



**MINUTES OF THE REGULAR MEETING OF THE
ARAPAHOE COUNTY PLANNING COMMISSION
TUESDAY, FEBRUARY 16, 2016**

ATTENDANCE	<p>A regular meeting of the Arapahoe County Planning Commission was called and held in accordance with the statutes of the State of Colorado and the Arapahoe County Land Development Code. The following Planning Commission members confirmed their continued qualification to serve:</p> <p>Brian Weiss, Chair; Paul Rosenberg, Chair Pro-Tem; Mark Brummel; Richard Rader; Jane Rieck; Richard Sall, Diane Chaffin.</p> <p>Also present were: Robert Hill, Senior Asst. County Attorney; Chuck Haskins, Engineering Services Division Manager; Sarah White, Engineer; Spencer Smith, Engineer; Molly Orkild-Larson, Senior Planner; Bill Skinner, Senior Planner; Jason Reynolds, Current Planning Program Manager; and members of the public.</p>
CALL TO ORDER	<p>Chair Weiss called the meeting to order at 6:30 p.m. and noted a quorum of the Board was present.</p>
DISCLOSURE MATTERS	<p>There were no Planning Commission member conflicts with the matters before them.</p>
GENERAL BUSINESS ITEMS:	
APPROVAL OF THE MINUTES	<p>The motion was made by Ms. Rieck and duly seconded by Mr. Sall to accept the minutes from the January 16, 2016 Planning Commission meeting, as presented.</p> <p>The motion passed unanimously.</p>
ELECTION OF OFFICERS	<p>Mr. Weiss nominated <u>Mr. Rosenberg to be Chair</u> of the Planning Commission. The nomination was seconded by Mr. Brummel. Mr. Rosenberg accepted the nomination. The vote was unanimous.</p> <p>Ms. Rieck nominated <u>Mr. Weiss to be Chair Pro-Tem</u> of the Planning Commission. The nomination was seconded by Mr. Rosenberg. Mr. Weiss accepted the nomination. The vote was unanimous.</p>

	<p>Mr. Weiss then nominated <u>Ms. Yeckes to be Secretary of the Planning Commission.</u> The nomination was seconded by Mr. Rosenberg. Ms. Yeckes accepted the nomination. The vote was unanimous.</p>
<p>REGULAR ITEMS:</p> <p>The Planning Commission determined to hear the agenda items out of order.</p>	
<p>Item 2:</p>	<p>Z15-004, Xenia Townhomes / Preliminary Development Plan (PDP)</p> <p>Bill Skinner, Senior Planner, introduced the project, which proposed 32 single-family attached/townhome units at a density of about 21 dwellings per acre. He noted the Four Square Mile Subarea Plan identified the site as multi-family with a density up to 25 dwellings per acre. He reported the site was adjacent to Yosemite Village (formerly known as Cinnamon) on the east and single-family homes on the south.</p> <p>Staff recommended approval with conditions, including a condition to address the transition from single family on the south to this project.</p> <p>Scott Alpert, applicant, described his family’s history of development in Arapahoe County and explained the site had 4-5 homes built in the 1940’s, all of which were falling apart. He reported the proposed townhomes would include entrances on the side elevations, so they would have doors and windows. He said the townhomes would include pitched roofs, so the wall heights would not be the full 38’ being requested. Mr. Alpert indicated they were considering increasing the setback along the southern property line.</p> <p>The Planning Commission (PC) asked questions about grades between this property and surrounding properties.</p> <p>Heike Nawnan, 1121 S. Yosemite Way, #14, Yosemite Village, reported to the PC that the fence showed during the presentation was not the actual property line adjacent to the site.</p> <p>Mr. Fairwoods, 1200 S. Xenia St., expressed concern that the proposed 38’ tall buildings would be immediately adjacent to his home.</p> <p>Chuck Thomas, 1207 S. Quince Way, spoke in opposition to the project, particularly regarding the proposed height.</p>

	<p>Kevin Gross, 1230 S. Boston St., representing the Four Square Mile planning committee indicated, although it would be great to see the site cleaned up, they were concerned about the transition from single-family to the proposed townhome project. He requested the maximum height be 35' instead of 38'. He recommended putting more park space on the plan since the County had no parks nearby. Further, Mr. Gross recommended a better transition with the surrounding one and two-story structures.</p> <p>Mr. Alpert explained they were asking for a 10' setback on the east property line and could look at increasing the setback on the south. He said they were seeking 38' so they could do a pitched roof rather than a flat roof.</p> <p>There was considerable discussion about the setback on the east and the location of the property line in relation to the buildings to the east. The PC expressed concern about moving forward without knowing how far the proposed buildings would be from the existing buildings to the east.</p> <p>It was moved by Mr. Rosenberg and duly seconded by Ms. Rieck to continue Case No. Z15-004, Xenia Townhomes / Preliminary Development Plan, to a date certain of March 15, 2016, to give the applicant time to research setbacks, heights, and property line(s).</p> <p>The vote was:</p> <p>Mr. Brummel, No; Ms. Chaffin, Yes; Mr. Rader, Yes; Ms. Rieck, Yes; Mr. Rosenberg, Yes; Mr. Sall, Yes; Mr. Weiss, Yes.</p>
<p>Item 1:</p>	<p>Z15-001, Cherry Tree Estates / Preliminary Development Plan (PDP)</p> <p>Molly Orkild-Larson, Senior Planner, introduced the case. She reported the applicant was seeking approval for senior living, which including assisted living / memory care in attached or detached units. She stated the assisted living units could house up to 16 people who required assistance with daily tasks.</p> <p>Tim VanMeter, applicant, reported having owned assisted living homes in the Denver area since 1995. He said they currently owned and operated a 72-bed facility in Arvada. He explained Denver had approved both proposed access points and stated the site was a blighted former Denver municipal waste site. Mr. VanMeter reported he would clean the site as part of developing the property.</p>

He pointed out the two Planning Areas of the project; Planning Area 1 proposed 32' maximum heights and in Planning Area 2 he agreed to reduce the height to 38'. He objected to staff's recommendation that there be a major trail through the site, citing security concerns.

The applicant's consultants spoke about the proposal's compliance with the density recommendations in the Four Square Mile Sub-Area Plan and about the County's acceptance of the traffic analysis. The site would have right-in/right-out access on S. Quebec St., which had a median in it. The site would also have access to the east, off E. Colorado Ave.

The PC asked questions about compliance with the Four Square Mile Sub-Area Plan and the potential for hazards from the landfill.

Staff explained the proposed development complied with the Four Square Mile Sub-Area Plan.

The applicant's geologist explained the site had been tested since the 90's and there was no ground water contamination.

Kevin Gross, representing the Four Square Mile planning committee, spoke in favor of the project, including the proposed 38' height limit.

Lance Wheeland, Concha Homeowner's Association (HOA), indicated that the housing product initially discussed with the HOA (assisted living/memory care) changed and now included single family attached homes. He also had concerns with traffic patterns that would be created by the proposed development.

Public concerns included traffic generated from the development and its impact to Quebec St., Iowa St., and Colorado Blvd., on-site parking and off-site parking in the surrounding neighborhoods, heights and setbacks of the proposed buildings, visual impacts, and the development staying as a senior community.

Brent Fahrberger, Assistant to Councilman Kashman, read into the record a letter from Paul Kashman, City Councilman, City and County of Denver. Mr. Fahrberger indicated areas of special concern, including the streets in the site area and the design of the access to the east. He reported 22 residents of Denver spoke in opposition, citing concerns about cut-through traffic, pedestrian/bike safety near the right-in/right-out on S Quebec St., building heights, the fact that a portion of the residents could be under 55, changes in the plans during the process, allowing

independent living, building design, traffic in the area, safety at the E. Iowa Ave. intersection, parking needs for this type of use, environmental cleanup, non-compliance with the sub-area plan, proximity to the Concha development to the north, and difficulty of accessing the site from southbound Quebec.

Mr. VanMeter responded that Denver had approved both access points and that Arapahoe County engineering staff had no concerns with the traffic impact study. He said he would match the adjacent setbacks. He added that including independent living could allow spouses to stay together when one member of the couple needed extra care. In response to concerns about complying with the Housing for Older Persons Act, which required 80% of units to be available to those over age 55, Mr. VanMeter stated they would be marketing to that age group.

The PC discussed setbacks and noted that with the requirement for pitched roofs, the height impact would be reduced. They also noted that while there was a lot of testimony about traffic, both Denver and Arapahoe County engineers had looked at the site and expressed no issues.

It was moved by Mr. Rosenberg and duly seconded by Ms. Chaffin, in the case of Z15-001, Cherry Tree Estates / Preliminary Development Plan, that the Planning Commissioners had read the staff report and received testimony at the public hearing and find themselves in agreement with staff findings 1 through 3, including all plans and attachments as set forth in the staff report dated February 8, 2016, and recommended approval of the application, subject to the following conditions:

- 1. Prior to signature of the final mylar copy of the Preliminary Development Plan, the applicant agreed 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.**

	<p>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.</p> <p>5. Pedestrian access shall be developed along the perimeter of the development at the time of Final Development Plan connecting E. Colorado Avenue with S. Quebec Street.</p> <p>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.</p> <p>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.</p> <p>8. Add a note to the Preliminary Development Plan that includes:</p> <p>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.</p> <p>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.</p> <p>The vote was:</p> <p>Mr. Brummel, Yes; Ms. Chaffin, Yes; Mr. Rader, Yes; Ms. Rieck, No; Mr. Rosenberg, Yes; Mr. Sall, Yes; Mr. Weiss, Yes.</p>
ADJOURNMENT	There being no further business to come before the Planning Commission, the meeting was adjourned.