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

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

Public Meeting

May 24, 2016
9:30 A.M.

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

CALL TO ORDER
Arapahoe County Board of County Commissioners

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

ROLL CALL

PLEDGE OF ALLEGIANCE

MODIFICATION TO THE AGENDA

ADOPTION OF THE AGENDA

APPROVAL OF THE MINUTES

1. **BOCC Public Meeting Minutes - April 26, 2016**

   Documents: BOCC PUBLIC MEETING MINUTES 04.26.2016.PDF

2. **BOCC Public Meeting Minutes - May 3, 2016**

   Documents: BOCC PUBLIC MEETING MINUTES 05.03.2016.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

GENERAL BUSINESS ITEMS

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, APRIL 26, 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**	**Absent and Excused**
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
County Attorney Ron Carl added a motion to go into executive session to the end of the agenda.

ADOPTION OF THE AGENDA

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

The motion passed 4-0, Commissioner Sharpe absent and excused.

ADOPTION OF THE MINUTES
The motion was made by Commissioner Holen and duly seconded by Commissioner Jackson to adopt the minutes of the March 22, 2016 and March 29, 2016 public meeting as presented.

The motion passed 4-0, Commissioner Sharpe absent and excused.

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.

CEREMONIES
There were no ceremonies on this date.

CITIZEN COMMENT PERIOD
There were no citizen comments on this date.

CONSENT AGENDA

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

The motion passed 4-0, Commissioner Sharpe absent and excused.

GENERAL BUSINESS ITEMS

Item 1 – Resolution No. 160308 - Cherry Tree Estates Preliminary Development Plan, Case Z15-001

Senior Assistant County Attorney Robert Hill established jurisdiction for the Board to hear this case.

Senior Planner Molly Orkild-Larson introduced the case and explained the plan details.

There was discussion regarding the height of the building. Ms. Orkild-Larson clarified that buildings would be a maximum of two stories at a maximum of 32 feet tall.

Tim Van Meeter, applicant, presented a PowerPoint presentation and introduced the development team. He discussed the need to install a secure fence surrounding the property, as this facility will serve residents with Alzheimer's and dementia. He then detailed the site background, access, location, and the number of proposed units. He said there would be independent-living units and memory care units.

The applicant explained why he feels this development is compatible with the surrounding properties, which are located in the City and County of Denver.

Melissa Kendrick, representing the applicant, discussed the proposed density for this site, which is lower than the surrounding areas. She explained how the developer has worked to meet the requests of the neighborhood. She also addressed concerns related to traffic cutting through the site; gates have been added to alleviate that issue.

Mike Rocha, traffic consultant, reviewed the traffic impacts, which he felt would be negligible; access points have been approved by the City and County of Denver.

Ms. Kendrick asked that the condition of pedestrian accessibility across this site be removed, as the safety and security of the residents is most important. She asked that the applicant have the flexibility to decide where the pedestrian path is built.

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Commissioner Jackson asked for more information regarding Condition 4.

Ms. Kendrick stated that the applicant is comfortable with Condition 4, as written. She explained that there is a concern about Mansard roofs.

Ms. Orkild-Larson suggested that the condition remain as is, and that the Board prohibit Mansard roofs with a 4:12 pitch or "4:12 up to 12:12".

The public hearing was opened.

Ivo Roospold-opposed

Ruthann Zook-opposed

Beverly Rennie-opposed

Mary Ann Mayo-opposed

Lisa Forman-opposed

Loren Collier-opposed

The public hearing was closed.

Commissioner Bockenfeld asked about drainage issues.

Sarah White, Arapahoe County Engineering Division, explained mitigation plans for drainage.

Commissioner Doty asked about the setback from the property line.

Ms. Kendrick explained that 20-foot setbacks are proposed on all sides of this property, are reasonable, and fall within the regulations for the County's code.

There was discussion regarding traffic backing up onto Quebec. Mr. Rocha said Arapahoe County's standards regarding stacking for gated entrances would be followed.

Commissioner Jackson asked if a stoplight would be installed. Mr. Rocha stated that he has talked with Denver about ongoing concerns there, but there are ways to mitigate the left turn from Iowa to Quebec, which would be controlled by Denver.

Commissioner Jackson asked about the fencing. Mr. Van Meeter explained where the fence would be installed.

There was discussion regarding mitigation measures related to the landfill.

Paul Stone explained what steps would be taken to clean up the land.

Commissioner Holen asked about the environmental impact on the neighborhood.

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Mr. Stone said there would be no impact on ground water and storm water mitigation would be in place.

Mr. Hill read the County's definition of density into the record and clarified that the definition is based on the number of dwelling units, not the number of people.

Commissioner Bockenfeld asked about the topography related to the height of the buildings.

Mr. Van Meeter stated that the grade was not changed in planning area one. He said there is no evidence of water flowing into Concha from his property, and a detention pond would be on site.

In the case of Z15-001, Cherry Tree Estates Preliminary Development Plan, the motion was made by Commissioner Jackson and duly seconded by Commissioner Bockenfeld that the Board of County Commissioners has read the staff report and received testimony at the public and finds itself 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) with no Mansard roofs, 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 Colorado Avenue, connecting E. Colorado Avenue with S. Quebec Street. In the event a pedestrian path is developed on the south side of the property in the Cherry Creek right of way, this requirement to provide a pedestrian path on the property shall cease and terminate.

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:

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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.

The motion passed 4-0, Commissioner Sharpe absent and excused.

COMMISSIONER COMMENTS
Commissioner Holen thanked the developer for bringing homes for senior citizens, and addressed the need for this type of housing.

The motion to go into executive session was made by Commissioner Doty, duty seconded by Commissioner Holen.

The motion passed 4-0, Commissioner Sharpe absent and excused.

There being no other business before the Board, Commissioner Doty adjourned the meeting at 10:55 a.m.

ARAPAHOE COUNTY BOARD OF COUNTY COMMISSIONERS

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

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MINUTES OF THE ARAPAHOE COUNTY
BOARD OF COUNTY COMMISSIONERS
TUESDAY, MAY 3, 2016

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

Nancy Doty, Chair	**Commissioner District 1**	**Absent and Excused**
Nancy Jackson, Chair Pro-Tem	**Commissioner District 4**	**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 Sharpe to adopt the Agenda as presented.

The motion passed 4-0, Commissioner Doty absent and excused.

ADOPTION OF THE MINUTES
The motion was made by Commissioner Sharpe and duly seconded by Commissioner Holen to adopt the minutes of the April 5, 2016 public meeting as presented.

The motion passed 4-0, Commissioner Doty absent and excused.

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.

The motion was made by Commissioner Bockenfeld and duly seconded by Commissioner Holen to adopt the minutes of the April 12, 2016 public meeting as presented.

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

CEREMONIES
There were no ceremonies on this date.

CITIZEN COMMENT PERIOD
There were no citizen comments on this date.

CONSENT AGENDA

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

The motion passed 4-0, Commissioner Doty absent and excused.

Lynn Myers, Southeast Denver Economic Development Partnership thanked the Board of County Commissioners for their support of Arrow Electronics.

GENERAL BUSINESS ITEMS

Item 1 – Resolution No. 160316 - Case Z15-004, Xenia Street Townhomes Preliminary Development Plan

Robert Hill, Senior Assistant County Attorney, established jurisdiction for the Board to hear this case.

Bill Skinner, Senior Planner, introduced the applicant and reviewed the details of this case. He said the neighbors have concerns about building height, density and setbacks.

Scott Alpert, developer, presented a PowerPoint presentation, a copy of which has been retained for the file. He presented a rendering of the proposed buildings, which would be a maximum of 38 feet tall, and discussed setbacks. He described the characteristics of the surrounding buildings.

Commissioner Sharpe asked what the setbacks would look like. Mr. Alpert said there would be green space between the development and the neighbors, a drive way, and there would be fencing on the property line.

The Public Hearing was opened.

Heike Newman, speaking on behalf of Yosemite Village, explained the neighbors' concerns regarding building height and dwelling units per acre.

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Ferrell Woods expressed concern about the height of the buildings.

The Public Hearing was closed.

Commissioner Sharpe asked Mr. Skinner to discuss density and height related to the Comprehensive Plan. Mr. Skinner said this development falls within the density for this site, but said the Comp Plan is largely silent regarding height.

Commissioner Bockenfeld asked about the transition between the existing properties and this development. He said it appears this project is compatible.

Mr. Skinner said the proposed buildings would be taller that the surrounding buildings, but the increase is not egregious.

Commissioner Sharpe asked why height was not addressed in the comprehensive plan.

Mr. Skinner suspects that at the time the comprehensive plan was developed, the citizens were focused on the broader category of single family homes versus multi-family homes.

Commissioner Sharpe asked Mr. Alpert why the applicant needs three stories instead of two stories.

Mr. Alpert said there is not much ground so the only option is to go up.

Commissioner Jackson clarified the setbacks and the building height.

Mr. Skinner added that the density has been revised to 19.6 dwelling units (DU) per acre and the number of units is capped at 28.

There was discussion regarding the condition related to the Open Space department which strongly recommends a recreation area on this site. The commissioners agreed that requiring a playground without knowing what it will look like is not fair to the developer and the neighbors, and that it is not the prevue of Open Space to get involved in site plans.

The motion to approve this case was made by Commissioner Jackson and duly seconded by Commissioner Bockenfeld: considering the findings and other information provided herein, staff recommends the approval of Case Z15-004 Xenia Street Townhomes Preliminary Development Plan, subject to the following conditions of approval:

1. Prior to Board signature of these plans, the applicant agrees to address Public Works Staff comments including concerns identified in the most recent Engineering Staff Report.
2. The developer shall provide a transition to mitigate impacts on the lower density and lower height single-family detached south of the site.
3. Open zoning violations on the subject property will be addressed before Staff will forward a copy of the plans to the board for signature.

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4. Changes to the proposal agreed to by the applicant during the review and approval process, including conditions of approval agreed to at the March 15th Planning Commission hearing will be reflected on the application before plans will be forwarded to the Board for signature, including the following;
   a. Applicant will increase the eastern setback from 10 feet to 15 feet and the southern setback from 10 feet to 30 feet.
   b. The applicant will limit top of wall/gutter height to 30 feet of the southern building with the tallest roofline at 38 feet.

The motion passed 3-0, Commissioner Sharpe opposed, Commissioner Doty absent and excused.

COMMISSIONER COMMENTS

Commissioner Jackson said she understands why Commissioner Sharpe voted against this plan, but she is also concerned about the lack of affordable housing in this area, and housing like this fills a need in that community. She said she looks forward to an informal park and a nice development.

There being no other business before the Board, Commissioner Jackson adjourned the meeting at 10:30 a.m.

ARAPAHOE COUNTY BOARD OF COUNTY COMMISSIONERS

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

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