



**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.

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.

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.

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:
 - 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

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