR OFFICE USE ONLY

Case No: Z15-001		Planning Manager: MOL		Engineering Manager: Sarah W	
Planning Fee:	Y N $ 500.00	Engineering Fee:	Y N $ 5,000	SLW	

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.

RECEIVED
FEB 23 2015
ARAPAHOE COUNTY PLANNING DIVISION

Save Thumbdrive to G:Drive

Cherry Tree Estates, LLC
Senior Housing Community

January 30, 2015

Arapahoe County Planning Department
6924 S. Lima St.
Centennial, CO 80112
Attn: Molly Orkild-Larsen, Project Planner

RE: Cherry Tree Estates- Preliminary Development Plan Application

Dear Molly;

I am representing the owner of Cherry Tree Estates, Tim Van Meter, who is submitting a proposal for residential housing in the Four Square Mile Area of unincorporated Arapahoe County. Kevin Roth of Roth Engineering Group is the engineering firm hired to complete many components of this project. Mike Rocha is the traffic engineer who completed the required traffic impact study.

The site is located at the northeastern corner of S. Quebec St. and Cherry Creek Drive South. The property is a unique enclave of unincorporated Arapahoe County completely surrounded by the City of Denver. The property is unplatted and zoned A-2.

Tim Van Meter has owned the property since 2007 and has had four pre-application meetings in the preparation of the current proposal. A portion of the property was used as a dumping site and acquired by the City of Denver who operated the site as a land fill until the City closed the site in 1986. There are twenty four monitoring wells on the property operated by the Colorado Department of Public Health and Environment (CDPHE).

There is an existing 75 foot Xcel Energy overhead electrical power line crossing the property southeast-northwest. The easement covers approximately 2.8 acres on the site and the power line is 230 kv line. No structures are proposed within the easement.

The owner has spent significant time resolving these technical issues that have challenged this property as a result of this history. I am attaching a list of the technical issues and their current state of resolution as part of this application.

Proposal:

Tim Van Meter is proposing to rezone the property from A-2 to Senior House (SH-PUD) in order to build senior housing. Mr. Van Meter specializes in memory care and owns and operates a facility in Arvada called, Almost Like Home. He is proposing to build a combination of housing types to support seniors living with and without memory care challenges at this Arapahoe County location.

The project proposes two phases in order to build out the community. Phase 1 is 4.8 acres in size and includes Senior Homes with a density of 2.25 du/acre. Phase 2 is 5.8 acres and allows a density of 7.5 du/acres.

Senior homes are defined as homes that operate as a single family home in terms of having one kitchen facility and one or two living room areas, with bedrooms that house up to 16 persons. Residents require 24/7 supervision and consequently do not drive or live independently in terms of self-care such as, mobility, shopping, cooking or cleaning.

Phase 2 proposes a density of 7.5 du/acre which allows housing that may include attached housing or patio homes. The PDP defines the building heights, setback requirements, and distances between buildings for both phases as required by the Arapahoe County Land Development Code. Conceptual building footprints are provided for Phase 1 only because the proposal for this portion of the property is more defined at this time.

Background

The following list outlines background information and the current.

Property Description:

a. The property is 10.6 acres in size and zoned A-2,
b. The property is unplatted and created as a remnant parcel,
c. The site is a triangular shape and surrounded by the City and County of Denver on all sides.

Surrounding Property Description:

Northern boundary:

- A single family residential subdivision platted as Indian Creek Filing No. 3, and
- A Denver park named Chennai Park is platted as part of Indian Creek Filing No. 1.

Southern boundary:

- The Cherry Creek runs the southern boundary of the property.

Western boundary:

- City and County of Denver property and S. Quebec Street.

Eastern boundary:

- A townhome subdivision platted as Granville West Filing No. 1.

Access:

The property was landlocked with no improved access. Mr. Van Meter has acquired an access permits from the property owners, City of Denver Public Works on the western boundary and the Parks Department on the eastern boundary. The western access is off of S. Quebec Street and the eastern access is off of Colorado Avenue. He has begun constructing the access drives in both locations. The S. Quebec Street access is the primary access and restricted to a right in, right out turning movement.

Time Line:

Cherry Tree Estates purchased the property	2007 Began working on major technical issues which are listed in the attached document.
Pre-application Meeting	2008
Pre-application Meeting	2011 Planning indicated that if the proposed density was between 1-12 du/ac then the application would comply, if not, then an amendment would be required.
Pre-application Meeting	April 3, 2014 Planning referred to owner to Julio Iturerria for a determination on Subarea Plan compliance. A letter of compliance was issued by Planning in October of 2014.
Pre-application Meeting	November 20, 2014 As required by Planning, the project team addressed the full 10.6 acres of proposed development and received the necessary input for the PDP submittal.

Adjacent Neighbors:

In preparation for this rezoning proposal, the owner has worked extensively with adjacent property owners which is summarized below:

a. The owners have met with individual property owners and attended HOA meetings since 2007 when they acquired the property.
b. In September 2014, the owner met with the Four Square Mile Area Design Committee, representatives of the Granville HOA (eastern boundary) and attended a monthly meeting for the Concha HOA (northern boundary).
c. During the time of a formal application, the owners plan on meeting with the HOA groups in order to inform them of the proposal and address any concerns or impacts they might have.

Subarea Plan Compliance

We met with Julio Iturerria, Arapahoe County Long Range Planner, for a determination on whether or not the proposal complies with the Four Square Mile Area subarea plan of the Arapahoe County Comprehensive Plan. In October, 2014, Mr. Iturreria submitted a letter summarizing his determination that the proposal complies with the Subarea Plan.

The Four Square Mile Area Plan defined this area as an Urban Service Area where services and infrastructure are available for urban levels of development. The Plan set forth goals and policies to encourage infill development that is compatible with surrounding land uses to take advantage of the available infrastructure and services. Furthermore, the Plan contemplated connectivity and continuity of the local and regional road network to minimize driving and trip generation.

The project site has high levels of connectivity for vehicles, pedestrian and bicycle riders from and to this property. Both a major arterial and a local street are available to serve this property through S. Quebec St. and Colorado Avenue where capacity for additional traffic generation exists based upon acquired access permit approvals. Transit users have access to RTD's bus system on S. Quebec Street. Cherry Creek provides a major regional trail connection for recreational users and bicycle commuters.

We believe this proposal is compatible with the surrounding residential development in terms of the use and scale. Specifically, Cherry Tree Estates proposes single story detached and attached residential homes which are bordered by residential neighborhoods comprised of two story single family homes in Indian Creek and townhomes in Granville West.

The *Four Square Mile Plan designation* for this property contemplated:

a. 1-12 du/ac Single Family residential development, and
b. A park site.

The *residential densities* could range as follows:

a. Urban Residential (1-12 du/ac),
b. Single Family Detached (1-6 du/ac), and
c. Single Family Attached and Detached (6-12 du/ac).

The *residential uses* may include:

a. Single family detached,
b. Single family attached,
c. Small multi-family homes, and
d. Group homes within the residential category.

We believe that the Subarea Plan contemplates the attached housing and group home facilities Cherry Tree Estates proposes for this property. Furthermore, the densities of 2.25 du/ac and 7.5 du/ace fall easily within the range of 1 – 12 du/acre contemplated for

this site. Cherry Tree Estates proposes that the use and density are in compliance with the Subarea Plan as affirmed by Arapahoe County Planning.

Engineering:

The applicant has considered the drainage impacts of this development in a Phase 1 Drainage Report. The project will provide for storm water quality mitigation and detention capture, in accordance with County criteria.

The project is served by the East Cherry Creek Valley Water and Sanitation District (ECCV). The project will require a network of sanitary and domestic and fire flow water systems to serve the site. In order to bring water and sewer service to the site infrastructure will extend beyond the limits of the ECCV, jurisdictional; limits. The water main extensions will connect to the Denver Water network outside of the ECCV district limits and the Sanitary Sewer will connect to the Metro Wastewater Reclamation system outside of the ECCV network.

Thank you for your time and consideration of this proposal. I look forward to developing this project in Arapahoe County.

Sincerely,

Melissa Kendrick
Kendrick Consulting Inc.

PL Molly

Cherry Tree Estates, LLC
Senior Housing Community

November 6, 2015

Arapahoe County Planning Department
6924 S. Lima St.
Centennial, CO 80112
Attn: Molly Orkild-Larsen, Project Planner

RECEIVED
NOV 0 9 2015
ARAPAHOE COUNTY
PLANNING DIVISION

RE: Cherry Tree Estates- Phase 2 Review

Dear Molly;

On behalf of Cherry Tree Estates, I am submitting to you a revised PDP document for your review. In addition, we received comments from several agencies that I am addressing in this letter with attachments as applicable.

We have made some significant changes to the PDP based upon review of the County comments, input from the outside agencies and conversations with the homeowners associations. As detailed in this letter, we met with Concha and Granville West HOAs and the Four Square Mile association during this time. Based upon all of this input, we have revised the PDP as follows:

1) Reduced the **maximum building heights** in PA 1 from 35 feet to 32 feet and PA 2 from 45 feet to 42 feet.
2) Further restricted the **building height** in PA 1 to maximum of two story structures and PA 2 to a maximum of three story structures.
3) Added **Single Family Attached** residential to PA 1 without changing the overall density, building heights or setbacks.
4) Defined traffic calming measures to mitigate future cut-through traffic and address concerns from the neighborhoods about this issue.
5) Removed **Commercial Mobile Radio Facilities** to address concerns about cell towers.
6) Revised the **Project Narrative** and the **Architectural Character** note to refine how the residential project will be designed to address compatibility with the surrounding area. In particular, this has been achieved through statements about the project density, building massing and scale and building materials.

7) The **parking ratios** for assisted living facilities have been compared to other regulations in four jurisdictions. The summary document is attached for your review.

We believe these changes are significant ways to mitigate concerns related to building heights, traffic and commercial uses in the project.

Referral Comments:

1. *Arapahoe County Planning*
   - Attached is a point-by-point response letter to your written comments. In addition, the revised PDP reflects changes made from the redlines. We believe we have satisfied your comments.
   - You requested a narrative on how the application meets the PDP criteria. Attached is a memo addressing the criteria.

2. *Arapahoe County Engineering*
   - Attached is a point-by-point response letter to the written comments, the revised drainage and traffic studies. We believe we have satisfied your comments.

3. *Arapahoe County Mapping*
   - The revised PDP reflects the redline comments we received on the plan. We believe we have satisfied your comments.

4. *Arapahoe County Open Spaces*
   - On August 18th we received a letter from ACOS requesting trail linkages on the property. On September 11th we received a revised letter removing this requirement. The owner has been in communication with representatives from the City of Denver who have indicated that there are plans for a future trail on the south side of the Cherry Creek on Denver property. This alignment will provide better access to a regional trail network.

5. *Cherry Creek Valley Water and Sanitation District*
   - Submitted a will serve letter for the project.

6. *Concha HOA*
   - Submitted a letter dated August 24th. Attached to this letter is our detailed response letter to their comments.
   - In addition, the owner and his representatives have met with the HOA on September 30, 2014, August 11, 2015 and November 3, 2015. Tim VanMeter hosted 6-8 residents from Concha at his project in Arvada on October 18, 2014. Board representatives attended the Four Square Mile association meeting on September 9th and again on October 14th when we presented the project and they were very active in the discussion.

- We have made significant changes to the plans based upon our discussions with the HOA's. Those changes include but are not limited to the following:
  1) Reduced the building heights in PA 1 and 2,
  2) Restricted the building heights in PA 1 to two stories and in PA 2 to three stories,
  3) Defined traffic calming measures to address cut-through traffic concerns,
  4) Removed Commercial Mobile Radio Facilities to address concerns about cell towers.

7. *Cunningham Fire Protection District*
   - The District submitted numerous comments that relate to the FDP process. The owner intends on complying with all District requirements.
   - The District had a comment about emergency access through Granville West Subdivision on the eastern boundary. The owner has no plans to use this easement for emergency access. The site has two access points which are adequate for emergency services.

8. *Denver Wastewater*
   - The agency stated they will not be serving the property and requested information on how the sanitary sewer connection will be designed. The CCVWD will be serving the property as indicated in their will serve letter. The project team will coordinate with Denver when the design is finalized.

9. *Tri-County Health Department*
   - TCHD submitted comments related the landfill regulations. The owner has worked extensively with TCHD and Colorado Department of Public Health and the Environment (CDPHE). Mr. Fonda Apostolopoulos, CDPHE, has submitted a response indicating that the owner has been and will be working with CDPHE in the clean-up process.

10. *Xcel Energy Right-Of-Way department*
    - Xcel submitted two letters, the first letter on August 20th, indicated that the owner needed to work with the agency to address encroachments and development within the ROW. The owner has been working with Xcel throughout the ownership of the property so he called his contact in the agency to inform them of the letter. A second letter dated August 26th was submitted acknowledging that the owner has been working with the agency and requests that this coordination continue.

Agencies with no comments or concerns:

1. Arapahoe County Zoning
2. Cherry Creek Basin Water Quality Authority
3. Arapahoe County Library District
4. Arapahoe County Sheriff

Thank you for your time and continued effort on this project.

Sincerely,

Melissa Kendrick
Kendrick Consulting Inc.

Copy: Tim VanMeter, Owner
Kevin Roth, Roth Engineering Group
Larry Berkowitz, Spencer Fane Britt & Browne LLP

Attachments:

1. Parking Comparison
2. Planning Comments PBP Response
3. Concha HOA PBP Response
4. Memo Addressing PDP Criteria

Cherry Tree Estates, LLC
Senior Housing Community

November 3, 2015

RECEIVED
NOV 09 2015
ARAPAHOE COUNTY
PLANNING DIVISION

Arapahoe County Planning Department
6924 South Lima Street
Centennial, CO 80112
Attn: Molly Orkild-Larsen, Project Planner

Re: Z-15-001 Cherry Tree Estates – Preliminary Development Plan ("**Cherry Tree Estates**")

Dear Molly:

On behalf of Cherry Tree Estates ("CTE"), I am submitting the following response to the letter we received from Dean Foreman representing Concha HOA dated August 24, 2015. I have taken their letter verbatim and added our response to it. Therefore, "Request" is Concha's interpretation of the request CTE made during the Phase 1 review. Next is Concha's response to their first statement and then we have added a CTE response. Concha reviewed the Phase 1 submittal and subsequently, CTE has made some significant changes to the plans so some of the comments are dated. I am hoping this is a clear explanation.

Based upon the August 24th letter, the Concha representatives noted the following:

- **Request:** The applicant was requested to indicate on the PUD that the height and density reflect the intent of the project as stated in its application letter of 1-30-15, namely "single story detached and attached residential homes". The community requested reduction in the 35'/45' height limits indicated and requested application of bulk planes along the common property border. (Note: Concha height limits are set to 28')
  Concha Response: No indication of single story structures nor modification to the height limits were made nor were bulk plane restrictions made part of the PDP.
  CTE Response: The height limits in the PDP have been revised so that Planning Area 1 is a maximum of 32 feet and two stories and Planning Area 2 is a maximum of 42 feet and no more than 3 stories in height.

- **Request:** The applicant was requested to indicate on the PDP that the proposed density stated in the letters of intent match those on the language of the PDP (1.5 du/ac vs 2.25 for Planning Area 1, and 5.2 du/ac vs. 7.5 for Planning Area 2). This was based on (conceptual) plans originally provided indicating 7 buildings in Planning Area 1 and 30 duplex units for Planning Area 2. *The community expressed concerns that showing more density on the PDP than stated in letters of intent might lead to larger developments than proposed to date or that other developers could buy the rights to the development potential should this developer fail to construct his intended product (not uncommon)*
  Concha Response: The PDP proposed densities have not changed. All references to actual construction were removed from site plans. No building footprints, street layouts, parking areas are indicated on the revised PDP. Maximum Lot Coverage by Structures equal to 50% was added to the Development Criteria and a Dwelling Unit category was added delineating 10 dwelling units per acre in Planning Area 1 and 43 dwelling units in Planning Area 2.
  CTE Response: Details were removed based upon the County requirements to remove them. Maximum lot coverage was added as required by the County regulations. The dwelling units were added at the County's request.

- **Request:** The applicant was requested to perform a full traffic impact analysis correctly reflecting the full build-out of the property for both Planning Areas, to clarify the resident, visitor and employee parking for both Planning Areas, and to clearly indicate the internal road will be made a private gated road, as indicated in meetings with the community. It was further requested that the full traffic study anticipate the additional traffic generated by a non-gated road allowing through traffic from Colorado Avenue to Quebec Street, and provide mitigation methods to relieve potential impacts at the Iowa/Quebec intersection. *The residents are concerned that the stated desire on the part of the applicant to create a gated private road, if not implemented, would lead to worsening traffic in the community and greater difficulty maneuvering the Iowa/Quebec intersection already experiencing peak traffic difficulties. The residents are also concerned that Quebec street improvements currently being envisioned by the City of Denver north of the project area are likely to exacerbate the poor LOS at the Quebec/Iowa intersection.*
  Concha Response: A full traffic impact analysis was provided, however the analysis does not correctly identify the full buildout potential of either Planning Area; contradicts the Planning Area 1 employee space provision in the PUD Off Street Parking Requirements table of 2 employee spaces per building (which is also contradicted by the applicants' 7/23/15 letter indicating 4 employee spaces per building);
  CTE Response: Traffic Impact Studies use the Institute of Transportation Engineers *Trip Generation Manual* to develop the traffic generated by a development. The *Trip Generation Manual* uses traffic count data from land uses and development sizes to estimate the number of trips that a development will generate. While parking is an important element of a site plan it is not considered in the generation of traffic for a development.

  fails to consider traffic created by guests visiting the memory care facilities; appears to count 44 cars as the traffic impact of a full buildout in Planning Area 2 where the originally submitted PDP indicated a parking ratio of 2.25 spaces/unit;
  CTE Response: The traffic generation rates provided are derived from national studies that consider the overall use of the development. The predicted volumes include all traffic generated by both residents, visiting guests, as well as postal vehicles, delivery vehicles, garbage trucks and any other traffic that accesses the development. Planning Area 2 assumes 44 Dwelling Units that will generate 256 trips Daily (128 trips in and 128 trips out) with 19 trips during the AM peak hour and 23 trips during the PM peak hour.

  fails to take into consideration that 20% of the potential residents can be under 55 or temporary residents with potentially higher driving tendencies, and
  CTE Response: The trip generation rates provided are derived from land uses that do in fact consider the age of the residents. Planning area 1 was designated as an assisted living facility and trips generated represent that type of use. Planning area 2 was designated as a Townhouse/Condominium facility and trips generated represent that type of use. The information provided in the national studies captures all trips. It is generally true that assisted living facilities generate fewer trips than other dwelling units, particularly during the peak hours.

  fails to anticipate through traffic if the road is not made a private gated roadway (no provision is made in the PDP for gating the road). In fact, all references to roadways and curb cuts, including the already permitted Denver curb cuts, have been removed from the documents. In addition, since the project has been granted right-in-right-out only access onto Quebec, any employee, visitor, service or emergency vehicle or resident desiring to turn south on Quebec street – to access south Denver and the Tech Center, Cherry Creek Drive, Evans and I-25-- would be forced into the neighborhoods or would make a U-turn at Iowa, negatively impacting an intersection which has already been given an F Level of Service (LOS).
  CTE Response: The provided study analyzed the east access as a standard access and not gated. The study anticipates very little traffic entering the neighborhood from the development. It is acknowledged that the Traffic Impact Study is based upon a conceptual plan. As the plans are finalized, the trips generated and the distribution of those trips may have to be revised to reflect actual development plans.

We do not believe the traffic impact analysis therefore properly represents the impact of the development. We note the applicant was granted curb cuts and road designs from the City of Denver without a land plan indicating its proposed use or full build-out potential. Normally curb cuts and roadway designs are determined from the actual uses anticipated.
CTE Response: The Traffic Impact Study was prepared to meet Arapahoe County's requirements for Traffic Impact Studies. In our opinion it does reflect the impact of the development traffic on the adjacent area. The traffic study was not done because of the Concha request. When Concha hires a professional traffic engineer to conduct a study we can compare findings. This study was not required by Arapahoe County. It was contracted by a qualified traffic engineer for the owner of the property.

- **Request:** The applicant was requested to delineate how drainage between the subject Planning Area 1 buildings would be handled, and to delineate proposed sound and visual buffering from the Concha community. *The residents are concerned that the proposed project may not properly control drainage which has impacted residents along the north property line, and request landscape buffering from buildings with minimal internal separations.*
  Concha Response: The PDP removed all references to buildings, drainage and topography and offered no response to the community concerns. Note: the applicants assured residents in a meeting that all site drainage would be "handled", but no indication of that was offered in the documents. No landscape requirements are included in the PDP.
  CTE Response: Specific drainage solutions will be part of the FDP process. CTE will comply with all County regulations for drainage control.

- **Request:** The applicant was requested to clarify on the PDP documents that the internal road be made private and gated as stated in multiple meetings with the community.
  Concha Response: No indication has been made on the PDP documents for a private gated road.
  CTE Response: The PDP includes a Specific Note addresses Private Drives. After discussing this with County staff, we determined that language addressing traffic calming measures was the best approach to reduce or eliminate cut through traffic.

- **Request:** The applicant was requested to reword the provision in the PDP Landscape Maintenance notes that "the adjacent property owners, Homeowners Associations or other entity besides Arapahoe County is responsible for maintenance and upkeep of perimeter fencing, landscaped areas, and sidewalks between the fence line and any paved roadways". It was requested that the applicant clearly indicate that adjacent neighboring property owners would NOT be responsible for upkeep of landscaped areas and sidewalks on the subject property. It was further requested that the applicant provide plans for perimeter fencing between the properties and to work with our community to determine the nature of the fencing and its maintenance.
  Response: No changes were made to the Landscape Maintenance notes.
  CTE Response: The notes are written by Arapahoe County and we are required to duplicate their language unless they approval otherwise.

- **Request:** The applicant was requested to make clear in the PDP Drainage Master Plan notes that the subject property alone would be responsible for design and construction of drainage connecting systems resulting from its development, and that the Concha development would NOT be responsible for any such connections as the Concha development has already established drainage systems and, because the surrounding developments are in a different jurisdiction, could not be compelled to participate in such costs. *The residents are concerned that such notes might compel it to take part in mitigation of this development's impacts on drainage or maintenance of drainage facilities required for its construction.*
  Concha Response: No changes were made to the Drainage Master Plan notes.
  CTE Response: Same comment as previous bullet.

- **Request:** The applicant was requested to confirm that it would comply with "Dark Skies" guidelines to ensure the projects' lighting would not exceed 0 footcandles at the common property line.
  Concha Response: No mention of lighting limitations or application of "dark skies" was included.
  CTE Response: The project will comply with the Arapahoe County Lighting regulations as required.

- **Request:** The applicant was requested to clarify the age restrictions for the development and to stipulate that Planning Area 1 should be limited to memory care homes/facilities, and that Planning Area 2 should stipulate age restrictions.
  Concha Response: The applicant modified the application from SH-PUD to MU-PUD and requested to forego Arapahoe County regulations for Senior Housing in favor of regulations under the Federal Housing for Older Persons Act (HOPA). Planning Area 1 development is limited to Assisted Living Residences, but Planning Area 2 uses have been expanded from housing for persons over 55, Memory Care Homes, and accessory uses to; Assisted Living residences, single family attached dwelling units, multi-family dwelling units, clubhouse, other appurtenant uses, home occupations and commercial radio facilities. *The community is concerned that the original stated intent of the project as "single story detached and attached residential homes" for the purpose of providing a "combination of housing types to support senior living with and without memory care challenges" has significantly expanded to include unrestricted multi family dwelling units (up to 20% is allowed by HOPA), commercial appurtenant uses and now commercial cell towers.* The addition of cell towers as an approved use is a concern as these facilities can be eyesores.
  CTE Response: The uses identified have been refined or removed at the request of the County to be more specific. Cell towers were removed as an accessory use.

- **Request:** The applicant was requested to clarify conflicting Off Street Parking requirements.
  Concha Response: The July 23 letter of intent accompanying the proposal requests a variance from Arapahoe County off-street parking requirements for assisted living residences of 71 spaces for 7 buildings to 56 spaces for 7 buildings based on the "experience" of the developer. Yet the letter which indicates 4 employee spaces per building is contradicted by the PDP Off Street Parking Requirements for 2 employee spaces per building. The revised PDP also modified the Residential Housing off street parking requirements to indicate "per Land Development Code". A review of that code revealed that the code does not address parking requirements, thus leading to further confusion. The specific number of spaces for Residential Housing should be included in the PDP.
  CTE Response: The specific standards were removed because the parking requirements will comply with the County regulations, but will vary depending upon whether the FDP proposes single family detached, attached or multi-family.

- **Request:** The applicant was requested to clarify the architectural character of the proposal in light of the value of the adjoining residences averaging approximately $300,000, and to show that materials and design meet the quality and character of our development. *The residents are concerned that a poor quality of construction and materials will lessen the value of its homes.*
  Concha Response: All references to buildings, size, scale, form and materials have been removed from the PDP.
  CTE Response: The Architectural Character note on sheet 1 of the PDP was revised to address this concern. The note includes specific materials that reflect the intent for building construction. Specific building materials will be identified with subsequent FDPs.

- **Request:** The applicant was requested to limit hours of construction from 7:30-5:30 M-F, to limit non-emergency service vehicle hours to the same hours and to provide a bio-waste hazard disposal plan.
  Concha Response: No response was provided.
  CTE Response: There are no county requirements for either of the above- hours of construction or deliveries. We are unclear what is meant by the bio-waste hazard disposal plan. We have correspondence from the Colorado Department of Public Health and Environment that addresses the current status of the land fill mitigation. That documentation has been provided to the County.

Sincerely,

Melissa Kendrick
Kendrick Consulting Inc.
On behalf of Cherry Tree Estates

CC:
Lance Wheeland, President Concha HOA
Danielle Locquercio, Management & Maintenance
Kathi Burdess, Property manager for Granville HOA
Tim VanMeter, Cherry Tree Estates

SPENCER FANE
BRITT & BROWNE LLP
Attorneys & Counselors at Law

LARRY W. BERKOWITZ
DIRECT DIAL: (303) 839-3991
lberkowitz@spencerfane.com

RECEIVED
MAY 14 2015
ARAPAHOE COUNTY
PLANNING DIVISION

May 12, 2015

Molly Orkild-Larsen
Arapahoe County Planning Department
6924 South Lima Street
Centennial Colorado 80112

Re: Cherry Tree Estates

Dear Ms. Orkild-Larsen:

Recently, we were copied on a letter to you dated April 22, 2015 from Concha Townhouse Association ("Concha") regarding a "Preliminary Development Plan" for Cherry Tree Estates.

As you are aware, we have completed the Phase 1 review for the preliminary development plan for this development. This review is for internal staff in preparation for the Phase II review that goes to outside agencies and homeowners associations. The Phase I review has resulted in subsequent discussions with the planning staff and generated additional consideration and revision.

Many concerns and issues raised in the Concha Townhome Association letter will be addressed in the Phase II submission of the Preliminary Development Plan and our responses would normally follow that submission, however, we feel it necessary to clarify and respond to certain statements in the Concha letter as they are apparently based on serious misconceptions.

1. The applicant is proposing 35 foot building heights for Phase 1 (will be labeled Planning Area 1). The proposed building height is the same as the R-PSF Single Family designation in the Arapahoe County Zoning Regulations (which is the closest zoning category to what is being proposed). Bulk plane regulations have not been adopted in the County and are unnecessary for this development. The applicant has no intention to and will not build four story buildings. The next iteration of the PDP will demonstrate this height limit. The proposal of a ten foot height limit is not workable, feasible, or required. No such height restriction applies to any of the adjacent properties. In fact, the applicant intends a transitional buffer of lower height structures adjacent to existing single family residences to slightly taller structures, to the south of the power lines, further away from the existing residences.

2. Final density depends on future submittals and approvals, however in any event, the proposal of the applicant is and will be far below the maximum 12 D/use per acre as provided by the Four Square Mile Subarea Plan. The applicant intends to develop the project as a smart development consistent and in harmony with the surrounding neighborhood.

3. Concha has correctly pointed out an error in the traffic study waiver request. It incorrectly referenced an 84 unit assisted living facility. In fact, the Phase 1 development, that is the portion of the property north of the power lines will provide housing for up to 112 handicapped individuals (handicap in

the sense that they are all individuals suffering from Alzheimer's or dementia and need assistance with one or more daily life activities). While it is hoped that those residents will have visitors, none of the residents will drive.

The road from Colorado Avenue traversing through the site to Quebec is to remain private. It is intended that there will be restricted access on the Colorado Avenue side but not on the Quebec entrance.

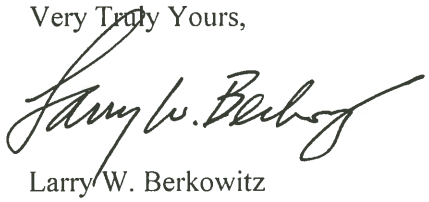
4. The Concha letter states "some of our homeowners have been impacted by flow simply from the applicants grading of the site." We have no idea what this statement refers to. There has been no grading of the site within 500 feet of the Concha property line. While trash, dead trees, brush and leaves have been removed from the site, the grade, slope and elevation between the site and Concha has not changed. We understand that Concha has had a history of drainage issues and we were also told by a representative of Concha at the recent meeting that the sources of drainage concerns arises from the Grandville West development to the east of Concha. As one resident at the recent meeting with the HOA indicated he had been experiencing water in his basement for 12 years, it is obvious that whatever drainage issues are affecting Concha, have nothing to do with current activities on the Cherry Tree Estates site.

Grading and drainage of the site will be in accordance with County standards and will not adversely impact down-stream properties as required by the standards. Drainage issues will be reviewed as detailed plans are developed during the FDP phase of the project. This will afford all an opportunity to understand how drainage will be dealt with in the development of the Cherry Tree Estates property.

5. The applicant will abide by all applicable limitations on construction hours and non-emergency vehicles on the site.

We look forward to working with you and the adjacent homeowners associations as our plans develop.

Very Truly Yours,



Larry W. Berkowitz

LWB:cbw
cc: Tim VanMeter
Melissa Kendrick
Kevin Roth

Arapahoe County
Colorado's First

Public Works and Development
6924 S. Lima Street Centennial, Colorado 80112 Phone: 720-874-6650; FAX 720-874-6611
www.co.arapahoe.co.us

Planning Division

Phase II Referral Routing

Case Number / Case Name:	**Z15-001, Cherry Tree Estates / Preliminary Development Plan**
Planner:	**Molly Orkild-Larson (MOrkild-Larson@arapahoegov.com)**
Engineer:	**Sarah White**
Date:	**July 23, 2015**
Date to be returned:	**August 24, 2015**

	Arapahoe County Agencies	
☒	Assessor / Arapahoe County	Karen Hart
☐	Attorney / Arapahoe County	Robert Hill
☐	Building / Arapahoe County	Steve Byer
☒	Engineering / Arapahoe County	Sarah White
☒	Mapping / Arapahoe County	Pat Hubert
☐	Oil & Gas / Arapahoe County	Diane Kocis
☒	Open Space / Arapahoe County	Shannon Carter
☒	Planning / Arapahoe County	Molly Orkild-Larson
☒	Sheriff / Arapahoe County	1 to Brian McKnight 1 to Glenn Thompson
☐	Weed Control / Arapahoe County	Russell Johnson
☒	Zoning / Arapahoe County	Tammy King
	Referral Agencies	
☐	Architectural Review Committee	
☐	Airport or Military Base	
☐	CGS Colorado Geological Survey-Soils	
☒	City of Denver	
☐	Colorado Parks and Wildlife	
☐	County	
☒	School	Cherry Creek #5
☒	Fire District	Cunningham
☐	Metro District	
☒	Post Office Growth Coordinator	Jaimie Hernandez
☐	Reap I-70 Regional Economic Advancement Partnership	
☐	Arapahoe Park District	Lynn Cornell
☒	Arapahoe Library District	Janel Maccarrone
☐	Special District	
☒	Tri-County	Sheila Lynch
☒	HOA/Homeowners Associations	Concha Townhome Association
		Cook Park Neighborhood Association

	Citizen's Organizations	
☐	CCNA-Cherry Creek Neighborhoods Ass.	
☐	CECON-(Within Centennial)	
☒	Four Square mile Neighborhood	Mark Lampert
☐	South Metro Chamber of Commerce	
	Conservation District	
☐	Deer Trail Conservation District	
☐	West Arapahoe Conservation District	Tasha Chevarria
	Transportation	
☐	CDOT / State Highway Dept- Region 1	Rick Solomon
☐	E-470 Authority	Peggy Davenport
☒	RTD	Chris Quinn
☐		
	Utilities: Gas, Electric & Phone	
☒	Centurylink/Phone	Charles Place
☐	Conoco Phillips / Gas Pipeline	
☒	XCEL	Donna George
☐	IREA	
	Water / Sanitation / Stormwater / Wetlands	
☐	ACWWA	
☒	U.S. Army Corp. of Engineer	Kiel Downing
☒	CCBWQA	Chuck Reid
☐	Colorado Division of Water Resources	Joanne Williams
☒	SEMSWA	Paul Danley
☐	ECCVW&S	Chris Douglass
☒	Urban Drainage	David Mallory
☐	Other / 5 Sets East End Adv. Committee	
	Park at Indian Creek	
	Granville West Hoa	

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 line and return to the Arapahoe County Planning Office on or before the date indicated above.

	COMMENTS:	SIGNATURE
☒	Have NO Comments to make on the case as submitted	See redlines & letter dated 8/24/15.
☐	Have the following comments to make related to the case:	

ARAPAHOE COUNTY
COLORADO'S FIRST

Public Works and Development

6924 South Lima Street
Centennial, Colorado 80112-3853
Phone: 720-874-6500
Fax: 720-874-6611
TDD: 720-874-6574
www.arapahoegov.com
publicworks@arapahoegov.com

DAVID M. SCHMIT, P.E.
Director

Planning Comments – Phase II
Case Number: Z15-001, Cherry Tree Estates
Preliminary Development Plan
August 24, 2015

Sheet 1 – Cover Sheet

1. Remove Note or Notes after the titles under Standard Notes.
2. The Four Square Mile Area note needs to be placed under Specific Notes.
3. Under Specific Notes, Age Restriction, Note #2, the "Person under the age-minimum may reside in the community temporarily for up to 90 days per year *if an exemption is granted*?
4. Under the Project Narrative and Architectural Character, what do you mean by "lower scale" found in the second paragraph? One story?
5. Under the Project Narrative, first paragraph, what Secretary issues the rules? Please clarify.
6. Check spelling under Project Narrative.
7. What does "corresponding variations" mean under Architectural Character? Please clarify.
8. Add a line for the month under the Board of County Commissioners Approval signature block.
9. Move the address to in front of "My Commission Expires" under the Certificate of Ownership signature block.
10. See the comments on du/ac on sheet 2.

Sheet 2 – Site Plan

1. See comments on this sheet.
2. The comments on the Development Criteria chart are as follows:
    - You need to be more specific of what accessory uses you're proposing.
    - Are you looking at putting CRMS facilities on the towers?
    - Du/ac calculations are off, please revise.
    - Revise the side to another side dimension. Talk to the building department if you need further clarification.
    - Provide clarification on the internal lot line dimensions.
3. Add additional information for each of the planning areas as indicated on the site plan.

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DAVID M. SCHMIT, P.E.
Director

Planning Comments – Phase II
Case Number: Z15-001, Cheery Tree Estates
Preliminary Development Plan
August 24, 2015

Sheet 1 – Cover Sheet

1. See comments on this sheet.

Sheet 2 – Site Plan

1. See comments on this sheet.

Board of County Commissioners
Engineering Summary Report

Date: April 11, 2016

To: Arapahoe County Board of County Commissioners

Through: Molly Orkild-Larson; Planning Division

From: Sarah White; Engineering Services Division

cc: Chuck Haskins, PE, Division Manager, Engineering Services Division

Re: **Cherry Tree Estates**
Z15-001 / PDP

Purpose and Recommendation
The purpose of this report is to provide the Engineering Services Division Staff findings, comments, and recommendations regarding the above-referenced land use application(s).

Engineering Services Division Staff (Staff) has reviewed the above-referenced land use application(s) and has the following findings and comments:

1. This development lies within the boundaries of Southeast Metro Stormwater Authority (SEMSWA) and Urban Drainage and Flood Control District (UDFCD).
2. This parcel is in the Cherry Creek drainage basin, Cheery Creek Basin 3. A fee of $4,289/impervious acre has been established for the development in this watershed. This fee will be assessed at time of Final Development Plan.
3. This site is access control by the City and County of Denver. All access permits and right of way easements will need to be established by approval of the Final Development Plan.
4. County requirement for a new critical facility is to have continuous non-inundated access during a 100-year flood event. Current FEMA floodplain mapping has a small section of the site and potential access roads within the 100 year floodplain. There is an existing Flood Hazard Area Delineation (FHAD) from October 2013 that removes all portions of the site and both access roads from the floodplain. The FHAD is currently under review with FEMA (minimum 18 months for review time). The FHAD will need to be approved/accepted by FEMA prior to the Final Development Plan approval or access roads may need to be elevated or relocated out of floodplain. Access points are general concepts at this time based on access permits from City and County of Denver.
5. Staff and Southeast Metro Stormwater Authority (SEMSWA) have no further comments in relation to the Phase I Drainage Report, pending BoCC Approval.
6. Staff has no further comments in relation to the Traffic Impact Study (TIS), pending BoCC approval.

Engineering Services Division Staff is recommending this land use application favorably subject to the following conditions:

1. Applicant addresses any outstanding redlines and/or staff comments, as applicable.

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Planning Division

Phase II Referral Routing

Case Number / Case Name:	**Z15-001, Cherry Tree Estates / Preliminary Development Plan**
Planner:	**Molly Orkild-Larson (MOrkild-Larson@arapahoegov.com)**
Engineer:	**Sarah White**
Date:	**December 10, 2015**
Date to be returned:	**December 23, 2015**

	Arapahoe County Agencies				
☒	Assessor / Arapahoe County	Karen Hart		**Citizen's Organizations**	
☐	Attorney / Arapahoe County	Robert Hill	☐	CCNA-Cherry Creek Neighborhoods Ass.	
☒	Long Range Planning – Arapahoe County	Julio Iturreria	☐	CECON-(Within Centennial)	
☒	Engineering / Arapahoe County	Sarah White	☒	Four Square mile Neighborhood	Mark Lampert
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☐	Oil & Gas / Arapahoe County	Diane Kocis		**Conservation District**	
☒	Open Space / Arapahoe County	Shannon Carter	☐	Deer Trail Conservation District	
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☒	Sheriff / Arapahoe County	1 to Brian McKnight 1 to Glenn Thompson		**Transportation**	
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☐	Airport or Military Base			**Utilities: Gas, Electric & Phone**	
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	COMMENTS:	SIGNATURE
☐	Have NO Comments to make on the case as submitted	
☒	Have the following comments to make related to the case:	
	See Attached Memo	

December 14, 2015

To: Molly Orkild-Larson, Case Manager

From: Julio Iturreria, Long Range Planning Manager

Subject: Revised Cherry Tree Estates Referral Comments for Z15-001

The Cherry Tree Estates from the being was discussed as a memory care facilities in Phase 1 which would care as assisting living for the community. Phase 2 would be a continuation of the same intent with "propose (d) a Senior Housing zoning designation for this property." Quote from Letter dated November 14, 2014 from Ms. Melissa Kendrick of Kendrick Consulting Inc.

At the Four Square Mile Neighborhood meeting which to place on December 9, 2015, I noticed the latest proposal map which I borrowed from an attendee and noticed that is was different than what was presented a year ago. It appears that wording had change to include "multi-family" as a permitted use. A long with this discovery the designation for Senior Housing Zoning was missing. This new proposed of Multi-Family goes against the existing Four Square Mile SubArea Plan. The existing subarea plan shows this parcel as being Single Family Detached with a 1-12 dwelling unit per acre.

As per page 5 of the Appendix Section of the Four Square Mile SubArea Plan states:

> **SINGLE FAMILY DETACHED –**
> Primary uses are:
> Detached Single Family dwellings on individual lots with direct or shared access to public streets. Secondary uses are:
> Parks and recreation facilities, public and private schools, places of worship, and neighborhood commercial uses subject to locational, height, bulk and scale considerations. The dwellings will have central water and sanitary sewer service and the streets are paved. Development density: One to six dwelling units per gross acre. The Single Family Detached land use designation density is further defined on the Land Use Map.
>
> **SINGLE FAMILY DETACHED AND ATTACHED –** Primary uses are Detached Single Family dwellings on smaller individual lots and/ or Single Family Attached dwellings with direct or shared access to public streets. The smaller lot and attached dwellings provide common open space for the development as well as some individual dwelling unit open space in the form or

yards and patios, Vehicle parking is intended to be in individual garages and in on-site parking bays. Secondary uses can include recreational facilities, limited convenience commercial uses and quasi-public uses such as schools and places of worship. Development density is from six to 12 dwelling units per gross acre.

However, Multi-Family is not an optional category and unacceptable:

> **MULTI FAMILY –** Primary uses are: Multi Family residential structures including apartments, cooperatives, and condominium dwelling units with shared or designated on-site parking, open space and recreation facilities for residents. Secondary uses are:
> Neighborhood Commercial centers, parks and recreation facilities, schools, both public and private, and places of worship. Development density: From 13 to 25 dwelling units per gross acre.

Therefore, based upon the recent referral from Current Planning, as the Long Range Planning Staff the category of Multi-Family use is not in compliance with the SubArea Plan should be deleted.
If the applicant wishes to proceed without eliminating the category of Multi-Family, recommendation for this project is **denial** since this application is no longer compliant with the existing Four Square Mile SubArea Plan.

Dave Schmit, P.E. | Director

ARAPAHOE COUNTY
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September 30, 2014

Mr. Tim VanMeter
Cherry Tree Estates, LLC
Senior Housing Community

RE: Cherry Tree Estates Proposal

Dear Mr. VanMeter;

Thank you for your letter explaining your position on the proposal for a memory care facility with a site plan. Since the Subarea plan for the Four Square Mile Area does not recognize any group homes or assisted facilities. And it is not the intent of the subarea plan to have specific categories such as assisted living, etc. Therefore I have determined that this request for an amendment is not warranted for the Four Square Mile Area plan, or the need for the informal Planning Commission discussion. Since the Residential category allows for such uses. Moreover, my decision opens the door for you to proceed to the application for a zone change with the knowledge that amendment is not necessary. However, the site plan shows an administrative building, and the intended use is still vague which is understandable for your request. So as long as the administrative building is an accessory to the memory care facility, there should not be a problem.

I will go before the Planning Commission and discuss my rational and conclusion.

Your letter with Background information, Subarea Plan Compliance, Density, Group A and B discussion helped considerable to expedite your request for a decision.

Congratulations,

Julio G. Iturreria
Long Range Planning Manager
6924 S Lima Street
Centennial, CO 80112
720-874-6657 (direct)
jiturreria@arapahoegov.com

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Cc: Planning Commissioners
Jan Yeckes, Planning Manager

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Public Works and Development
6924 S. Lima Street Centennial, Colorado 80112 Phone: 720-874-6650; FAX 720-874-6611
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Planning Division

Phase II Referral Routing

Case Number / Case Name:	**Z15-001, Cherry Tree Estates / Preliminary Development Plan**
Planner:	**Molly Orkild-Larson (MOrkild-Larson@arapahoegov.com)**
Engineer:	**Sarah White**
Date:	**July 23, 2015**
Date to be returned:	**August 24, 2015**

	Arapahoe County Agencies				
☒	Assessor / Arapahoe County	Karen Hart		**Citizen's Organizations**	
☐	Attorney / Arapahoe County	Robert Hill	☐	CCNA-Cherry Creek Neighborhoods Ass.	
☐	Building / Arapahoe County	Steve Byer	☐	CECON-(Within Centennial)	
☒	Engineering / Arapahoe County	Sarah White	☒	Four Square mile Neighborhood	Mark Lampert
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☐	Architectural Review Committee		☐		
☐	Airport or Military Base			**Utilities: Gas, Electric & Phone**	
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☒	HOA/Homeowners Associations	Concha Townhome Association		Park at Indian Creek	
		Cook Park Neighborhood Association		Granville West Hoa	

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 line and return to the Arapahoe County Planning Office on or before the date indicated above.

	COMMENTS:	SIGNATURE
☐	Have NO Comments to make on the case as submitted	
☒	Have the following comments to make related to the case:	SEE REDLINES KK 8-18-15

Shannon Carter | Director

ARAPAHOE COUNTY
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September 11, 2015

Molly Orkild-Larsen
Public Works and Development
6924 S. Lima Street
Centennial CO, 80112

RE: Planning Case # Z15-001, Cherry Tree Estates Preliminary Development Plan – Phase 1.

Dear Ms. Orkild-Larsen:

After meeting with Planning Staff, the Arapahoe County Open Spaces Department has a better understanding of the project details. We have a better sense of the property use and the need for safety and privacy of the memory patients. Therefore, at this time the Open Spaces Department has no comments regarding case #Z15-001, Cherry Tree Estates Preliminary Development Plan- Phase 1.

Thank you,

Ray Winn,

Open Spaces Planner

6934 South Lima Street Unit A | Centennial, CO 80112 | 720-874-6540 | TDD 720-874-6574 | Fax 720-874-6743 | www.co.arapahoe.co.us

Shannon Carter | Director

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August 18, 2015

Molly Orkild-Larsen
Public Works and Development
6924 S. Lima Street
Centennial CO, 80112

RE: Planning Case # Z15-001, Cherry Tree Estates Preliminary Development Plan – Phase 1.

Dear Ms. Orkild-Larsen:

The Arapahoe County Open Spaces Dept. has reviewed the submittal by Kendrick Consulting for the preliminary development plan. Open Spaces has the following comments and recommendations for approval:

Open Spaces is actively involved in management and providing access to the Cherry Creek Trail. The Cherry Creek Trail is an important asset for future residents of this development, to the surrounding community, and to the entire Front Range as a regional multi-use trail. The Cherry Creek Trail provides recreation and alternative transportation to thousands of users, including future residents of the proposed development. The property is an island of Unincorporated Arapahoe County, surrounded by the City of Denver, it is essential to coordinate development with the immediate surrounding area. Access to the Cherry Creek Trail is lacking, especially for residents on the north and east side of the proposed development due to the trail located on the south side of the river. Aerial photography indicates that there are already several established social trails traveling east to west along the southern edge of the property.

As noted in the submittal, the two access points to the development are S. Quebec Street in the western boundary of the property and E. Colorado Avenue on the East Side. The preliminary development plan also notes that a private drive loops through the property from these two access locations. These two access points when connected would provide a critical link from the surrounding neighborhood on the east of the development to the Cherry Creek Trail and adjacent parkland. Providing this link and connectivity would work to implement Goals of the 2005 Four Square Mile Sub-Area Plan:

> ***Goal:***
> *Make the natural assets of the High Line Canal Trail and the Cherry Creek Trail a part of the community identity for walkable communities and the potential for improved public health through walking, bicycle, and horseback riding activities.*
> ***Strategy:***
> *Consider improvements to trail access at all public street crossings and access points. Work with the Highland Canal Preservation group to encourage and improve trail identity, connectivity, usability, and safety.*
> ***Goal:***
> *Increase the usability and access to the Cherry Creek Trail and the High Line Canal Trail from the Four Square Mile Area neighborhoods by improving pedestrian and bicycle access to the trails.*

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Shannon Carter | Director

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***Policy**:*
Develop a trails access plan that opens the adjacent neighborhoods to the trails, whenever possible. Look at the potential for improved trail access at all public street crossings of the trails.

Open Space recommends creating at minimum an 8' sidewalk connection along the southern edge of the property as well as along the entrances to the proposed development for public use, providing a much needed trail connection. This connection may assist working with Denver Public Works to facilitate access and circulation and the necessary curb cuts.

Open Spaces Dept. is willing to further discuss this recommendation with applicant and assist in any way we can.

Thank you for the opportunity to comment on this application.

Ray Winn,

Open Spaces Planner
Cc Roger Harvey: Planning Adminsistrator

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Planning Division

Phase II Referral Routing

Case Number / Case Name:	**Z15-001, Cherry Tree Estates / Preliminary Development Plan**
Planner:	**Molly Orkild-Larson (MOrkild-Larson@arapahoegov.com)**
Engineer:	**Sarah White**
Date:	**July 23, 2015**
Date to be returned:	**August 24, 2015**

	Arapahoe County Agencies	
☒	Assessor / Arapahoe County	Karen Hart
☐	Attorney / Arapahoe County	Robert Hill
☐	Building / Arapahoe County	Steve Byer
☒	Engineering / Arapahoe County	Sarah White
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	COMMENTS:	SIGNATURE
☑	Have NO Comments to make on the case as submitted	MM - Jul 27, 2015
☐	Have the following comments to make related to the case:	

Arapahoe County
Colorado's First

RECEIVED
AUG 03 2015
ARAPAHOE COUNTY PLANNING DIVISION

Public Works and Development
6924 S. Lima Street Centennial, Colorado 80112 Phone: 720-874-6650; FAX 720-874-6574
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Arapahoe County
Colorado's First

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☐	CGS Colorado Geological Survey-Soils	
☒	City of Denver	
☐	Colorado Parks and Wildlife	
☐	County	
☒	School	Cherry Creek #5
☒	Fire District	Cunningham
☐	Metro District	
☒	Post Office Growth Coordinator	Jaimie Hernandez
☐	Reap I-70 Regional Economic Advancement Partnership	
☐	Arapahoe Park District	Lynn Cornell
☒	Arapahoe Library District	Janet Maccarrone
☐	Special District	
☒	Tri-County	Sheila Lynch
☒	HOA/Homeowners Associations	Concha Townhome Association
		Cook Park Neighborhood Association

	Citizen's Organizations	
☐	CCNA-Cherry Creek Neighborhoods Ass.	
☐	CECON-(Within Centennial)	
☒	Four Square mile Neighborhood	Mark Lampert
☐	South Metro Chamber of Commerce	
	Conservation District	
☐	Deer Trail Conservation District	
☐	West Arapahoe Conservation District	Tasha Chevarria
	Transportation	
☐	CDOT / State Highway Dept- Region 1	Rick Solomon
☐	E-470 Authority	Peggy Davenport
☒	RTD	Chris Quinn
☐		
	Utilities: Gas, Electric & Phone	
☒	Centurylink/Phone	Charles Place
☐	Conoco Phillips / Gas Pipeline	
☒	XCEL	Donna George
☐	IREA	
	Water / Sanitation / Stormwater / Wetlands	
☐	ACWWA	
☒	U.S. Army Corp. of Engineer	Kiel Downing
☒	CCBWQA	Chuck Reid
☐	Colorado Division of Water Resources	Joanne Williams
☒	SEMSWA	Paul Danley
☐	ECCW&S	Chris Douglass
☒	Urban Drainage	David Mallory
☐	Other / 5 Sets East End Adv. Committee	
	Park at Indian Creek	
	Granville West Hoa	

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 line and return to the Arapahoe County Planning Office on or before the date indicated above.

	COMMENTS:	SIGNATURE
☒	Have NO Comments to make on the case as submitted	M. Janet Maccarrone
☐	Have the following comments to make related to the case:	

Molly Orkild-Larson

Subject: FW: Cherry Tree Estates

From: Marron, Brenden S - PWWMD Wastewater Management [mailto:Brenden.Marron@denvergov.org]
Sent: Thursday, August 13, 2015 3:17 PM
To: Sarah White
Cc: Hamer, Jeremy - PWRWS ERA
Subject: RE: Cherry Tree Estates

Hi Sarah,

Based on the information provided Denver Wastewater does not have any comments at this time. Prior to the final drainage report for the pond being approved can you send over a copy to ensure it is in general agreement with the outfall currently being constructed?

Secondly, once you have a plan indicating how the site will be served by sanitary can you send a copy over? As of right now Denver has no intention of serving the development, but there is communication with Metro Wastewater. Metro required additional information prior to making a commitment of service, but this information has not yet been provided.

If you have any questions let me know.

Regards,
Brenden

Brenden Marron
Development Services | City and County of Denver

DENVER
THE MILE HIGH CITY

201 W. Colfax Avenue, Dept 507, Denver, Colorado 80202
720.913.1757 Phone | 720.865.3280 Fax
Brenden.Marron@Denvergov.org | Dial 3-1-1 for City Services

Molly Orkild-Larson

From: Levingston, Courtney L - PR Parks and Planning - PP <Courtney.Levingston@denvergov.org>
Sent: Friday, March 11, 2016 11:10 AM
To: Molly Orkild-Larson
Cc: Henke, Jay C. - Parks & Rec
Subject: Cherry Tree Estates

Thank you for engaging Denver Parks and Recreation (DPR) in the Cherry Tree Estates plan process. DPR does not have any future plans for a concrete trail connection on the north side of the creek. Additionally, it is our understanding that the development is required to provide a perimeter concrete sidewalk connection from E Colorado Ave. to Quebec to be located on private property. We are supportive of this requirement and would ask that the connection be publically accessible.

Understanding both the design needs of the assisted living population as well as public safety and aesthetics, any 6' fence constructed adjacent to the City of Chennai Park or the creek should be 75% transparent (metal picket, wrought iron or similar). This fence transparency promotes public safety, allowing "more eyes" on the park and creek open space. Additionally, a wrought iron fence allows for a continuous visual reading of the open space from the proposed building edge across the creek/park supporting a more desirable and open aesthetic.

I have copied Jay Henke on this email as he is our Senior Trails Planner and can provide you with any additional information or answer any trail specific questions you may have as it relates to this development.

Thanks again,

Courtney Levingston, AICP, LEED AP ND | Senior Planner, Planning, Design + Construction
Parks and Recreation | City and County of Denver
720.913.0623 Phone | courtney.levingston@denvergov.org

CUNNINGHAM FIRE PROTECTION DISTRICT

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

PDP Comment

August 19, 2015

Molly Orkild-Larson
Arapahoe County Public Works and Development
6924 S. Lima Street
Centennial, CO 80112

Re: Case Cherry Tree Estates-PDP

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.

Fire District comments for **FDP**

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

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. Complete specifications and building construction plans shall be submitted to the Fire District for review and approval prior to any building construction occurring.

4. All fire hydrants are to be installed in conformance with *Sections 507* of the *2009 International Fire Code*. No landscaping, fencing or any other obstruction shall be placed within three feet of a fire hydrant.

5. The Fire District requires that IF new traffic signals are installed as a result of new development are equipped with Opticom traffic signal prioritization equipment. The developer shall ensure that traffic signal prioritization equipment is provided at the time new traffic signals are installed.

1. Fire lane designation

All private drives within this development are declared as fire apparatus access under *Section 503 of the 2009 IFC.*

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.

3. Fire lane plan

Fire lane plan and radii for apparatus within the site is required for approval.

4. Water plan

A formal water plan for review and approval 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.

5. 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 contact Fire Prevention to verify plan submittal requirements and permit fees prior to plans submittal.

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

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

8. Radio Amplification System
The installation of an approved radio amplification system shall meet the requirements of *Appendix J* of the *International Fire 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

2015 SOUTH DAYTON STREET ♦ DENVER, CO 80247 ♦ Phone: (303) 755-9202
Fax: (303) 752-1857

VIA FACSIMILE

March 17, 2014

Senior Engineer Tim Nuetzel
2000 S. Colorado Boulevard Suite 6000
Denver, CO 80222

Re: Cherry Tree Estates/Cunningham Fire Protection Project #14-529

Mr. Nuetzel:

This letter is provided to clarify the requirements for access to the development you're client is proposing as the Cherry Tree Estates development near the intersection of E. Iowa Avenue and S. Quebec Street. The Cunningham Fire Protection District has reviewed the two points of access serviced through the City of Denver. The two points of access have been reviewed one from S. Quebec Street and one access point from E. Colorado Avenue.

The plans also indicate an emergency access in the Granville West Subdivision north of the power lines on the border between Arapahoe County and the City of Denver. Cunningham Fire Protection District has reasons to believe this access identified is for the Denver Fire Department to service the existing townhomes in the Granville West Subdivision and is not considered a part of the Cherry Tree Estate project.

The Fire District has adopted the *2009 International Fire Code (IFC)* as the model fire code. The adoption of this code also includes adoption of *Appendix D* which specifies requirements for fire apparatus access roads and fire lane signage.

Two separate points of access are required for the development you are proposing. *Section 503* of the *2009 IFC* authorizes the Fire District to require additional fire apparatus access when there is a potential for impairment of single access road by vehicle congestion or other factors that could limit access. Additionally, *Section D106* of the *2009 IFC* requires that multiple family residential developments must have two separate points of access when there are more than 100 dwelling units. At build out your development will exceed this number potentially with the type of development proposed?

The Cunningham Fire Protection District will support the two points of access S. Quebec Street & E. Colorado Avenue. The two accesses shall meet the fire apparatus access road and fire lane designation requirements:

- All of the primary fire apparatus access roads shall be installed prior to construction. The access roads must be an all weather surface and able to support an imposed load of 75,000 pounds.

- Fire lane designation
  The Fire District declares all drives within this development as fire apparatus access under *Section* 503.3 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. (The proposed access of 25 feet will require both sides of the access to be marked with fire lane signage)

- A fire lane signage plan and a letter requesting inclusion into the County fire lane program is required to be submitted to the Fire District for review and approval at the construction phase. Information on the Arapahoe County Fire Lane Program will be provided to the Developer.

- The fire lane signs in the access portion of the road in the City of Denver shall also be enforceable by the Denver Police Department.

This approval does not waive any requirements set forth by the Arapahoe County Public Works and Development or the City of Denver Public works and Development or any other entities/agency requirements. This approval is for the Cunningham Fire Protection District as the service provider to this parcel in Arapahoe County.

Please let me know if you need additional information or further clarification. I can be contacted at (303) 338-4222.

Sincerely,

Tim Cox
Fire Marshal

CC: CFPD Project files #14-529

Molly Orkild-Larson

From: Strohfus, David <dstrohfus@CherryCreekSchools.org>
Sent: Wednesday, January 27, 2016 12:40 PM
To: Molly Orkild-Larson
Subject: RE: Cherry Tree Estates - Preliminary Development Plan

Molly,
I'll work to get you a response quickly. We're up to our eyeballs here with potential bond planning, but I'll do my best.

Simply put – no cash in lieu will be necessary at this time (of course). We will simply include our customary response for a development like this that would state that if the property shift at some point in the future to include residents that might sent students to CCSD, we would ask for an appropriate fee at that time.

Thanks!

David Strohfus

Director of Planning and Interagency Relations
Educational Services Center
4700 South Yosemite Street
Greenwood Village, CO 80111

dstrohfus@cherrycreekschools.org
720-554-4244

Inclusive Excellence
CherryCreekSchools
College Preparedness and Success

Forbes | 2015
AMERICA'S BEST EMPLOYERS
POWERED BY STATISTA

Tri-County Health Department

August 24, 2015

Molly Orkild-Larson
Arapahoe County Public Works and Development
6924 S. Lima Street
Centennial, CO 80112

RE: Cherry Tree Estates
Z15-001
TCHD Case No. 3594

Dear Ms. Orkild-Larson:

Thank you for the opportunity to review and comment on the Preliminary Development Plan for a residential community, located northeast of the intersection of South Quebec Street and Cherry Creek Drive South. Tri-County Health Department (TCHD) has reviewed the application for compliance with applicable environmental and public health regulations and has the following comments.

Former Landfill

The subject property is located on a former landfill, designated as AR-044 in our records. The Hazardous Materials and Waste Management Division (HMWMD) of the Colorado Department of Public Health and Environment (CDPHE) conducted a Targeted Brownfields Assessment (Assessment) of the site and issued a report in September of 2005. The Assessment identified soil contamination and methane.in exceedance of the lower explosive limit in the subsurface soils.

Flammable gas from the landfill poses a health and safety hazard to the development. Site grading and construction of buildings and utilities will disturb the landfill and will require proper management of waste in the landfill and restoration of the landfill cap. In addition, the waste and associated contamination of soils pose health and safety hazards to construction workers, as well as future tenants and visitors to the site.

The applicant will need to work with the CDPHE HMWMD to develop a Materials Management Plan and other related plans, e.g. Asbestos Management, and Health and Safety plans, and to incorporate flammable gas control systems into the project. The applicant shall contact Curtis Stovall, with CDPHE at: 303-692-2295 or curtis.stovall@state.co.us regarding the plans. Upon completion of those plans, they will require review by TCHD and CDPHE and approval by CDPHE

Please feel free to contact me at (720) 200-1568 or email at wbrown@tchd.org if you have any questions on TCHD's comments.

Sincerely,

Warren S. Brown, P.E.
Public Health Engineer

CC: Sheila Lynch, Lisa Oliveto, Laura DeGolier, TCHD
Curtis Stovall, P.E., CDPHE

ARAPAHOE COUNTY
COLORADO'S FIRST

Public Works and Development

6924 South Lima Street
Centennial, Colorado 80112-3853
Phone: 720-874-6500
Fax: 720-874-6611
TDD: 720-874-6574
www.arapahoegov.com
publicworks@arapahoegov.com

DAVID M. SCHMIT, P.E.
Director

Phone Conversation

Phone Conversation: Between Fonda Apostolopoulos – Colorado Department of Public Health and Environment (CDPHE) and Molly Orkild-Larson, Arapahoe County – Planning Division
Date: January 27, 2016
Case No.: Z15-001, Cherry Tree Estates – Preliminary Development Plan

Topic of Discussion
Status of the Clean-up of the Subject Property:

The subject property was used as a land fill for organic debris. CDPHE has wells on-site that are monitoring the methane being produced from the decomposition of this organic material.

Last year, the applicant contacted CDPHE to discuss the clean-up of the solid waste on the parcel and funding (Revolving Loan Fund) that is available for such a task. As part of CDPHE's Volunteer Clean-up Program, the applicant would need to put submit a Materials Management Plan which would address the removal of the debris on-site. CDPHE has reviewed with the applicant's consultant the requirements for this plan but as of yet, no plan has been submitted. Once received, there is a 45 day review period. If approved, the applicant has one year to start the removal process and two years to complete it. Once all the waste has been removed no methane will be present on the parcel and development can occur.

4* SQUARE MILE NEIGHBORHOODS

*But we are only 2.6 square miles!

updated

February 3, 2016

Via Email

Ms Molly Orkild-Larson
Senior Planner
Arapahoe County Planning

Re: Cherry Tree Estates PDP Application, Z15-001

Dear Molly:

Four Square Mile Neighborhoods (4SQM) provides the following comments with respect to this proposed 2 parcel development for senior residents (55 years and older) who need assistance in one or more of their daily life activities. Plan Area #1 is 4.8 acres and will have a maximum of ten homes that will allow assisted living residences and single family attached townhome style residences. Plan Area #2 is 5.8 acres and will have a maximum of 43 homes which could be a style like assisted living residences, single family home, duplexes and townhomes.

Four Square Mile Neighborhoods appreciates the time the developer and his team took to work on the best possible development that they are requesting. We have had many meetings, small and large, with the team to hear the concerns of the neighbors. This parcel is an island located in 4SQM with two City of Denver PUD's, Concha and Granville West Homeowners Associations, adjacent to the proposed development. We arranged for some of the meetings with the HOA's and the developer and even suggested they float balloons to show the height and set back from the City of Denver properties.

We are aware that our position might not be the same as those residents in the City and County of Denver that are neighbors to this proposed development.

Responding for the residents in the 4SQM area, we are in support of this project with the concern that Plan Area #2 would have structures taller than our maximum of 35 feet. As proposed, Plan Area #1 maximum would be 32 feet, and this meets our maximum height of no more than 35 feet. As proposed, Plan Area #2 maximum would be 42 feet, which exceeds our height of 35 feet.

At a recent Planning Board Hearing, the applicant who wanted to build a senior assisted living center with a maximum building height of over 35 feet, was told that the project was approved but for no higher than 38 feet. We would take this as support from the Planning Board that the maximum building heights that 4SQM has set at 35 feet, should be the maximum height of any development in the 4SQM area. We could accept the maximum being the 38' on the parcel close to the river.

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 buildings.

Very Truly Yours,

FOUR SQUARE MILE NEIGHBORHOODS

By Mark Lampert

cc: Jan Yeckes, Arapahoe County

Molly Orkild-Larson

Subject: FW: Cherry Tree Estates, Case # Z15-001

From: George, Donna L [mailto:Donna.L.George@xcelenergy.com]
Sent: Wednesday, August 26, 2015 6:36 AM
To: Molly Orkild-Larson
Subject: RE: Cherry Tree Estates, Case # Z15-001

Hi Molly, here's a statement from Mike which may help:

"We do not have any conflict at this time. When plans get finalized and specific improvement locations are more defined, we will ask that an encroachment application be submitted, reviewed and approved and license agreements be issued for improvements within our electric transmission right-of-way."

Regards,

Donna

Xcel Energy℠
PUBLIC SERVICE COMPANY

Right of Way & Permits

1123 West 3rd Avenue
Denver, Colorado 80223
Telephone: **303.571.3306**
Facsimile: 303. 571.3524
donna.l.george@xcelenergy.com

August 26, 2015

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

Attn: Molly Orkild-Larson

Re: * AMENDED RESPONSE *
Cherry Tree Estates, Case # Z15-001

Public Service Company of Colorado's (PSCo) Right of Way & Permits Department has reviewed the plans for **Cherry Tree Estates** and requests the property owner/ developer/contractor continue working with **Mike Diehl (Siting and Land Rights Supervisor at 303-571-7260)** regarding all electric transmission line and easement issues.

Please be aware PSCo also has existing natural gas and electric distribution facilities within the proposed project area. 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. It is then the responsibility of the developer to contact the Designer assigned to the project for approval of design details. Additional easements may 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

Xcel Energy℠
PUBLIC SERVICE COMPANY

Right of Way & Permits

1123 West 3rd Avenue
Denver, Colorado 80223
Telephone: **303.571.3306**
Facsimile: 303. 571.3524
donna.l.george@xcelenergy.com

August 20, 2015

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

Attn: Molly Orkild-Larson

Re: Cherry Tree Estates, Case # Z15-001

Public Service Company of Colorado's (PSCo) Right of Way & Permits Department has determined **there is a conflict** with the above captioned project. Public Service Company has an existing electric transmission line and associated land rights as shown within this property. Any activity including grading, proposed landscaping, erosion control or similar activities involving our existing right-of-way will require Public Service Company approval. Encroachments across Public Service Company's easements must be reviewed for safety standards, operational and maintenance clearances, liability issues, and acknowledged with a Public Service Company License Agreement to be executed with the property owner. **PSCo is requesting that, prior to any final approval of the development plan,** it is the responsibility of the property owner/developer/contractor to contact **Mike Diehl Siting and Land Rights Supervisor at (303) 571-7260** to have this project assigned to a Land Rights Agent for development plan review and execution of a License Agreement.

The developer 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. It is then the responsibility of the developer to contact the Designer assigned to the project for approval of design details. Additional easements may 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

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

PAUL J. HANLEY, Chairman
JORGE-AYN G. RILEY, Vice-Chairman
PAUL R. THAYER, Secretary-Treasurer
LOUIS D. HALSELL, JR., Director
MARK L. LAMPERT, Director

September 28, 2015

Arapahoe County
Darla Brooks
6924 S Lima St
Centennial, CO 80112

Re: Cherry Tree Estates

The above referenced property is within the service area of the District. 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 Warford
District Manager

December 6, 2015

Tim VanMeter / Melissa Kendrick

Re: Cherry Tree Estates
Case # Z15-001

Dear Mr. VanMeter and Ms. Kendrick

The Concha Homeowners Association wants to thank you for the demonstration of bulk plane heights and distance you performed on Saturday, November 14. A number of homeowners attended the demonstration and witnessed the balloons placed on poles, set in various locations along our south common property line, to help give our homeowners an understanding of the potential impact of structures permitted by the latest version of your PDP. We understand you had no requirement to perform this demonstration and appreciate your willingness to do so.

Following the demonstration the assembled homeowners discussed their impressions. The reactions were unanimous that structures as close as 20 feet and as high as 32 feet was shocking and overwhelmingly negative. Shadows cast from the balloons shaded deeply into the adjacent properties and all the homeowners expressed concern that their privacy could be taken away by second story windows looking directly into the yards and homes along the common property line.

While the assembled homeowners expressed their gratitude for your outreach to the community, which the HOA board concurs with, the overall response from our community is to reinforce our request for angled bulk planes above 10' of height at the 20' setback. We believe the restriction of such a bulk plane can be managed architecturally, and will not necessarily diminish your ability to design structures of the type and density described in letters of intent and discussions with the community. We note the design of Concha townhomes have been designed to minimize the views into adjacent properties by offset and staggered structures with windows oriented away from private spaces and units. We hope the design of the proposed units follows these design guidelines and respects the rights of the existing homeowners to privacy and solar access.

Sincerely,

Dean Foreman, RA

Chairman, Architectural Control Committee
Concha Homeowners Association

Cc: Molly Orkild-Larsen, Mark Lampert, Paul Kashmann, HOA Board of Directors, Homeowners of Concha

RECEIVED

AUG 2 5 2015

ARAPAHOE COUNTY
PLANNING DIVISION

24 August 2015

Arapahoe County Planning Department
6924 South Lima Street
Centennial, CO 80112
Attn: Molly Orkild-Larsen, Project Planner

Re: Z-15-001 Cherry Tree Estates – Preliminary Development Plan ("**Cherry Tree Estates**")

Dear Molly:

As the Chairman of the Architectural Control Committee for the Concha Homeowners Association and as a resident of the community that borders on the proposed development I am responding to the recently received modifications to the original Planned Unit Development for the proposed Cherry Tree Estates referenced above.

We are in receipt of:

1. Letter dated July 23, 2015 from Kendrick Consulting representing Mr. Tim VanMeter regarding the Cherry Tree Estates- Preliminary Development Plan Application.
2. Revised Cherry Tree Estates Planned Unit Development Plan (PDP), undated.
3. Traffic Impact Study for Cherry Tree Estates, dated July 2015, prepared by SM Rocha, LLC (15-05434)

These comments and questions are also directed to the persons, organizations and agencies copied on this letter. While I have been asked to represent the community and the HOA board, these comments do not necessarily represent the opinions of all the residents.

This is the second response from our community regarding this project. It follows our letter of April 22, 2015 which responded to the original published PDP (undated) received in April 2015. In that letter the community expressed concern over a number of issues and made several requests, specifically:

- **Request:** The applicant was requested to indicate on the PUD that the height and density reflect the intent of the project as stated in its application letter of 1-30-15, namely "single story detached and attached residential homes". The community requested reduction in the 35'/45' height limits indicated and requested application of bulk planes along the common property border. (Note: Concha height limits are set to 28')
  Response: No indication of single story structures nor modification to the height limits were made nor were bulk plane restrictions made part of the PDP

- **Request:** The applicant was requested to indicate on the PDP that the proposed density stated in the letters of intent match those on the language of the PDP (1.5 du/ac vs 2.25 for Planning Area 1, and 5.2 du/ac vs. 7.5 for Planning Area 2). This was based on plans originally provided indicating 7 buildings in Planning Area 1 and 30 duplex units for Planning Area 2. *The community expressed concerns that showing more density on the PDP than stated in letters of intent might lead to larger developments than proposed to date or that other developers could buy the rights to the development potential should this developer fail to construct his intended product (not uncommon)*
  Response: The PDP proposed densities have not changed. All references to actual construction were removed from site plans. No building footprints, street layouts, parking areas are indicated on the revised PDP. Maximum Lot Coverage by Structures equal to 50% was added to the Development Criteria and a Dwelling Unit category was added delineating 10 dwelling units per acre in Planning Area 1 and 43 dwelling units in Planning Area 2.

- **Request:** The applicant was requested to perform a full traffic impact analysis correctly reflecting the full build-out of the property for both Planning Areas, to clarify the resident, visitor and employee parking for both Planning Areas, and to clearly indicate the internal road will be made a private gated road, as indicated in meetings with the community. It was further requested that the full traffic study anticipate the additional traffic generated by a non-gated road allowing through traffic from Colorado Avenue to

Quebec Street, and provide mitigation methods to relieve potential impacts at the Iowa/Quebec intersection. *The residents are concerned that the stated desire on the part of the applicant to create a gated private road, if not implemented, would lead to worsening traffic in the community and greater difficulty maneuvering the Iowa/Quebec intersection already experiencing peak traffic difficulties. The residents are also concerned that Quebec street improvements currently being envisioned by the City of Denver north of the project area are likely to exacerbate the poor LOS at the Quebec/Iowa intersection.*
Response: A full traffic impact analysis was provided, however the analysis does not correctly identify the full buildout potential of either Planning Area; contradicts the Planning Area 1 employee space provision in the PUD Off Street Parking Requirements table of 2 employee spaces per building (which is also contradicted by the applicants' 7/23/15 letter indicating 4 employee spaces per building); fails to consider traffic created by guests visiting the memory care facilities; appears to count 44 cars as the traffic impact of a full buildout in Planning Area 2 where the originally submitted PDP indicated a parking ratio of 2.25 spaces/unit; fails to take into consideration that 20% of the potential residents can be under 55 or temporary residents with potentially higher driving tendencies, and fails to anticipate through traffic if the road is not made a private gated roadway (no provision is made in the PDP for gating the road). In fact, all references to roadways and curb cuts, including the already permitted Denver curb cuts, have been removed from the documents. In addition, since the project has been granted right-in-right-out only access onto Quebec, any employee, visitor, service or emergency vehicle or resident desiring to turn south on Quebec street – to access south Denver and the Tech Center, Cherry Creek Drive, Evans and I-25-- would be forced into the neighborhoods or would make a U-turn at Iowa, negatively impacting an intersection which has already been given an F Level of Service (LOS). We do not believe the traffic impact analysis therefore properly represents the impact of the development. We note the applicant was granted curb cuts and road designs from the City of Denver without a land plan indicating its proposed use or full build-out potential. Normally curb cuts and roadway designs are determined from the actual uses anticipated.

- **Request:** The applicant was requested to delineate how drainage between the subject Planning Area 1 buildings would be handled, and to delineate proposed sound and visual buffering from the Concha community. *The residents are concerned that the proposed project may not properly control drainage which has impacted residents along the north property line, and request landscape buffering from buildings with minimal internal separations.*
  Response: The PDP removed all references to buildings, drainage and topography and offered no response to the community concerns. Note: the applicants assured residents in a meeting that all site drainage would be "handled", but no indication of that was offered in the documents. No landscape requirements are included in the PDP.

- **Request:** The applicant was requested to clarify on the PDP documents that the internal road be made private and gated as stated in multiple meetings with the community.
  Response: No indication has been made on the PDP documents for a private gated road.

- **Request:** The applicant was requested to reword the provision in the PDP Landscape Maintenance notes that "the adjacent property owners, Homeowners Associations or other entity besides Arapahoe County is responsible for maintenance and upkeep of perimeter fencing, landscaped areas, and sidewalks between the fence line and any paved roadways". It was requested that the applicant clearly indicate that adjacent neighboring property owners would NOT be responsible for upkeep of landscaped areas and sidewalks on the subject property. It was further requested that the applicant provide plans for perimeter fencing between the properties and to work with our community to determine the nature of the fencing and its maintenance.
  Response: No changes were made to the Landscape Maintenance notes.

- **Request:** The applicant was requested to make clear in the PDP Drainage Master Plan notes that the subject property alone would be responsible for design and construction of drainage connecting systems resulting from its development, and that the Concha development would NOT be responsible for any such connections as the Concha development has already established drainage systems and, because the surrounding developments are in a different jurisdiction, could not be compelled to participate in such

costs. *The residents are concerned that such notes might compel it to take part in mitigation of this development's impacts on drainage or maintenance of drainage facilities required for its construction.*
Response: No changes were made to the Drainage Master Plan notes.

- **Request:** The applicant was requested to confirm that it would comply with "Dark Skies" guidelines to ensure the projects' lighting would not exceed 0 footcandles at the common property line.
  Response: No mention of lighting limitations or application of "dark skies" was included.

- **Request:** The applicant was requested to clarify the age restrictions for the development and to stipulate that Planning Area 1 should be limited to memory care homes/facilities, and that Planning Area 2 should stipulate age restrictions.
  Response: The applicant modified the application from SH-PUD to MU-PUD and requested to forego Arapahoe County regulations for Senior Housing in favor of regulations under the Federal Housing for Older Persons Act (HOPA). Planning Area 1 development is limited to Assisted Living Residences, but Planning Area 2 uses have been expanded from housing for persons over 55, Memory Care Homes, and accessory uses to; Assisted Living residences, single family attached dwelling units, multi-family dwelling units, clubhouse, other appurtenant uses, home occupations and commercial radio facilities. *The community is concerned that the original stated intent of the project as "single story detached and attached residential homes" for the purpose of providing a "combination of housing types to support senior living with and without memory care challenges" has significantly expanded to include unrestricted multi family dwelling units (up to 20% is allowed by HOPA), commercial appurtenant uses and now commercial cell towers.* The addition of cell towers as an approved use is a concern as these facilities can be eyesores.

- **Request:** The applicant was requested to clarify conflicting Off Street Parking requirements.
  Response: The July 23 letter of intent accompanying the proposal requests a variance from Arapahoe County off-street parking requirements for assisted living residences of 71 spaces for 7 buildings to 56 spaces for 7 buildings based on the "experience" of the developer. Yet the letter which indicates 4 employee spaces per building is contradicted by the PDP Off Street Parking Requirements for 2 employee spaces per building. The revised PDP also modified the Residential Housing off street parking requirements to indicate "per Land Development Code". A review of that code revealed that the code does not address parking requirements, thus leading to further confusion. The specific number of spaces for Residential Housing should be included in the PDP.

- **Request:** The applicant was requested to clarify the architectural character of the proposal in light of the value of the adjoining residences averaging approximately $300,000, and to show that materials and design meet the quality and character of our development. *The residents are concerned that a poor quality of construction and materials will lessen the value of its homes.*
  Response: All references to buildings, size, scale, form and materials have been removed from the PDP.

- **Request:** The applicant was requested to limit hours of construction from 7:30-5:30 M-F, to limit non-emergency service vehicle hours to the same hours and to provide a bio-waste hazard disposal plan.
  Response: No response was provided.

In conclusion, the Concha Townhouse community is **very** concerned that **none** of the requests for modifications to the PDP have been adequately responded to by the revised PDP. The modification of the PDP from SH-PUD to MU-PDP has allowed the expansion of uses to include multi-family housing without age restrictions and now includes commercial uses; the lack of height modifications or bulk plane limitations continues to allow buildings of 3 and 4 stories in direct contradiction of the applicant's letters of intent and out of conformity with surrounding neighborhoods; requests to provide accurate traffic analysis and elimination of contradictions in parking requirements and provisions for a private gated road have not been addressed, so concerns of increased traffic problems have been ignored; requests for more information regarding what is actually proposed have been reversed with less information being provided; clarifications of drainage and maintenance issues have not been addressed; lighting restrictions have not been made part of the PDP; clarifications to the age restrictions have been

further loosened to include non-seniors; commercial cell tower uses and mixed-use structures have now been included, and no response to neighbors' concerns for construction time limits have been included.

While we continue to have faith that this developer has good intentions, we are more concerned now than prior to this revised PDP that this developer continues to expand the density and intent of the uses beyond his original proposal and letters of intent and continues to ignore the requests for modifications to the PDP. The addition of a PDP Development Criteria category of Dwelling Units now indicates 10 DU/acre in Planning Area 1 adding to our community's concerns that buildings up to 3 stories would be allowed there. Since all references to roads, parking, building footprints and architectural character have been deferred to the FDP, we are unable to understand what the developer is currently planning. We are therefore more concerned that the project might proceed to a final phase without any real indication of the proposed roadways, parking or buildings actually being planned.

We are also concerned that Arapahoe County has not considered the comments and concerns outlined in our letters, as evidenced by the revised PDP documents. We fear that our voice is lost due to the fact we are located in a different jurisdiction than the subject property—this despite the fact that the subject property is an island within our jurisdiction, and much of the impact of this development will be on the jurisdiction that surrounds it.

For these reasons, we do not support the Cherry Tree Estates Preliminary Development Plan at this time. In spite of these concerns, the Concha Townhome community does desire to continue active discussions in the hope of making tangible modifications to the plans to respond to its stated concerns. We propose to meet with the developer and Arapahoe County Planning Department to address these issues, with the goal of enabling our community to support this development.

Sincerely,

Dean Foreman,
Architectural Control Committee Chair
Concha Townhouse Association

CC:
Lance Wheeland, President Concha HOA
Danielle Locquercio, Management & Maintenance
Paul Kashmann, Denver City Council Representative, District 6
Kathi Burdess, Property manager for Granville HOA

CONCHA TOWNHOUSE ASSOCIATION
c/o Management & Maintenance, Inc.

7803 East Havard Avenue
Denver, Colorado 80231
(303) 755-2732

RECEIVED
APR 2 4 2015
ARAPAHOE COUNTY
PLANNING DIVISION

22 April 2015

Arapahoe County Planning Department
6924 South Lima Street
Centennial, CO 80112
Attn: Molly Orkild-Larsen, Project Planner

Re: Z-15-001 Cherry Tree Estates – Preliminary Development Plan ("**Cherry Tree Estates**")

Dear Molly:

The Concha Homeowners Association represents 68 homes in a residential subdivision (Indian Creek Filing No. 3) located in the City and County of Denver, a portion of which lies adjacent to the Cherry Tree Estates on its northern boundary. Concha was developed over 30 years ago.

We take this opportunity to provide you with comments, questions and requests for clarification regarding the information you kindly provided:

1. Letter dated November 14, 2014 from Cherry Tree Estates, LLC to Arapahoe County Planning (Pre-Submittal Meeting request) (the "**11/14/14 Letter**").
2. Letter dated January 30, 2015 from Cherry Tree Estates, LLC to Arapahoe County Planning (Preliminary Development Plan Application) including the Major Technical Issues Summary (the "**1/30/15 Letter**")
3. Cherry Tree Estates Preliminary Development Plan (the "**PDP**")
4. Phase I Drainage Report for Cherry Tree Estates dated January 5, 2015 prepared by Roth Engineering Group (the "**Drainage Report**")
5. Site Traffic Generation and Traffic Impact Study Waiver Request dated January 22, 2015 prepared by SM Rocha, LLC (the "**Traffic Study Waiver Request**").

These comments and questions are also directed to the persons, organizations and agencies copied on this letter.

DENSITY:

- The 1/30/15 Letter states that "Cherry Tree Estates proposes single story detached and attached residential homes." The PDP indicates the Maximum Height of the Residential Buildings to be 35 feet in Phase 1 and 45 feet in Phase 2, and the Community Buildings 35 feet in both Phases and also states "Senior Homes in Phase 1 will be a lower scale than those In Phase 2 with corresponding variations in building heights". Such Maximum Heights could potentially allow 3- and 4-story buildings to be constructed, contrary to the applicant's stated intent and out of character with surrounding residential structures. Should the applicant decide to sell the property with the specified height allowances, a denser and higher potential build out is possible*. *Bulk planes should be established along adjacent existing property and diagrammed as a condition of approval and the PDP's height limits revised. We propose a 10' height limit at the setback line then at 45 degrees away from the adjacent properties.*

*Each building footprint in Phase 1 is ~5,000sf (conservatively). If all 7 buildings were built to the 35' height limit proposed each building could be 15,000 sf x 7 buildings = potentially 105,000 sf build out

- The PDP indicates the proposed density of Phase 1 at 2.25 DU per acre (with each Memory Care Home counting as one DU), and Phase 2 at 7.5 DU per acre. The Phase 1 plan of 7 buildings is less than 1.5 DU per acre and the preliminary plan for 30 duplex units on Phase 2 is approximately 5.2 DU per acre, based on the acreage indicated on the PDP. While the densities listed on the PDP may fall below the maximum contemplated by the County's subarea plan, they exceed the densities contemplated by the applicant. Along with the height allowances discussed the first bullet point above, this causes unnecessary confusion as to what the applicant intends to build and consternation regarding what the applicant or a future owner would be allowed to build and its real life impact on existing properties.

TRAFFIC

- The PDP shows Phase 2 as Future Expansion and the 1/30/15 Letter indicates that building footprints are provided only for Phase 1 because it is more defined. However, the Drainage Study is based upon the proposed uses for both phases as described in the 11/14/14 Letter and attached Site Plan Exhibits, which show 30 duplex units and one accessory building for Phase 2. In contrast, the Traffic Study Waiver Request is based upon an 84-unit assisted living facility with 28 employees.
  - *Please clarify what is meant by an "84-unit assisted living facility"*. The 1/30/15 Letter states that each Senior Home can house up to 16 persons. There are currently 7 Senior Homes shown on Phase 1 of the PDP (112 persons).
  - Basing the waiver request on only Phase 1 of the property allows the property to meet one of the traffic study waiver requirements (less than 250 trips/day or 25 trips at peak), and only considers the 28 employees of the Memory Care facility and no guests (for which there are 4 parking spaces per building provided per the PDP) and no service vehicles for trash removal, food service, etc. However, the preliminarily proposed Phase 2, per the PDP's Off Street Parking Requirements for Housing for Persons, would provide 2 resident spaces per unit and .25 guest spaces per unit—an additional 68 potential vehicles, which would increase the average trip generation to exceed the waiver requirement.
  - In addition to a traffic study waiver based on volume, the Traffic Study Waiver Request affirms that it meets the waiver requirement that access is not being requested to either a State Highway or County arterial roadway. South Quebec Street is an arterial roadway—it is simply in a different county. The fact that the Subject Property is surrounded on all sides by a different jurisdiction provides the applicant this loophole while at the same time being wholly dependent upon this jurisdiction for access and viability. *We request that the traffic study waiver request be denied and a traffic impact study required. Such study should include the following considerations:*
    - The road running through the Subject Property is labeled on the PDP as a 30' private drive. The Street Maintenance note on the PDP makes it unclear as to whether the road is intended to remain private or be constructed to County standards such that is acceptable to be maintained by the County (i.e. not private). The applicant indicated in a meeting to our homeowners that such roadway would be private and gated. No gates are indicated on the PDP, and if the road is not required to be gated, traffic generated by users not living or working on the Subject Property should be estimated and taken into consideration.
    - The need for restrictions on U-turns and/or a traffic signal at the intersection of Iowa and South Quebec Streets.

PHASE 1 PLAN

- *Please delineate how drainage is handled in the 20' setback between the north boundary of the Subject Property and the Concha property.*
- *Please delineate the proposed planting in property line setback areas to create sound and visual buffers*
- Most of the building footprints show a distance of 10' from one another creating potential drainage issues. The Drainage Study notes that a small portion of the site along the north property line drains to the north and the soils on the north part of the site have a slow infiltration rate. Some of our homeowners have been impacted by flows simply from the applicant's grading of the site. *Please address the drainage concerns in connection with the proximity of the Phase 1 buildings as shown on the PDP.*

PDP DOCUMENT

- Street Maintenance. *Please clarify if the road running through the Subject Property is intended to be private or built to public standard so as to be dedicated to Arapahoe County. If the intent is to gate the road and keep it private please revise this note to state that the roadway through the Subject Property, delineated as a 30' private drive, is required to be and remain private and be gated at both accesses.*
- Landscape Maintenance. *Reword the sentence stating: "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."* Adjacent property owners are **not** responsible for the maintenance or upkeep of the landscaped areas and sidewalks located on the Subject Property. *As for perimeter fencing, we request that the applicant provide plans for the perimeter fencing along the north property line prior to finalizing this note regarding responsibility for maintenance and upkeep of such fencing. We request the applicant work with our community to develop a screening fence, or wall, of sufficient height and material to adequately screen the applicant property from the neighboring homes.*
- Drainage Master Plan Notes. Note 2 indicates that the county will require the construction of a connection of the Subject Property's drainage system to a master planned outfall or drainage way and "encourages adjacent developments to join in designing and constructing connection systems". *Since all adjacent developments are in a different jurisdiction, please make crystal clear that adjacent developments are not required to participate in the design and/or construction of any drainage connection systems.*
- Lighting Requirements. While understanding that these are to be delineated in the FDP, *we request that "dark skies" guidelines be imposed including 0 footcandles at adjacent property lines*.
- The PDP's Age Restriction notes are confusing. *Since the residents of Memory Care Facilities are not restricted by age, the PDP should clarify that the Age Restrictions apply to Phase 2 of the Subject Property and that Phase 1 of the Subject Property is restricted to Memory Care Homes/Facilities.*
- The PDP uses the terms "Memory Care Facilities" and "Memory Care Homes" and "Senior Homes". *Please either clarify that these terms mean the same building type as described in paragraph 3 of the Project Narrative, or preferably choose a single term to refer to such building type and a different term to refer to the proposed age-restricted residential housing units in Phase 2.*

- The Off Street Parking Requirements indicate that 2 spaces per building are required for employees (14 spaces in Phase 1) while the Project Narrative indicates each home will have 4 staff members per shift. *Please clarify this discrepancy*.
- Architectural Character. The PDP states the community will be similar in character and scale to the surrounding single family and attached housing in the adjacent neighborhoods. The 1/30/15 Letter indicates that the applicant plans to meet with HOA groups to address concerns and impacts. We encourage such meeting to include the presentation of the applicant's most current architectural plans for both phases. The homes in Concha carry valuations in excess of $300,000. Our owners must be assured that the architectural character and scale of Cherry Tree Estates is of a caliber that does not diminish adjacent property value.
- Trash collection. At the proper stage (PDP or FDP), the plan should illustrate the location of trash collection facilities.

OTHER CONSIDERATIONS

- Require construction hours to be limited to 7:30-5:30, Monday through Friday
- Require non-emergency service vehicle hours to be limited to 7:30-5:30, Monday through Friday
- Require applicant to provide bio-waste disposal plan

In conclusion, we would like to state that we appreciate the applicant's sensitivity to our shared property boundary demonstrated by the horseshoe shaped footprint of the memory care buildings with courtyards facing such boundary. We also support the overall proposed use of the property for senior dependent and over 55 independent living as needed in the community and respect the applicant's expertise in the field. We submit our questions and comments in an honest and forthright attempt to resolve concerns we may have in an expeditious and cooperative manner.

Please note, Dean Foreman, architect and Chairman of the Architectural Control Committee, and Danielle Locquercio, property manager, Management & Maintenance, Inc. have been asked to advise the board on these issues. Please copy them in all electronic correspondence.

Sincerely,

Lance Wheeland,
President, Concha Homeowners Association

Dean Foreman,
Chairman, Architectural Control Committee
dafclio@comcast.net

Danielle Loquercio
Property manager,
dloq@managementandmaintenance.net

Cc: Concha Homeowners
Melissa Kendrick, Kendrick Consulting Inc.
Charlie Brown, City Council Rep, District 6
Mark Lampert, Four Square Mile Neighborhood Association

Molly Orkild-Larson

From: Timothy <vanmeter_t@msn.com>
Sent: Friday, February 05, 2016 11:14 AM
To: Roybal, Eugene R. - Parks & Rec
Cc: Melissa Kendrick; Molly Orkild-Larson
Subject: Arapahoe triangle -Cherry Tree Estates

Dear Mr. Roybal:

As you know I am in the process of developing a senior housing living area on the 10 acres that I own. The property is in Arapahoe County as you may also know. The Arapahoe County planning staff recognizes that over the years pedestrians walked through the site to and from Quebec and E. Colorado Ave. Due to illegal dumping on my property I fenced the site in 2009. Now that we are about to begin driveway construction I have erected construction fence. I will be installing a security fence along the border of my property and Cherry Creek. I am being asked by the local neighborhoods to gate the Colorado Ave entrance to prevent cut through traffic. Thereby making a walking path through the middle of my property not feasible.

In the summer of 2014/2015 there were several crews from Denver working on the north bank of Cherry Creek. Dead trees and brush were cut and or removed. There were several times that I observed crews spraying herbicide to control noxious weeds. When I saw those individuals I made it a point to speak to them and thank them for cleaning up the north bank of Cherry Creek. There were a couple of individuals who stated that Denver Parks and Rec. had finally received approval to improve the north bank along that area. They stated that the north bank would be improved similar to the south bank.

Arapahoe County Open Space and their Parks Dept. doesn't have any communication from Denver about any impending/future plans for trail or bike path development. Can you shed any light on this subject ? Does Denver have a master plan for the area ? Is there anything planned in the near future ?
Would there be hiking or bike pathways along the north bank of Cherry Creek ? If there is a master plan where could I get a copy of such ?

Tim VanMeter

303-888-5459
vanmeter_t@msn.com

MEMORANDUM

TO:	MOLLY ORRKID-LARSON
FROM:	JOHN AND LAURI BAIRD
SUBJECT:	CHERRY CREEK ESTATES DEVELOPMENT
DATE:	FEBRUARY 14, 2016
CC:	DANIELLE LOQUERCIO

Dear Planning Commission Members;

We are residents in Indian Creek (1564 South Trenton Court) and this letter is in regards to the Cherry Creek Estates Development project south of the Chennai Park. What is concerning is the evolution of this project over time. The **scope and density** of the proposed units has changed drastically from the initial proposal to the last one presented. In fact, the last proposal far exceeds a housing density that is reasonable for the parcel. While previous work may have been done on the initial proposal regarding impact to the surrounding area including traffic patterns, number of units proposed and height of buildings, the changes currently proposed warrants the committee to **reexamine the impact as it relates to the proposal as it stands today.**

Therefore, we request that the commission take a step back and reexamine the entire proposal as it exists today and ask yourself, **"Would I want this project in my back yard".** While development is inevitable the Committee must protect current residents from new projects that would not only devalue existing property values but also negatively impact an area with excessive traffic patterns.

Regards,

John and Lauri Baird

Molly Orkild-Larson

From: Beverly Rennie <gtbsm@msn.com>
Sent: Wednesday, February 03, 2016 10:12 AM
To: Molly Orkild-Larson
Subject: Cherry Tree Estates

I am a home owner in Concha, adjacent to the planned development. I would like to enter my concerns in case I am unable to attend the hearing on the 16th of February.

I am very concerned about the additional traffic that will be generated in my area. Even now it is extremely difficult to exit onto Quebec from Iowa. When the proposed development was first outlined in a meeting to our association I understood it was to be an area devoted to "memory care" residents. Since then the developer has adjusted his plans and it now appears his proposed use will generate much more traffic entering and leaving the area. Because visitors/residents will be unable to enter the area if they are coming from the north (going south on Quebec), I am concerned they will turn onto Iowa and travel to the eastern entrance to the property. This will generate even more traffic down already busy streets.

I also have objections to the proposed heights and density of the development. I have lived in this area for thirty years and have enjoyed the open nature of the area. The proposed development has already cut off access to the trails I used to use (even though they are not a part of the proposed area to be developed).

I hope to be able to attend the hearing to hear other concerns voiced by my neighbors.

Beverly Rennie
1683 S. Trenton St.
Denver, CO 80231

Molly Orkild-Larson

From:	ddj6790@aol.com
Sent:	Wednesday, February 03, 2016 1:27 PM
To:	Molly Orkild-Larson
Cc:	dforeman@themulherngroup.com; lwheeland@mac.com; blederer41@gmail.com; dloq@managementandmaintenance.net; KLJ6790@AOL.Com
Subject:	Case # Z15-001, Cherry Tree Estates
Follow Up Flag:	Follow up
Flag Status:	Flagged

Ms. Orkild-Larson:

As a homeowner living at 7512 East Iowa Ave. in the Concha Townhome Community, I would like to add my name to the list of residents voicing concerns about the above referenced subject: Case # Z15-001, Cherry Tree Estates.

The first concern is traffic safety and the added dangerous congestion that will occur on Quebec St. and at the intersection of Quebec and Iowa when this project is completed. Quebec has become a heavily traveled and dangerous to access street in the last few years and although there has not been a recent traffic study of the area, anyone who travels this street knows the enormous and steadily increasing amount of traffic it carries. The owner of the proposed Cherry Tree Estates has obtained clearance to cross Denver land to exit the property onto Quebec, thus adding to the traffic and creating havoc at the intersection of Quebec and Iowa when drivers want to change direction and go south. (It has been conjectured that perhaps this clearance was given hastily and without regard for the safety of the exiting residents of Cherry Tree Estates or the surrounding neighborhoods.) It is also worth noting that when the original clearance was granted, the property owner was planning on far fewer residences and many fewer occupants who would be driving cars. Somewhere along the way and after clearance was granted, the plans changed to include many more people and many more residences.

The next concern revolves around the height and setbacks of the proposed buildings and the privacy, esthetics, and property values that will be adversely affected. Originally the project called for single-story group homes occupied by non-driving, senior and assisted-living residents. This concept appeared to be logical for the site and the location. The plans have since morphed into two-story and possibly three-story buildings sitting 20 feet beyond the backyard fences of the surrounding Concha neighbors and now available to a much broader demographic. After witnessing the balloon demonstration of the height and breadth of the project from an adjacent backyard, it became painfully evident that having a 32-foot-high building located 20 feet from your back fence would be a bit like having the Great Wall of China sitting in your back yard. It will be claustrophobic, it will create sun and shade issues, it will play havoc with privacy for both the Cherry Tree Estates' residents and Concha residents, and it cannot help but have a negative impact on the property values of the surrounding homes, which in turn, can affect the property values of the entire neighboring community, to include Arapahoe County residents.

It is, of course, understood that private property rights are to be respected and protected, however, when the rights and plans of one property owner clearly have a negative and damaging impact on the rights and property values of surrounding neighbors, it is clear that those plans need to be reevaluated.

For the reasons stated above, I respectfully request that the Arapahoe County Planning Board give very careful consideration and thought to the plans for Case #Z15-001, Cherry Tree Estates. The health and safety and property values of many property owners in both counties are depending upon a wise decision.

Thank you for your consideration,

Diane D. Johnson

Molly Orkild-Larson

From:	LKF1625@comcast.net
Sent:	Tuesday, February 02, 2016 4:34 PM
To:	Molly Orkild-Larson
Cc:	Foreman, Dean
Subject:	Cherry Tree Estates--Case #Z15-001

Dear Ms. Orkild-Larson:

This letter is to address the proposed Preliminary Development Plan for Cherry Tree Estates, Case #Z15-001.

I live in the Concha subdivision and my residence abuts Planning Area 1 as shown on the PDP. I have reviewed the PDP document as well as the applicant's notice. In addition, I have also reviewed the Memo to you from the applicant's consultant dated 11/6/15 on the PDP Criteria that was posted on Araphaoe County's website (the "Memo") as well as a Traffic Impact Study prepared for the applicant issued July 2015 prepared by SM Rocha, LLC.

I have many concerns about this proposed development, most particularly, its access and traffic impacts, and density.

1. Density. The PDP document uses the terms "assisted living residences" and "single family attached dwelling unit" "single family detached dwelling unit" and "multifamily dwelling unit" for proposed principal uses. There is an asterisk stating that "an assisted living dwelling unit includes a single structure with up to 16 assisted living patient beds." The term "assisted living dwelling unit" is self-defined and does not comport to the definitions of "assisted living residence" or "dwelling unit" as such terms are defined in Arapahoe County's Land Development Code. There is no concept of a single dwelling unit housing 16 persons. The closest definition in the Code to a "dwelling unit" housing multiple non-family members is a "Group Home" which is limited to 4-8 persons. Please address how a single structure housing 16 persons can be considered a single dwelling unit per the Code.

2. Access. The only access to the property from a major arterial is South Quebec Street, and from there, the property can only be entered from the south and exited to the north. Stated in the Memo, there are "numerous industrial and commercial establishments that provide services and jobs" along Quebec Street traveling south. Access to these services would be through existing neighborhoods from the 2nd, residential access on the property's southeast corner, over residential streets whose maintenance is paid for by Denver residents. Assisted living complexes require service and sometimes emergency vehicles—those coming from the north will also drive through the surrounding neighborhoods because of the right-in, right-out access limitations. Please address the concern that the access is not suitable for the proposed uses and density, and places a substantial burden on the surrounding neighborhoods.

3. Traffic. The applicant commissioned a traffic impact study and shared it with our HOA, which was appreciated. Unfortunately, the study falls short on the impact the proposed development will have on the streets surrounding it. It addresses traffic generated only by residents of the maximum 43 units proposed for Planning Area 2 and staff for assisted living residents—it does not consider trips by guests or the many service vehicles an assisted living facility requires. It considers the impact

on 4 intersections, with no mention of the impact of vehicles cutting through the neighborhoods because of the property's access limitations addressed above. The property's shortest route to head south on Quebec is through the neighborhood streets down Iowa Avenue, which already has an F level of service. Interestingly, the Memo states that no traffic impact study was required by the County. In such case, please address why the County has not coordinated with the municipality whose residents' taxes pay to maintain the roads this property is entirely dependent upon, and whose residents will be the ones most burdened with additional traffic through their neighborhoods and at already poorly serviced intersections. I assume if this property were entirely surrounded by Arapahoe County streets, its traffic impact would be an important matter for your consideration. Again, it is appreciated that the applicant went beyond the County's requirements to commission and share his study, but with all due respect, the fact that the property taxes generated by the proposed development will not be shared to maintain the roads it needs for its existence should prompt you to cooperate with Denver and require that the applicant address the full impact of the proposed development and any mitigation measures that could be taken.

4. Utilities. The Memo states that the proposal includes a will serve letter from Cherry Creek Valley Water and Sanitation District. It is my understanding that as of today, the applicant has not secured sanitary sewer service and is exploring various potential alternatives. Please address how this PDP can be approved without having secured all necessary utility service agreements.

5. Schools. The memo states that as a senior housing project, the school district was not referred to for comment. 80% of the proposed units are to be occupied by at least one person who is 55 or older. The PDP provides the applicant the ability not to build assisted living units—Planning Area 1 could be 20 duplexes. One 55 year old occupant per unit does not rule out children and/or grandchildren attending school. 20% of the units can be occupied by any age persons. The concern here goes back to traffic—I believe it's shortsighted to assume there will be no school age children nor buses and increased trips through our neighborhoods to get to and from school.

Thank you for your attention to these matters.

Sincerely,
Lisa Foreman
1625 South Syracuse St.

Molly Orkild-Larson

From: Robert Lederer <blederer41@gmail.com>
Sent: Tuesday, February 02, 2016 2:05 PM
To: Molly Orkild-Larson
Cc: Kashmann, Paul J. - City Council; Dean and Lisa Foreman; Dean and Lisa Foreman; Molly Tracy; Danielle Loquercio; ddj6790@aol.com; Lance Wheeland; Pat Bird; Jim Craig; Sally and Gene Johnson; Paul Keebler; Ivo Roospold
Subject: Case #: Z15-001, Cherry Tree Estates

Dear Ms Orkild-Larson,

I am writing to you about the above mentioned case. I am a homeowner in the Concha Townhomes development. My address is 1617 S. Rosemary St. My home does not abut the subject property but it is about 300 feet from the property line. There are many concerns I have had about the subject development over the years that I have lived here. I was the President of the HOA at the time that the developer purchased the property and attempted, unsuccessfully to discuss his plans then.

I will limit my comments to one issue-**traffic**, though there are many concerns we all have.

This developer was granted a permit to have access to South Quebec Street just north of the bridge over Cherry Creek. My understanding is that he was able to convince someone at a mid-level in the Denver Streets Rights of Way to allow this access without a traffic study. Please note that to do this they also had to give up part of a dedicated park, City of Chennai Park. The land was Open Space and gave us access to the creek. At the time that the developer approached the many Denver departments he was stating that this would be a senior assisted living situation in single story group homes. He convinced everyone, including our homeowners that there would be minimal traffic in a Right In/Right Out situation at the curb cut. He stated that the residents would not have vehicles and the only traffic would be employees and service vehicles. He also stated that the entrance off Colorado Avenue, a residential street would be gated for emergency use only.

Now we find that he has taken out the senior living designation and has asked for a PUD which would allow 3 and 4 story dwellings on the property with much more density. The implication is that we can expect far more traffic if he or another developer were to build multifamily units on the subject property. This would result in more traffic going in and out on South Quebec Street. He has also removed any mention of a gate at Colorado Avenue so we can expect the potential for more "cut through" traffic from adjacent neighborhoods to the East.

My concern is the impact on the intersection of South Quebec Street and Iowa Avenue. If any one of you has been here during the hours of 7:30AM to 9AM and 4:30PM to 6PM you could observe the impossible and dangerous traffic situation that occurs now as people attempt to turn and go south on Quebec. If this development is allowed with no traffic mitigation, we can envision that the users of that property will wish to go south on Quebec at least half the time. That would force them to make a U-Turn at Iowa where there is no provision for such turns. All of us residents have observed traffic accidents and near misses at this intersection already. I know that you might respond by saying that this is a "Denver Traffic Issue" but I feel that whoever in Denver made this decision to grant access to an Arapahoe County Developer did not have all the information. A traffic study would have helped and if the developer would have been more honest about his intentions for the potential use of the property, it might not have been granted so freely.

It has been my observation that this developer and his hired staff will say whatever is needed to get his zoning changed without regard to residents concerns. I understand that we Denver residents have little to say about a

development that will impact us greatly but benefits Arapahoe County only. I see no benefits accruing to Denver from allowing this long vacant, landlocked former dump site to be developed as it is proposed(high density). At one time Arapahoe County Open Space offered to purchase the land but he was unwilling to sell at the offered price for agricultural land.

Robert L. Lederer
1617 S. Rosemary St.
Denver, CO 80231

Molly Orkild-Larson

From: Mary Ann Mayo <maryann.mayo@icloud.com>
Sent: Tuesday, February 02, 2016 12:14 PM
To: Molly Orkild-Larson
Subject: Cherry Tree Estates PDP. Case Z15-001

Dear Molly,
When I purchased my home eight years ago, my realtor told me that although the land behind me was privately owned, the likelihood of it being developed was minimal. Reasons being: accessibility, designated flood plain, landfill. Obviously, in a different economy those reasons are negated.
When the development was initially proposed to the Concha HOA by Mr. Van Metre, we were told it would be approximately 8-10 single story cottages housing 8-12 residents with memory or other skilled care issues. He explained in detail how innovative and sensible this residential model was for people in need of skilled care. Although I was not in favor of the development and would sorely miss watching the prairie dogs, Hawks, coyotes interact, I felt that it would be a non-invasive, quiet community with least amount of impact on the already congested traffic situation on Quebec and Iowa. The current proposal seems to be hugely changed from the initial proposal of a maximum of ten cottages serving people unable to manage their daily needs to 53 residences of various height and design as well as a club house and administrative offices serving a senior population. I realize that the owner gets far more bang for his buck by cramming as many buildings and possible in the space available which may be the reason for this drastic change from the original proposal.

I have several concerns about the current proposal:

Drainage--there is currently a marked slope from the Cherry Tree property into my backyard. How will drainage be addressed to prevent run off pouring into my yard?

Traffic--the notice says that this is designed to be a low density, low impact residential community that provides for persons 55 and older. With each of these residents housing a minimum of one driver, I fail to see how this would be low impact. How will a person driving south on Quebec access the community? or exiting the community go south on Quebec?

Aesthetics--having multi-story homes crammed together 20 feet from our fences is unsettling and upsetting....light, privacy and noise are very much a concern. I trust that all buildings are in compliance with Arapahoe County building codes, but it is disturbing that these structures will so significantly change my landscape and privacy, especially since the units will be housing eight to twelve residents. A single story unit is much more palatable.

I am sadden to know that I will not longer have my beautiful winter sunset views and enjoy the quiet, peaceful open space that I have enjoyed.
Sincerely,
Mary Ann Mayo
1668 South Rosemary St
Denver, Co 80231

Sent from my iPad

Molly Orkild-Larson

From: Lance Wheeland <lwheeland@me.com>
Sent: Sunday, January 31, 2016 8:19 PM
To: Molly Orkild-Larson
Cc: Paul Keebler; Pat Bird; Lance Wheeland; Sally and Gene Johnson; Danielle Loquercio; jimcraig@comcast.net; Dean and Lisa Forman; paul.kashmann@denvergov.org
Subject: Cherry Creek Estates Development south of the City of Chennai Park Z15-001 PDP

Dear Planning Commission Members

I am the President of the Concha Townhomes HOA Board of Directors. I am writing to provide you with some information regarding the proposed development directly adjacent to our townhomes. We have met with the developer, Mr. Van Meter, and his agent Ms. Kendrick on several occasions. We sincerely appreciate their willingness to meet with us regarding the proposed development. It is our intention to meet with our Board and homeowners prior to the hearing on February 16th to try and make a decision as to our position on this preliminary development plan.

When we first met with Mr. Van Meter it was our understanding that he would be building six or seven one story memory care assisted living facilities housing about 16 residents each. We wanted to know what that might look like so Mr. VanMeter graciously invited anyone who could to visit his other facilities in Arvada, which we did. At that time, Mr. VanMeter indicated that he would be building similar buildings. Initially, the response to his proposal was neutral to positive.

Then we saw the first proposal for what he hoped to build. It included 10 assisted living facilities for sixteen people and 41 additional single family attached units. The assisted living facilities could be up to 32 feet high permitting multiple stories, and the single family attached dwellings would be up to 42 feet hight. And given that the PDP does not require any design plans, our homeowners and out Board became somewhat alarmed. We have shared our concerns through our Architectural Control Committee Chairman, Dean Foreman, a commercial architect, with both the developer and the staff of the Arapahoe County Planning Department, the Denver Planning Department and our Denver City Councilman, Councilman Paul Kashman. Suffice it to say we are now very concerned about building heights, setbacks from other homeowners property, parking for residents and staff, traffic congestion onto South Quebec and the proposed use allowing for up to 20% of the units to be purchased by people who are not seniors. We are also concerned that we won't know what the footprint for this development will be until we see the Final Development Plan. I urge you to carefully review Mr. Foreman's detailed letter of our concerns which is included in your packet.

Thank you for your time and consideration,

Lance Wheeland, President
Concha Townhomes Association
1673 S. Trenton Street
Denver, CO 80231
720-440-1818

Molly Orkild-Larson

From: Lisa Sewald <Lisa.Sewald@pulte.com>
Sent: Friday, January 29, 2016 3:26 PM
To: Molly Orkild-Larson
Subject: No more housing - Cherry Tree Estates

Molly,
This is to inform you that I am an Indian Creek home owner who does not approve of more housing being built in this area. The neighborhood is already overpopulated. Traffic on Quebec is already heavy.
The land should be developed into a public park or left as a natural easement to the creek.

Thank you,
Lisa Sewald
1577 South Syracuse St

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Molly Orkild-Larson

From: Dr. Rick Worley <rfwracer@msn.com>
Sent: Friday, January 29, 2016 2:15 PM
To: Molly Orkild-Larson
Cc: dloq@managementandmaintenance.net; 'Sharon Calahan'
Subject: Cherry Creek Estates Development south of the City of Chennai Park Z15-001 PDP

Molly Orkild-Larson, Senior Planner
Arapahoe County Public Works and Development
Arapahoe County Lima Plaza, 6924 South Lima Street, Centennial CO 80112
720-874-6650 Planning / 720-874-6574 TDD / 720-874-6611 Fax

Dear Ms. Orkild-Larson:

We live in Indian Creek immediately north across E. Iowa Ave. from the Concha townhome development which is immediately adjacent to the proposed Cherry Creek Estates property on its' north border. I am a dentist who treats seniors living in senior communities including independent & assisted living, skilled nursing & memory care from a mobile dental clinic that is a dental treatment operatory in a small motor home. I have intimate & immediately current knowledge of how these communities are staffed, the traffic involved with these communities, how dense the resident load must be for these communities to be economically viable and, most critically, how every, not most, but every community we visit with our mobile clinic, which is in excess of sixty in the metro Denver area, has an acute shortage of parking for those residents who still drive, caregivers, staff & the multitude of portable mobile ancillary health care entities that, daily & essentially constantly, must visit these communities. Profitability demands that these community developers maximize structure so as to house as many residents as possible on a given piece of real estate at the expense of vehicle traffic & parking considerations. To say the vehicle traffic associated with senior communities, particularly those that offer assisted living & skilled nursing, is constant & nearly overwhelming is an understatement. This is not a personal opinion: it is consistent fact observed daily by a professional working in the senior care environment.

The prospectus provided by Cherry Creek Estates has notably changed from the initial submission & in its' present form provides absolutely no indication of the proposed resident density or proposed on property parking accommodations which have a direct correlation to anticipated traffic density. Given that these absolutely critical pieces of information are surprisingly omitted, permit me, based on my extensive experience in & with senior care communities, to make these conservative estimates:
Area 1: 10 homes of 2 stories each. Assume 4 residents /storey. 4 X 2 X 10 = 80 residents.
Area 2: 43 homes of 3 stories each. Assume 4 residents/storey. 4 X 3 X 43 = 1032 residents. This is a total of 1112 residents

Assume perhaps half of the 43 homes in Area 2 are duplex style independent living facilities w/ 4 residents per duplex. 21 structures X 4 residents/structure = 84

22 structures X 12 residents /structure = 264 This is a total of 348 residents.
This rather simple assumption reveals that as many as 458 to 1112 residents could be living in this proposed development. I acknowledge each residential unit may not be occupied by two individuals. Never the less, the number of residents in the proposed development will indeed be substantial. It HAS to be for the business to be profitable.

Excepting independent living, staff is usually around 1 staff per 20 residents, often more to include administrative staff. 348/20 = 17 staff. 1112/20 = 55 staff. There could, therefore, be as many as 17 to 55 individuals, most of whom will drive a vehicle to work, associated with this community. Multiple resident transportation vans & automobiles enter & exit these communities. These vehicles are often of considerable size to accommodate handicap lifts &

multiple residents being transported & these vehicles remain in & around senior communities constantly. Additionally, multiple other support vehicles enter & exit these communities daily & frequently, such as food delivery trucks, mobile radiology services, oxygen service trucks, vehicles associated with caregivers, physical & occupational therapists and, yes indeed, our mobile dental clinic. It is absolutely assured the traffic of emergency vehicles, usually large paramedic ambulances & fire trucks, will be a nearly daily event. Again, this is not personal opinion, these numbers & estimates are not pulled out of thin air; I personally observe this every day we are in the field providing dentistry to our senior community.

There is NO WAY the communities of Indian Creek, Landmark, Concha, Arrowhead & other adjacent high density residential developments can withstand this volume of traffic with the ingress & egress for the proposed Cherry Creek Estates being ONLY from NB Quebec or S. Colorado Ave. from Trenton St., which is deep within the Concha & Arrowhead residential developments. Concha & adjacent communities provide limited & difficult on street parking for large numbers of vehicles. It is impossible to enter or exit the proposed development from or onto SB S. Quebec. S. Quebec between Iliff &
S. Parker Rd. already carries a heavy volume & is rated one of the most congested streets in Denver. The ingress & egress to our communities involving S. Quebec & Florida Ave. & particularly E. Iowa Ave. is already difficult & often hazardous at nearly all times except the dead of night. It can, therefore, be surmised the traffic thru the Indian Creek & Concha developments involving E. Iowa Ave. & S. Colorado Ave. associated with the proposed Cherry Creek Estates project will be excessive, much more than these streets were intended to carry. It is impossible for any "traffic calming measures" to accommodate this anticipated volume of traffic. Volume is the issue, not vehicle speed; speed bumps, meandering streets & traffic circles will only contain the large volume of traffic within the proposed project and our adjacent communities for a longer period of time.

The streets involved fall within the jurisdiction of the C&C of Denver. Arapahoe County planning & zoning must interact & cooperate with Denver in the process of evaluating the traffic impact of this proposed development. It is critical that this interagency/intergovernmental cooperation be done with the best interests of current Denver residents in mind, not just residents of your county. Confusion regarding reasonable consideration & cooperation between both county governments that results in a development that will have a disastrous impact on local Denver County traffic "flying under the wire" is to be avoided. The traffic studies I have reviewed regarding this project do not accurately reflect the daily reality experienced in our neighborhood & do not accurately estimate the traffic impact this proposed project will have. This project has a very real potential to negatively & significantly impact adjacent neighborhood traffic & pedestrian safety & quality of life.

The zoning proposition that communities must, by government regulation, allow facilities for the elderly, disabled & other disadvantaged citizens to be embedded within the larger community can often be valid BUT such action must not so negatively impact the surrounding community that it presents an undue hardship or burden. As a senior myself, please know I serve the senior community in my semi-retirement as much or more as a mission than a profitable business. I have no animosity towards or concerns about seniors living within in our larger community. However, I also know from daily experience just how intense & congested the traffic associated with senior care communities is. The proposed Cherry Creek Estates project will present just such an unreasonable & undue burden on our adjacent residential communities given the unique traffic flow issue associated with this property that has no resolution. I ask that your office carefully consider this issue & deny the zoning change request for Cherry Creek Estates.

Respectfully submitted,
Richard F. Worley, D.D.S.
7821 E. Iowa Ave. Denver, CO 80231

Molly Orkild-Larson

From: LAUREL DEHAMER <laurel7939@icloud.com>
Sent: Wednesday, January 27, 2016 7:13 PM
To: Molly Orkild-Larson
Subject: Cherry Tree Estates

Good Evening,

I wanted to send a note regarding the Cherry Tree Estates Planning. I will be trying to attend. However, I also wanted to send my thoughts to you in case I can't be there. Overall, I like what I see, but I have a couple of concerns.

1) I live right on the cul-de-sac of Colorado Ave. When the development started, I have noticed changes. I live on a quiet residential street. The developer has stated in the plans that the Colorado Ave access point will be the secondary access point. They also state that they will do all they can in the new development to limit vehicles from using the area to commute. I appreciate this. However, I have noticed that the individuals involved in the project prefer to use Colorado Ave. over Quebec St. for their own access. Whenever they arrive to do any maintained/clean up, ext, they seem to prefer to use the Colorado Ave. access point. Therefore, trucks, trailers, ext. are using this street. It is a quiet residential street. However, if this continues to be the access point during construction it will be a great change to the quality of life on our quiet street. Also, we will begin seeing nails, tire damage, ext. if this becomes an access point for construction vehicles. I would like to ask the developer to commit to using the Quebec St. as a requirement for their construction vehicles and crews as that is less of residential street. I also worry that Colorado Ave will be a preferred access point for construction during the 2nd phase.

2) When the development started, a large construction fence was installed on our cul-de-sac. It is unsightly. I understand that they need to limit access to the site, but I don't understand the need for such a large fence. Also, the fence now extends well outside the boundaries of the property. The fence goes all the way from the property to the water of the Cherry Creek. I used to walk along this area to get to the Cherry Creek path. I walked outside of the property. My access is now cut off and I can no longer walk to the Cherry Creek path. There is no way for a vehicle to get into the area to dump, so I don't understand why this fence was necessary well outside the boundaries of the property. It appears they were purposely trying to stop pedestrian traffic along the property, and I don't understand this. I would like to ask the developer to limit the fence to their private property so the residents around the area can again get access to the Cherry Creek trail.

Thank You so much for your time. I really appreciate it. I will do all I can to attend the meeting. If I can not, will you please be my voice?

Regards,

Laurel DeHamer
303-669-3532

SEH **MEMORANDUM**

TO: Dorothy Eisenbraun, PE

FROM: Joseph L. Henderson, PE, PTOE

DATE: July 24, 2007

RE: Conceptual Design of the Quebec Street Access to the Proposed Cherry Tree Estates Development
SEH No. ACHERT0701.00

SEH has developed a conceptual design for the Quebec Street access to the proposed Cherry Tree Estates development (see Figure 1). This access has been designed to be a full time two-way access that will accommodate the largest fire truck from the Cunningham Fire Protection District. The proposed access will be located north of the Quebec Street bridge entirely within the Cherry Creek right-of-way and does not encroach on the Chennai Park. In addition, the geometry of the access was designed to avoid the existing utility pole that exists north of the bridge.

The proposed access design is shown without acceleration or deceleration lanes due to the low volume of traffic that is expected to use this access. The main access to the development is proposed to be on East Colorado Avenue.

A review of the intersection sight distance for the Quebec Street access was performed to confirm that the intersection site distance required by AASHTO[1] will be present. A design speed of 40 mph was assumed in determining the required distance for a car that is entering Quebec Street from the site access to see an oncoming vehicle in enough time to safely enter the street. Figure 2 contains the sight triangle showing the position of the vehicles and the bridge rail that could block the site of the motorist. A review of Figure 2 shows that the site line does not cross the bridge rail at the north end of the bridge. Since the line of sight of the motorist does not cross the bridge rail, the motorist entering Quebec Street has a clear view of the oncoming vehicle at the minimum intersection sight distance required by AASHTO for 40 MPH.

I would be happy to discuss this matter at your request.

jlh
Attachments
p:\ae\c\chert\070100\project\word\memorandum doc

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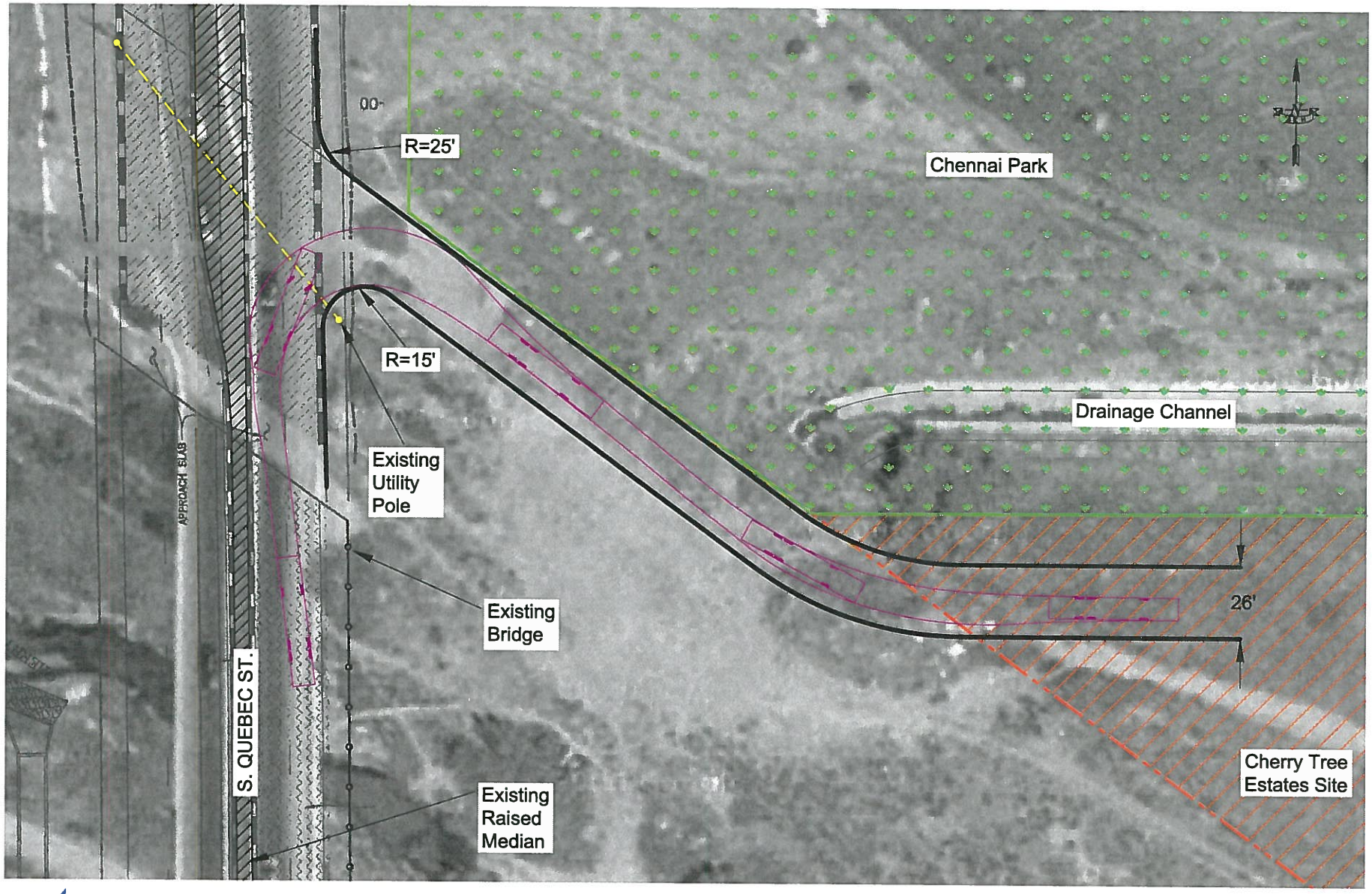
1 A Policy on Geometric Design of Highways and Streets, 5th Edition. American Association of Streets and Highways. 2004

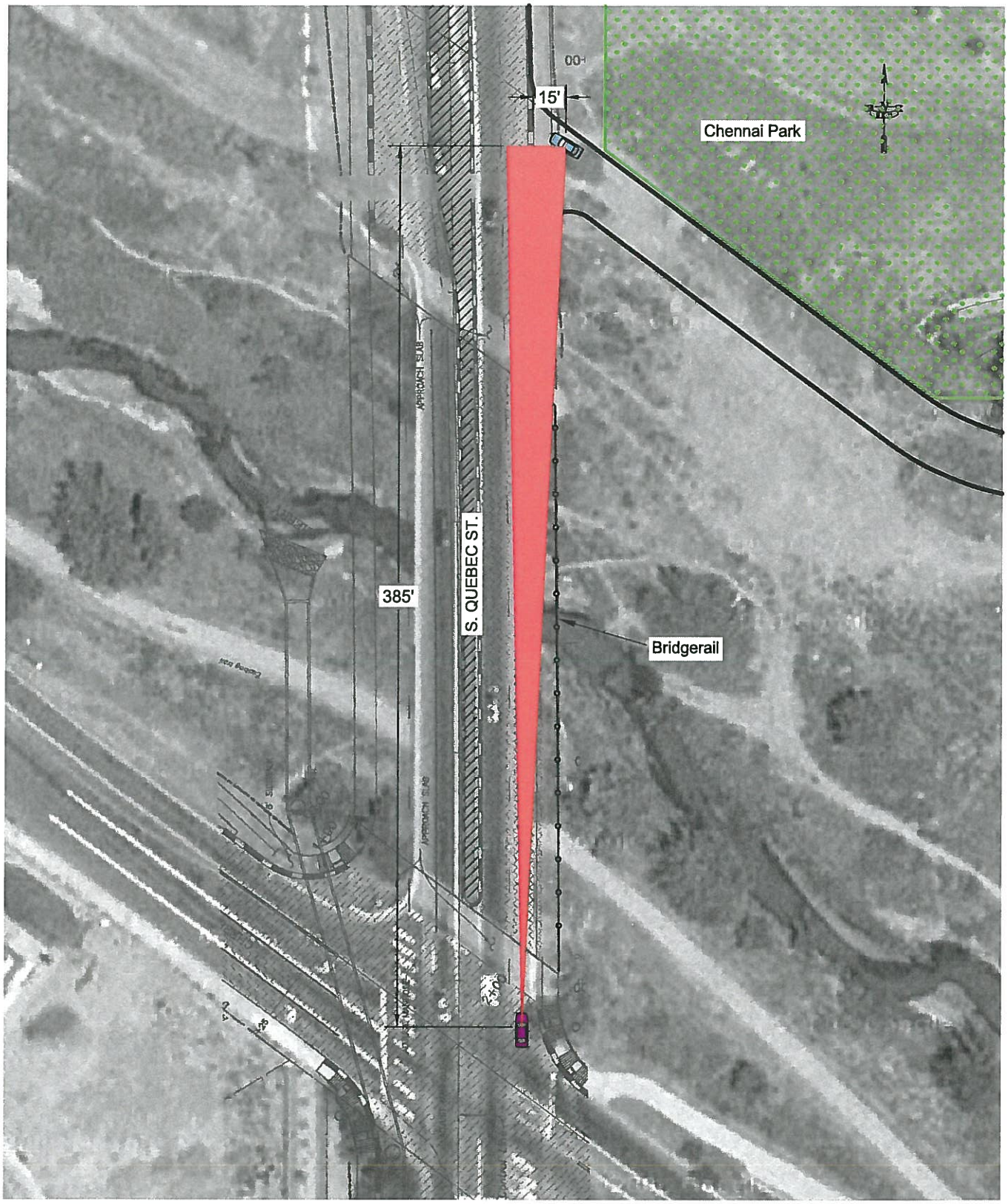


SEH

CHERRY TREE ESTATES

PRELIMINARY ACCESS DESIGN - 105' Aerial Platform - Cunningham Fire Protection District

Scale	1"=50'	Date	7/19/07	Drawn by	RAC	Job #	ACHERT0701	Figure	1



CHERRY TREE ESTATES

INTERSECTION SIGHT DISTANCE REQUIREMENTS

Scale	1"=60'	Date	7/19/07	Drawn by	RAC	Job #	ACHERT0701	Figure	2

CHERRY TREE ESTATES

PRELIMINARY DEVELOPMENT PLAN

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 4 SOUTH, RANGE 67 WEST, OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ARAPAHOE, STATE OF COLORADO

STANDARD NOTES:

THE OWNER(S), DEVELOPER(S) AND/OR SUBDIVIDER(S) OF THE PRELIMINARY DEVELOPMENT PLAN KNOWN AS CHERRY TREE ESTATES, 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 PLAT/PLAN WILL NOT BE MAINTAINED BY THE COUNTY UNTIL AND UNLESS THE STREETS ARE CONSTRUCTED IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS IN EFFECT AT THE DATE CONSTRUCTION PLANS ARE APPROVED, AND PROVIDED CONSTRUCTION OF SAID ROADWAYS IS STARTED WITHIN ONE YEAR OF THE CONSTRUCTION PLAN APPROVAL. THE OWNERS, DEVELOPERS AND/OR SUBDIVIDERS, THEIR SUCCESSORS AND/OR ASSIGNS IN 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:

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.

DRAINAGE MASTER PLAN:

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

1. DESIGN AND CONSTRUCT THE LOCAL DRAINAGE SYSTEM AS DEFINED BY THE PHASE III DRAINAGE REPORT AND PLAN.
2. DESIGN AND CONSTRUCT THE CONNECTION OF THE SUBDIVISION DRAINAGE SYSTEM TO A DRAINAGEWAY OF ESTABLISHED CONVEYANCE CAPACITY SUCH AS A MASTER PLANNED OUTFALL STORM SEWER OR MASTER PLANNED MAJOR DRAINAGEWAY. THE COUNTY WILL REQUIRE THAT THE CONNECTION OF THE MINOR AND MAJOR SYSTEMS PROVIDE CAPACITY TO CONVEY ONLY THOSE FLOWS (INCLUDING OFFSITE FLOWS) LEAVING THE SPECIFIC DEVELOPMENT SITE. TO MINIMIZE OVERALL 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.

SPECIFIC NOTES:

AGE RESTRICTION:

80% OF THE UNITS MUST BE OCCUPIED BY AT LEAST ONE PERSON 55 YEARS OF AGE OR OLDER. IN ACCORDANCE WITH THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

LANDSCAPING:

A LANDSCAPING PLAN WILL BE PROVIDED WITH ANY FINAL DEVELOPMENT PLAN FOR THIS PROPOSAL AND BE IN ACCORDANCE WITH THE ARAPAHOE COUNTY LAND DEVELOPMENT CODE.

LIGHT REQUIREMENTS:

A LIGHTING PLAN WILL BE PROVIDED WITH ANY FINAL DEVELOPMENT PLAN IN ACCORDANCE WITH THE ARAPAHOE COUNTY LIGHTING STANDARDS. LIGHTING FIXTURES WILL BE CHOSEN BASED UPON THEIR COMPATIBILITY WITH OVER-ALL ARCHITECTURE AND SITE DESIGN.

PRIVATE DRIVEWAY
THE ROADWAYS WITHIN THE CHERRY TREE ESTATES DEVELOPMENT WILL BE PRIVATE AND DESIGNED WITH TRAFFIC CALMING MEASURES WHICH MAY INCLUDE BUT NOT BE LIMITED TO: CURVILINEAR ROADWAY DESIGN, ROUND-A-BOUTS, SIGNAGE, SPEED HUMPS AND GATES AT EITHER OR BOTH ENTRANCES AND EXITS.

FENCING:

ALL PERMANENT FENCING, SCREENS AND RETAINING WALLS WILL BE WOOD, VINYL, ALUMINUM, WROUGHT IRON AND/OR MASONRY TO COMPLIMENT THE ARCHITECTURAL MATERIALS AND STYLE OF THE PERMANENT STRUCTURES.

SIGNAGE:

A SIGNAGE PLAN WILL BE PROVIDED WITH ANY FINAL DEVELOPMENT PLAN IN ACCORDANCE WITH THE ARAPAHOE COUNTY SIGNAGE STANDARDS.

FOUR SQUARE MILE AREA:

1. TO INCLUDE SAID DEVELOPMENT WITHIN A SPECIAL DISTRICT FOR THE PURPOSE OF PARTICIPATING IN THE CONSTRUCTION OF NECESSARY OFF-SITE IMPROVEMENTS AT THE TIME OF APPROVAL OF FINAL DEVELOPMENT PLANS.
2. 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 MAY BE DETERMINED BY THE BOARD OF COUNTY COMMISSIONERS.
3. TO INCLUDE SAID DEVELOPMENT IN A MASTER DRAINAGE IMPROVEMENT DISTRICT IF SUCH A DISTRICT IS FORMED.

VICINITY MAP

SCALE 1" = 2000'

IMAGE PROVIDED BY GOOGLE MAPS

PROJECT NARRATIVE:

CHERRY TREE ESTATES IS A RESIDENTIAL COMMUNITY THAT PROVIDES HOUSING FOR PERSONS 55 YEARS OF AGE OR OLDER INCLUDING THOSE NEEDING ASSISTANCE IN ONE OR MORE DAILY LIFE ACTIVITIES DUE TO HANDICAPS THAT LIMIT THEIR CAPACITIES TO CARE FOR THEMSELVES. THIS COMMUNITY IS INTENDED TO COMPLY WITH THE FAIR HOUSING ACT FOR OLDER PERSONS WHICH REQUIRES AT LEAST 80 PERCENT OF THE OCCUPIED UNITS TO BE OCCUPIED BY AT LEAST ONE PERSON WHO IS 55 YEARS OF AGE OR OLDER. THE COMMUNITY WILL COMPLY WITH ALL REQUIRED RULES ISSUED BY THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT FOR VERIFICATION OF OCCUPANCY INCLUDING EXCEPTIONS TO THE AGE RESTRICTION AS DETAILED IN THE SPECIFIC NOTES.

THE PROPERTY IS AN INFILL SITE WITHIN UNINCORPORATED ARAPAHOE COUNTY LOCATED IN AN URBAN SETTING AND SURROUNDED BY ESTABLISHED RESIDENTIAL NEIGHBORHOODS THAT ARE IN THE CITY OF DENVER. THE PROJECT IS DIVIDED IN TWO PLANNING AREAS SEPARATED BY A LARGE UTILITY EASEMENT. PLANNING AREA 1 IS 4.8 ACRES IN SIZE WITH A MAXIMUM DENSITY OF 2.10 DU/ACRE AND ALLOWS ASSISTED LIVING RESIDENCES AND SINGLE FAMILY ATTACHED RESIDENCES. PLANNING AREA 2 IS 5.8 ACRES IN SIZE WITH A MAXIMUM DENSITY OF 7.41 DU/ACRE ALLOWING FOR ASSISTED LIVING RESIDENCES AND RESIDENTIAL HOMES WITH A CLUB HOUSE DESIGNED FOR THE RESIDENTS AND STAFF OF THE DEVELOPMENT. THE CLUB HOUSE PROVIDES AMENITIES SUCH AS: OFFICE SPACE, KITCHEN FACILITIES AND A GATHERING SPACE FOR COMMUNITY MEMBERS. THE TOTAL MAXIMUM DENSITY OF THE SITE IS 4.98 DU/ACRE WITH A MAXIMUM OF 53 DWELLING UNITS.

THE PROJECT IS DESIGNED TO BE SENSITIVE TO THE NEIGHBORS BY DESIGNING A RESIDENTIAL DEVELOPMENT IN PLANNING AREA 1 WITH LOWER SCALE HOMES OF A SIMILAR HEIGHT AND LESS DENSITY THAN THE ADJACENT NEIGHBORHOODS. PLANNING AREA 2 IS FURTHER AWAY FROM THE ADJACENT NEIGHBORHOODS AND PROPOSES AN INCREASE IN MAXIMUM BUILDING HEIGHT SIMILAR TO THE NEIGHBORHOODS TO THE EAST. THE OVERALL MAXIMUM DENSITY AND RESIDENTIAL LAND USE COMPLIES WITH THE ARAPAHOE COUNTY COMPREHENSIVE PLAN.

THE PROJECT IS DESIGNED TO HAVE A LOW IMPACT IN TERMS OF NOISE, TRAFFIC, BUILDING HEIGHTS AND DENSITY. HOUSING FOR SENIORS AND SENIORS NEEDING ASSISTANCE IS AN IMPORTANT SERVICE TO THE AREA AND THE IN FILL SITE ALLOWS RESIDENTS TO BE INTEGRATED INTO THE COMMUNITY.

THE PROPERTY HAS DIRECT ACCESS TO SIGNIFICANT OPEN SPACES SUCH AS CHENNAI PARK AND THE CHERRY CREEK CORRIDOR. QUEBEC STREET IS A MAJOR ARTERIAL THAT PROVIDES CONVENIENT TRANSIT, VEHICULAR AND PEDESTRIAN ACCESS FOR THE COMMUNITY. THERE ARE SHOPPING AND SERVICES AVAILABLE IN CLOSE PROXIMITY TO THE PROPERTY.

AS DEFINED BY THE ARAPAHOE COUNTY LAND DEVELOPMENT REGULATIONS, AN ASSISTED LIVING RESIDENCE IS A RESIDENTIAL FACILITY THAT MAKES AVAILABLE HOMES TO THREE (3) OR MORE PERSONS, NOT RELATED TO THE OWNER OF SUCH FACILITIES, EITHER DIRECTLY OR INDIRECTLY THROUGH A RENTAL AGREEMENT WITH THE RESIDENT INCLUDING ROOM AND BOARD AND AT LEAST THE FOLLOWING SERVICES: PERSONAL SERVICES; PROTECTIVE OVERSIGHT; SOCIAL CARE DUE TO IMPAIRED CAPACITY TO LIVE INDEPENDENTLY; AND REGULAR SUPERVISION THAT SHALL BE AVAILABLE ON A TWENTY-FOUR (24) HOUR BASIS, BUT NOT TO THE EXTENT THAT REGULAR TWENTY FOUR (24) HOUR MEDICAL OR NURSING CARE IS REQUIRED AS DEFINED UNDER CCR 1011-1.

ACCESS AND CIRCULATION:

THE PROPERTY ACCESS IS OFF OF S. QUEBEC STREET ON THE WESTERN BOUNDARY AND OFF OF COLORADO AVENUE ON THE EASTERN BOUNDARY. THE S. QUEBEC STREET ACCESS IS THE PRIMARY ACCESS TO THE PROJECT AND IS A RESTRICTED RIGHT IN, RIGHT OUT TURNING MOVEMENT. VEHICULAR CIRCULATION IS THROUGH A PRIVATE DRIVE THAT LOOPS THROUGH THE PROPERTY FROM THESE TWO ACCESS LOCATIONS.

ARCHITECTURAL CHARACTER

THE ARCHITECTURAL DESIGN THROUGHOUT THE COMMUNITY WILL BE SIMILAR IN CHARACTER TO THE SURROUNDING SINGLE FAMILY AND ATTACHED HOUSING IN THE ADJACENT NEIGHBORHOODS. HOMES WILL BE CONSTRUCTED WITH MATERIALS THAT MAY INCLUDE BUT NOT BE LIMITED TO: WOOD, BRICK, STONE AND METAL WITH TYPICAL ASPHALT OR SIMILAR ROOFING MATERIALS. BUILDINGS MASSING WILL BE TYPICAL OF RESIDENTIAL DESIGN ENSURING NO UNOBSTRUCTED WALL EXPANSES WITHOUT OPENINGS OR CHANGES IN ELEVATION OR PLANE. SPECIFIC MATERIALS AND ARCHITECTURAL TREATMENTS WILL BE DETERMINED BY THE FDP AS ARCHITECTURAL FEATURES AND AMENITIES ARE CONSIDERED FOR EACH LAND USE.

PEDESTRIAN CIRCULATION AND OPEN SPACE
AN INTERNAL PEDESTRIAN CIRCULATION SYSTEM WILL BE CREATED WITHIN THE COMMUNITY TO ALLOW FOR SAFE AND EASY CONNECTION FROM THE PROPOSED DWELLING UNITS, PARKING AREAS AND OFF-SITE PARKS AND TRAILS. FUTURE DEVELOPMENT WILL COORDINATE WITH THE CITY OF DENVER PARKS DEPARTMENT FOR CONNECTIONS WITH THE CHERRY CREEK TRAIL AND CORRIDOR. THE CITY OF DENVER CHENNAI PARK IS LOCATED AT THE NORTHWESTERN CORNER OF THE PROPERTY. ACCESS TO THE PARK WILL BE OFF OF S. QUEBEC STREET.

LEGAL DESCRIPTION

A PART OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 21, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ARAPAHOE, STATE OF COLORADO,

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 21, THE SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING;
THENCE SOUTHERLY ALONG THE EAST LINE OF SAID SOUTHWEST ONE-QUARTER OF SOUTHWEST ONE-QUARTER, A DISTANCE OF 834.64 FEET TO A POINT ON THE NORTHEASTERLY RIGHT OF WAY LINE OF CHERRY CREEK RECORDED IN BOOK 372 AT PAGE 568 AND 570; THENCE ON AN ANGLE TO THE RIGHT 127°01'56" AND ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 1393.30 FEET TO A POINT ON THE NORTH LINE OF SAID SOUTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER;
THENCE ON AN ANGLE TO THE RIGHT 143°11'56" AND ALONG SAID NORTH LINE, A DISTANCE OF 1112.28 FEET TO THE TRUE POINT OF BEGINNING,

COUNTY OF ARAPAHOE, STATE OF COLORADO

10.656 ACRES MORE OR LESS.

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 RECOMENDED/RECOMMENDED BY THE ARAPAHOE COUNTY PLANNING COMMISSION, THIS _____ DAY OF____A.D, 20____.

CHAIR:_____

CERTIFICATE OF OWNERSHIP

I_____HEREBY AFFIRM THAT I AM THE OWNER OR AUTHORIZED AGENT OF ALL INDIVIDUALS HAVING OWNERSHIP INTEREST IN THE PROPERTY DESCRIBED HEREIN, KNOWN AS CHERRY TREE ESTATES. CASE NO. Z15-001.

_____
OWNER OF RECORD OR AUTHORIZED AGENT

STATE OF _____}
S.S.
COUNTY OF_____}

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 201____ BY _____ AS_____ OF _____ AN AUTHORIZED SIGNATORY.

BY_____ WITNESS MY HAND AND SEAL
NOTARY PUBLIC

_____
ADDRESS

_____
CITY STATE ZIP CODE

MY COMMISSION EXPIRES _____

CIVIL ENGINEER:
ROTH ENGINEERING GROUP
7853 EAST ARAPAHOE COURT, SUITE 2500
CENTENNIAL, CO 80112
PH: 303-841-9365
FAX: 303-648-5212
CONTACT : KEVIN ROTH

PLANNER:
KENDRICK CONSULTING INC.
land use planning & entitlement services
362 S. FAIRFAX ST.
DENVER, CO 80246
PH: 303-725-1255
CONTACT : MELISSA KENDRICK

OWNER:
CHERRY TREE ESTATES, LLC
P.O BOX 1352
ARVADA, CO 80001
PH: 303-888-5459
FAX: 303-432-2122
CONTACT: TIM VAN METER

ISSUE DATE: OCT. 22, 2015

SHEET INDEX

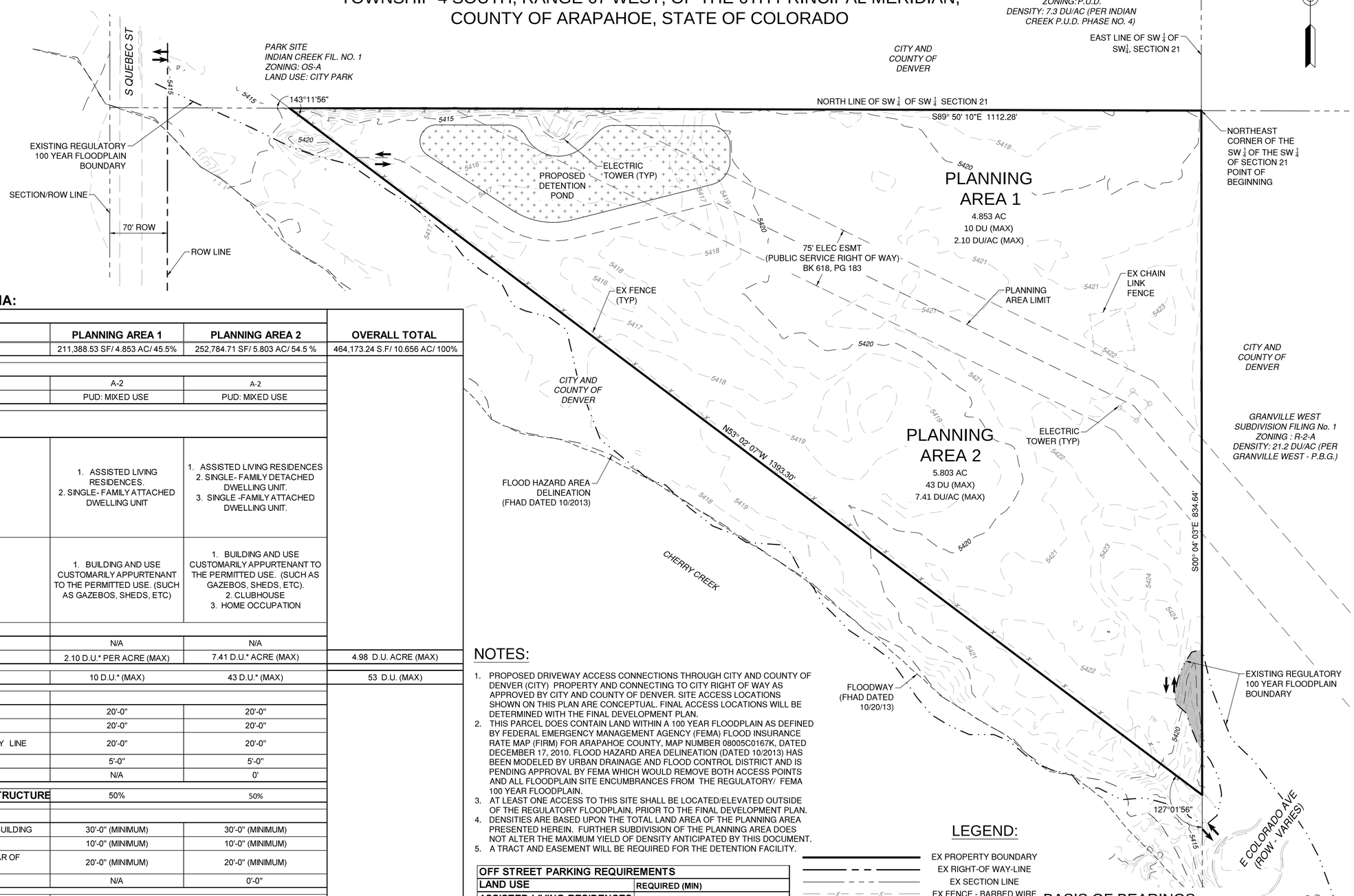
1 COVER
2 SITE PLAN

SHEET NUMBER:
1 OF 2

CHERRY TREE ESTATES

PRELIMINARY DEVELOPMENT PLAN

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 4 SOUTH, RANGE 67 WEST, OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ARAPAHOE, STATE OF COLORADO



DEVELOPMENT CRITERIA:

AREA	PLANNING AREA 1	PLANNING AREA 2	OVERALL TOTAL
SQUARE FEET/ ACRES/ % OF TOTAL	211,388.53 SF/ 4.853 AC/ 45.5%	252,784.71 SF/ 5.803 AC/ 54.5 %	464,173.24 S.F/ 10.656 AC/ 100%
ZONING			
EXISTING	A-2	A-2	
PROPOSED	PUD: MIXED USE	PUD: MIXED USE	
PERMITTED USES			
PRINCIPAL USES	1. ASSISTED LIVING RESIDENCES. 2. SINGLE- FAMILY ATTACHED DWELLING UNIT	1. ASSISTED LIVING RESIDENCES 2. SINGLE- FAMILY DETACHED DWELLING UNIT. 3. SINGLE -FAMILY ATTACHED DWELLING UNIT.	
ACCESSORY USES	1. BUILDING AND USE CUSTOMARILY APPURTENANT TO THE PERMITTED USE. (SUCH AS GAZEBOS, SHEDS, ETC)	1. BUILDING AND USE CUSTOMARILY APPURTENANT TO THE PERMITTED USE. (SUCH AS GAZEBOS, SHEDS, ETC). 2. CLUBHOUSE 3. HOME OCCUPATION	
DENSITY			
EXISTING	N/A	N/A	
PROPOSED	2.10 D.U.* PER ACRE (MAX)	7.41 D.U.* ACRE (MAX)	4.98 D.U. ACRE (MAX)
DWELLING UNITS	10 D.U.* (MAX)	43 D.U.* (MAX)	53 D.U. (MAX)
BUILDING SETBACKS			
FROM NORTH PROPERTY LINE	20'-0"	20'-0"	
FROM EAST PROPERTY LINE	20'-0"	20'-0"	
FROM SOUTHEAST (DIAGONAL) PROPERTY LINE	20'-0"	20'-0"	
FROM INTERNAL LOT LINES	5'-0"	5'-0"	
COMMON WALLS LOT LINES	N/A	0'	
MAXIMUM LOT COVERAGE OF STRUCTURE	50%	50%	
BUILDING SEPARATION			
FROM FRONT OF BUILDING TO ANOTHER BUILDING	30'-0" (MINIMUM)	30'-0" (MINIMUM)	
FROM SIDE TO ANOTHER SIDE	10'-0" (MINIMUM)	10'-0" (MINIMUM)	
FROM REAR OF BUILDING TO SIDE OR REAR OF ANOTHER BUILDING	20'-0" (MINIMUM)	20'-0" (MINIMUM)	
COMMON WALLS	N/A	0'-0"	
BUILDINGS -RESIDENTIAL			
MAXIMUM HEIGHT	32- FEET/ 2 STORIES	42- FEET/ 3 STORIES	
BUILDINGS -COMMUNITY			
MAXIMUM HEIGHT	32- FEET	32-FEET	
OPEN SPACE (COVERAGE)			
MINIMUM COVERAGE	35 PERCENT	35 PERCENT	35 PERCENT

* AN ASSISTED LIVING DWELLING UNIT INCLUDES A SINGLE STRUCTURE WITH UP TO 16 ASSISTED LIVING PATIENT BEDS.

CASE# Z15-001

NOTES:

1. PROPOSED DRIVEWAY ACCESS CONNECTIONS THROUGH CITY AND COUNTY OF DENVER (CITY) PROPERTY AND CONNECTING TO CITY RIGHT OF WAY AS APPROVED BY CITY AND COUNTY OF DENVER. SITE ACCESS LOCATIONS SHOWN ON THIS PLAN ARE CONCEPTUAL. FINAL ACCESS LOCATIONS WILL BE DETERMINED WITH THE FINAL DEVELOPMENT PLAN.
2. THIS PARCEL DOES CONTAIN LAND WITHIN A 100 YEAR FLOODPLAIN AS DEFINED BY FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) FOR ARAPAHOE COUNTY, MAP NUMBER 08005C0167K, DATED DECEMBER 17, 2010. FLOOD HAZARD AREA DELINEATION (DATED 10/2013) HAS BEEN MODELED BY URBAN DRAINAGE AND FLOOD CONTROL DISTRICT AND IS PENDING APPROVAL BY FEMA WHICH WOULD REMOVE BOTH ACCESS POINTS AND ALL FLOODPLAIN SITE ENCUMBRANCES FROM THE REGULATORY/ FEMA 100 YEAR FLOODPLAIN.
3. AT LEAST ONE ACCESS TO THIS SITE SHALL BE LOCATED/ELEVATED OUTSIDE OF THE REGULATORY FLOODPLAIN, PRIOR TO THE FINAL DEVELOPMENT PLAN.
4. DENSITIES ARE BASED UPON THE TOTAL LAND AREA OF THE PLANNING AREA PRESENTED HEREIN. FURTHER SUBDIVISION OF THE PLANNING AREA DOES NOT ALTER THE MAXIMUM YIELD OF DENSITY ANTICIPATED BY THIS DOCUMENT.
5. A TRACT AND EASEMENT WILL BE REQUIRED FOR THE DETENTION FACILITY.

OFF STREET PARKING REQUIREMENTS	
LAND USE	**REQUIRED (MIN)**
ASSISTED LIVING RESIDENCES	PER LAND DEVELOPMENT CODE (**)
RESIDENT SPACES	
GUEST SPACES	
EMPLOYEE SPACES	
RESIDENTIAL HOUSING	
RESIDENT SPACES	PER LAND DEVELOPMENT CODE
GUEST SPACES	PER LAND DEVELOPMENT CODE

(**) MODIFICATIONS TO PARKING RATIOS MAY BE APPROVED WITH THE FDP

LEGEND:

- EX PROPERTY BOUNDARY
- EX RIGHT-OF WAY-LINE
- EX SECTION LINE
- EX FENCE - BARBED WIRE
- EX STREET SIGN
- PR DETENTION POND
- EX FLOOD PLAIN (ONSITE)
- PR DRIVEWAY ACCESS

BASIS OF BEARINGS

BEARINGS ARE BASED ON THE EAST LINE OF THE SOUTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 21 AND ARE ASSUMED TO BEAR SOUTH 00D04'03"E WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

SITE BENCHMARK

CITY & COUNTY OF DENVER BM 603; A BRASS CAP AT THE NORTHEAST CORNER OF QUEBEC AND JEWELL. ELEV=5417.73 (NAVD88)

ROTH ENGINEERING GROUP
7853 E. ARAPAHOE COURT
SUITE 2500
CENTENNIAL, CO 80112
PHONE: 303-841-9365
FAX: 303-648-5212

CHERRY TREE ESTATES
PRELIMINARY DEVELOPMENT PLAN

PREPARED FOR:
CHERRY TREE ESTATES, LLC
P.O. BOX 1352
ARVADA, COLORADO 80001

ISSUE DATE: 12/15/15

DATE	REVISIONS	BY

DESIGNED BY:	KSR
DRAWN BY:	JRF
JOB NUMBER:	130802

PLAN SCALE
60 0 60
HORIZONTAL SCALE: 1" = 60'
BAR IS 2 INCHES ON ORIGINAL DRAWING

SITE PLAN

SHEET NUMBER:
2 OF 2

DRAFT MOTIONS:

Conditional Approval: In the case of Z15-001, Cherry Tree Estates Preliminary Development Plan, the Board of County Commissioners have read the staff report and received testimony at the public and find ourselves in agreement with staff findings 1 through 3, including all plans and attachments as set forth in the staff report dated April 12, 2016, and approve this application, subject to the following conditions:

1. Prior to signature of the final mylar copy of the Preliminary Development Plan, the applicant agrees to address the Planning Division, Mapping Division, and Engineering Services Division comments and concerns, as outlined in their plans and reports.

2. At the time of the Final Development Plan, the applicant shall address the landfill material on-site and presence of flammable gas (methane) to the satisfaction of the Tri-County Health Department and Colorado Department of Public Health and Environment.

3. Prior to construction on the property, all land fill material shall be removed from the site.

4. All buildings in Planning Area 1 shall have a pitched roof (minimum 4:12) oriented parallel to the property line to provide a transition from lower heights adjacent to neighboring properties to the maximum building height at the peak of the roof.

5. At the time of Final Development Plan, a pedestrian path shall be developed along the perimeter of the development to connect E. Colorado Avenue with S. Quebec Street.

6. This approval is limited to approval of a senior community that shall operate in compliance with the Housing for Older Persons Act of 1995 Amendment to the Fair Housing Act.

7. At Final Development Plan, the applicant shall develop a mechanism to assure compliance with the Housing for Older Persons Act of 1995 Amendment to the Fair Housing Act.

8. Add a note to the Preliminary Development Plan that includes:

    a. This development is approved only as a senior community that shall operate in compliance with the Housing for Older Persons Act of 1995 Amendment to the Fair Housing Act.

    b. At Final Development Plan, the applicant shall develop a mechanism to assure compliance with the Housing for Older Persons Act of 1995 Amendment to the Fair Housing Act (HOPA), which shall include at a minimum the adoption of appropriate covenants, leasing agreement provisions, or other policies as required under HOPA and provision for maintaining and providing data to the County when requested to

assure the County that the community is being operated as senior community in compliance with HOPA.

<u>Alternative Motions</u> – The following motions are provided as alternatives to the recommended motion for Conditional Approval:

1. **Denial**: In the case of Z15-001, Cherry Tree Estates Preliminary Development Plan, the Board of County Commissioners have read the staff report dated April 12, 2016, and received testimony at the public hearing. Based on the information presented and considered during a public hearing, we deny the request for the Preliminary Development Plan based on the following findings:

   a. *State new, or amended findings in support of denial.*

   b. …

2. **Continue to Date Certain**: In the case of Z15-001, Cherry Tree Estates Preliminary Development Plan, I move to continue the hearing to [*date*], date certain, at 9:30 a.m., to obtain additional information and to further consider the information presented.

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

WHEREAS, Cherry Tree Estates, LLC applied for the rezoning of certain property hereinafter described from Agricultural -2 (A-2) to Mixed Use - Planned Unit Development (MU-PUD) and approval of a preliminary development plan, Z15-001; and

WHEREAS, after a hearing on this matter, the Arapahoe County Planning Commission recommended approval of the change in zoning subject to certain stipulations as shown on the record of the Planning Commission hearing; and

WHEREAS, following said Planning Commission hearing, public notice of a hearing before the Arapahoe County Board of County Commissioners was properly given of such proposed rezoning and preliminary development plan by publication on April 7th, 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 26th day of April, 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 which the Board of County Commissioners hereby adopts the findings thereof, 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 discussed at hearing and as stated in this resolution, and has agreed to execute all agreements and to convey all rights of way and easements recommended by staff, except as may be stated in this resolution; and

WHEREAS, the proposed rezoning and preliminary development plan generally conform to the Arapahoe County Comprehensive Plan and comply with the review and the approval criteria found in the Land Development Code; 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 Agricultural -2 (A-2) to Mixed Use - Planned Unit Development (MU-PUD) zone district and approval of a preliminary development plan, Z15-001 subject to the conditions precedent and/or other conditions as hereinafter delineated.

   LEGAL DESCRIPTION
   A PART OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 21, TOWNSHIP 4 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERDIAN, COUNTY OF ARAPAHOE, STATE OF COLORADO,

   MORE PARTICULARLY DESCRIBED AS FOLLOWS:

   COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 21, THE SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID SOUTHWEST ONE-QUARTER OF SOUTHWEST ONE-QUARTER, A DISTANCE OF 834.64 FEET TO A POINT ON THE NORTHEASTERLY RIGHT OF WAY LINE OF CHERRY CREEK RECORDED IN BOOK 372 AT PAGE 568 AND 570; THENCE ON AN ANGLE TO THE RIGHT 127°01’56” AND ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 1393.30 FEET TO A POINT ON THE NORTH LINE OF SAID SOUTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER; THENCE ON AN ANGLE TO THE RIGHT 143°11’56” AND ALONG SAID NORTH LINE, A DISTANCE OF 1112.28 FEET TO THE TRUE POINT OF BEGINNING,

   COUNTY OF ARAPAHOE, STATE OF COLORADO

   10.656 ACRES MORE OR LESS.

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 recommendation as modified by the Board of County Commissioners at hearing and stated in this 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 as modified by the Board of County Commissioners at hearing and stated in this resolution, and any conditions stated by staff on the record.

c) The following conditions of approval are hereby approved and required by the Board of County Commissioners for the rezoning and preliminary development plan for the above described property in Case No. Z15-001:

1. Prior to signature of the final mylar copy of the Preliminary Development Plan, the applicant agrees to address the Planning Division, Mapping Division, and Engineering Services Division comments and concerns, as outlined in their plans and reports.

2. At the time of the Final Development Plan, the applicant shall address the landfill material on-site and presence of flammable gas (methane) to the satisfaction of the Tri-County Health Department and Colorado Department of Public Health and Environment.

3. Prior to construction on the property, all land fill material shall be removed from the site.

4. All buildings in Planning Area 1 shall have a pitched roof (minimum 4:12) oriented parallel to the property line to provide a transition from lower heights adjacent to neighboring properties to the maximum building height at the peak of the roof.

5. At the time of Final Development Plan, a pedestrian path shall be developed along the perimeter of the development to connect E. Colorado Avenue with S. Quebec Street.

6. This approval is limited to approval of a senior community that shall operate in compliance with the Housing for Older Persons Act of 1995 Amendment to the Fair Housing Act.

7. At Final Development Plan, the applicant shall develop a mechanism to assure compliance with the Housing for Older Persons Act of 1995 Amendment to the Fair Housing Act.

8. Add a note to the Preliminary Development Plan that includes:

   a. This development is approved only as a senior community that shall operate in compliance with the Housing for Older Persons Act of 1995 Amendment to the Fair Housing Act.

   b. At Final Development Plan, the applicant shall develop a mechanism to assure compliance with the Housing for Older Persons Act of 1995 Amendment to the Fair Housing Act (HOPA), which shall include at a minimum the adoption of appropriate covenants, leasing agreement provisions, or other policies as required under HOPA and provision for maintaining and providing data to the County when requested to assure the County that the community is being operated as senior community in compliance with HOPA.

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.