ARAPAHOE COUNTY
COLORADO'S FIRST

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

ATTENDANCE	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: Paul Rosenberg, Chair; Brian Weiss, Chair Pro-Tem; Mark Brummel; Richard Rader; Jane Rieck; Richard Sall, and Diane Chaffin. Also present were: Robert Hill, Senior Asst. County Attorney; Chuck Haskins, Engineering Services Division Manager; Sarah White, Engineer; Spencer Smith, Engineer; Sherman Feher, Senior Planner; Bill Skinner, Senior Planner; Jason Reynolds, Current Planning Program Manager; Caitlyn Cahill, Animal Control Supervisor; Jan Yeckes, Planning Division Manager; Jeff Baker, Facilities Operations Manager; and members of the public.
CALL TO ORDER	Chair Rosenberg called the meeting to order at 6:30 p.m. and noted a quorum of the Board was present.
DISCLOSURE MATTERS	There were no Planning Commission member conflicts with the matters before them.
GENERAL BUSINESS ITEMS:	
APPROVAL OF THE MINUTES	**It was moved by Ms. Rieck and duly seconded by Mr. Weiss to accept the minutes from the August 2, 2016 Planning Commission meeting, as amended, related to Item 2 – Littleton Valley Villas, to change the list of obstacles stated in opposition of the project to *traffic congestion* being in the #1 position and *overcrowding of schools* moving to the #3 position.** **The motion passed unanimously.**
REGULAR ITEMS:	

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Item 1:	**Case No. P16-010, Sky Mark Apartments / Final Development Plan (FDP) – Continued from August 2, 2016 – Sherman Feher, Senior Planner, Public Works and Development (PWD)** Mr. Feher established jurisdiction for the public hearing, noting the case had been continued from August 2, 2016. He noted the applicant had changed the sign to reflect the new hearing date and location, which exceeded noticing requirements. Mr. Feher introduced the application. He reported three emails, with citizen comment, had been received since the staff report went out. He stated the emails were sent to the Planning Commission (PC) and were part of the public record for today's hearing. Mr. Feher reported Roger Harvey, Open Spaces, was in attendance to respond to any questions related to the High Line Canal bridge. He stated staff recommended conditional approval. Mr. Rader asked about the height established under the Preliminary Development Plan (PDP) and whether there was a subarea plan height. He stated the PC had recommended denial of the PDP; however, it had been approved by the Board of County Commissioners (BOCC). He noted the FDP complied with the PDP and there was no subarea plan established height. Michael Sheldon, representing the applicants, noted the name of the project would change from Sky Mark due to an agreement with neighbors living in the Sky Mark Townhomes. He noted the plan reflected some changes requested by neighbors, but no changes had been made to elements of the PDP. He introduced the project team and stated the team was in agreement with the conditions of approval recommended by staff. Ms. Chaffin asked that the presentation address the High Line Canal bridge and landscaping. Jared Carlin, Norris Design, shared his experience with the community and adjacent developments. He stated they were committed to being involved with the project for a long time. Mr. Carlin presented a PowerPoint, a copy of which was retained for the record. He showed a vicinity map and the project site in context on an aerial, noting the property was split between Arapahoe County and City/County of Denver. He shared details of the project and stated they hoped for a seamless project across both jurisdictions. Mr. Carlin reported each of the two buildings would have 95 units, in five stories of residential, over two stories of parking. He noted access points and stated the project complied with height, setbacks, and density of the PDP. Mr. Carlin noted the amenities in relation to

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the site and location of the pedestrian bridge planned to the High Line Canal.

Chris Grady, Gephardt Architecture, noted the company's award-winning designs. He showed architectural renderings of the proposed buildings. He reported they planned to build one and two bedroom apartments, in a center-hall access design, with elevators. He reported, on addition to the garage, there would be additional resident and guest parking at grade. He noted other elements of the architectural design and materials and said each unit would have a deck/patio. Mr. Grady said there would be a central facility that would host a leasing office and recreational amenities. He stated there was strong connectivity and adjacency to the High Line Canal. He presented visual perspectives, from various locations. He demonstrated how much of the building would show from Parker Road, the High Line Canal, and nearby neighborhoods.

Mr. Carlin reported the Ulster access had been approved by the Colorado Department of Transportation (CDOT). He explained how the applicant either met or would meet all 11 conditions of in the proposed plan. He noted the consistency of the Planned Building Group (PBG) plan submitted to the City/County of Denver for approval. He stated Denver approval would be obtained prior to BOCC approval of the FDP application. Mr. Carlin stated the conditions of Cunningham Fire Protection District (CFPD) had been met and that cash-in-lieu would be paid prior to recording the plat. He stated a mosquito control plan was in place.

Mr. Carlin provided a summary explanation of three key stakeholders, Denver Water (property owner), Denver Parks, and Arapahoe County Open Spaces. He said they were working to get the bridge approved and conditions of all agencies met. He addressed additional conditions and compliance concerns. He reported a cross-access and cross-parking agreement would be recorded. He stated the applicant would continue to work with Creekside at High Line Canal Owners' Association to resolve the shared access issues on Parker Road. He expected to have that issue resolved prior to going to BOCC.

Michael Sheldon noted the project would be high-end, market-rate with rents of $2,000.00 or higher.

Discussions ensued related to the evergreen trees, the pool design, the need for a 404 permit, appropriate rental rates for the area, Four Square Mile Neighborhood Association's letter, and the split in water/wastewater service between the two halves of the project.

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	Mr. Rosenberg opened the hearing for public comments. Scott Kipper, Arizona Dr., Arapahoe County – Hughes Mountain View development, just west of this project, said he was taking a position of neutrality. He reported the neighbors had been in contact with the development team and working in good faith with them on issues related to the boundary to the project as it faces their back yards across the canal. He said they came up with some potential solutions, which included the possibility of adding some spruce trees along the property line on the Arapahoe side. He stated the team wasn't sure they could commit, because of SEMSWA requirements, but would try. Mr. Kipper reported the development team also proposed an iron fence coupled with maples and shrubs. He felt they were making a concerted effort to address concerns. He stated the jurisdiction of the bridge was not clear to them, but understood the bridge would likely be open to public access. He reported having discussed construction hours over the 14 to 24 months the project would take and felt the applicant seemed willing to accommodate their requests. Frank Kramer was also neutral on the project. He really wanted the evergreen trees as his first choice, but appreciated the back-up plan with the fence and other trees, if the evergreen trees weren't possible. He was originally interested in the bridge being secured for only the use of Sky Mark residents, but understood that was not allowed by the Denver Water Board. Mr. Kramer said it was beyond his comprehension how it would work out. Lynn Sauve, Arizona Drive, Arapahoe County, Hughes Mountain View resident, agreed with Mr. Kipper's comments made earlier. She was initially very concerned about the trees and the buffer; however, she now felt the development team was committed to working with them, so was acting in good faith. Roger Harvey, Arapahoe County Open Spaces, offered to clarify some of the bridge issues. He noted the Four Square Mile Needs and Opportunities public planning process for open spaces. He said staff looked to this document for guidance in reviewing projects. He said the document called for additional crossings of the canal to provide more public opportunities for access and recreation, so he supported this as a public access point. Mr. Harvey reported there were some private bridges on the canal; however, Denver Water changed its policies due to long-term maintenance and replacement problems. He explained Denver Water allowed a public entity to provide the bridge who must already be a recreation lease-holder with Denver Water to be able to manage the trail and bridge. He stated Arapahoe County could partner with Sky Mark developers on a public bridge.

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	He reported access from Parker Road would be signed as a public trail. He stated Arapahoe County would own and maintain the bridge and the development would maintain the trail and record a public access easement. He stated Sky Mark was providing funding for replacement of the bridge in 20 years. Ms. Rieck asked whether adequate Cash-In-Lieu (CIL) funds were being received. Mr. Harvey noted Arapahoe County would give the applicants credit for the cost of building the bridge, but felt costs had been met. There were no further public comments. Mr. Rosenberg closed the public hearing. **It was moved by Ms. Chaffin and duly seconded by Mr. Brummel, with a friendly amendment made and accepted by Ms. Rieck, to add a 12th condition of approval requiring the applicant to add a landscape buffer at the western edge of the development (preferably evergreen trees), in Case No. P16-002, Sky Mark Apartments / Final Development Plan, that the Planning Commission read the staff report and received testimony at the public hearing and recommended the case favorably to the Board of County Commissioners with the following conditions of approval:** **1. The applicant agrees to abide by all material representations as presented with Case No. P16-010 application at the public hearing, including, but not limited to:** **a. Applicant's representation and portrayal of the overall project that the portion of the project on the adjacent property within the City and County of Denver will be of such configuration, scale and design to result in the appearance of a cohesively planned and designed project across the two jurisdictions, and that in order to achieve this cohesiveness, on the adjacent Denver portion of the project, applicant will restrict the number of dwelling units to 95, with no more than five floors of residential units above a two-floor garage and a maximum building height of 90 feet; and** **b. Evidence of final site plan approval for the Denver portion of the project by the City and County of Denver must be made available to the Arapahoe County Planning Division prior to issuance of building permits by the Arapahoe County Building Division, subject to approval of a Final Development Plan for the unincorporated property by the Arapahoe County Board of County Commissioners.**

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	2. The applicant will pay cash-in-lieu fees at the Final Plat stage to the Cherry Creek School District using the Appraised Value method of calculation established within the Land Development Code (Section 14-111.05.02). **3. The applicant will pay other cash-in-lieu fees at the Final Plat stage to the Arapahoe County Library District, as well as Parks using the Appraised Value method. (Land Development Code, Section 14-111.05.02)** **4. The applicant will provide the County with a Mosquito Control Plan per the recommendation of Tri-County Health Department.** **5. The applicant will comply with all conditions and requirements listed in the Cunningham Fire Protection District referral letter.** **6. The applicant will allow the public to use the proposed pedestrian access to the Highline Canal Trail with a public-use easement, if location, design and construction of a pedestrian access are approved by the Denver Water Board or other regulating authority. The trail location and design shall be acceptable to Arapahoe County and the Denver Water Board.** **7. The applicant will address all issues and concerns raised by Public Works and Development staff prior to the signing of mylars** **8. The applicant will meet all of the requirements listed in all of the reports and letters by Arapahoe County Engineering Services Division; this includes a Subdivision Improvement Agreement.** **9. The applicant will need to provide the County with a cross-access/shared parking agreement for both the Denver County and Arapahoe County parcels. The agreement will need to be recorded in both jurisdictions and referenced on the replat and FDP exhibits.** **10. The applicant will comply with all SEMSWA conditions and requirements listed in the referral letters of SEMSWA.** **11. The applicant shall obtain legal access to the project site from Parker Road that complies with all applicable County and State laws and regulations and shall resolve the claims against the title to the project site asserted by Creekside at Highline Owners Association by letter dated November 6, 2015 from**

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	Attorney John H. Licht or provide evidence of a title insurance policy providing title insurance covering the claims against the title asserted by the Creekside at Highline Owners Association. **12. The applicant shall provide a landscaping buffer with the project on the western property boundary (preferably with evergreen trees).** **The vote was:** **Mr. Weiss, No; Ms. Rieck, Yes; Ms. Chaffin, Yes; Mr. Rader, Yes; Mr. Brummel, Yes; Mr. Sall, Yes; Mr. Rosenberg, Yes.**
Item 2:	**Case No. L16-003, SO. Harvest Mile / Location and Extent Plan (L&E) - Sherman Feher, Senior Planner, Public Works and Development (PWD)** Mr. Feher introduced the project and explained the Planning Commission (PC) would be the final decision makers on the case. Daniel May, representing Xcel Energy PSCO, explained that gas was purchased through an existing regulator station. He noted additional residential build-out proposed for the area and the need for additional capacity. He reported the selected site would provide additional capacity – the station was being moved farther south to this location in order to expand. Mr. May reported the existing station would be removed and restored to natural conditions. He noted the distance from Gun Club Road, addressed the visibility of the site (very limited), and the gas provider facilities that the regulator station would tie into. He also explained the access agreement with Colorado Interstate Gas and reported the access road would be graveled, from Alameda to the site, for approximate monthly service. Mr. Rosenberg opened the public hearing. Jesse Baez, Xcel ROW Land Department, reported he had been in contact with land owners in the area. He stated Xcel would be paying a private landowner for access agreement. He stated they would provide a chip-seal finish to the road when the construction of the project was complete. Mr. Baez stated they would also reclaim the old station and fix the fence line to the east of the private owner's property to make it look better. Mr. Rader said he commended Xcel for working with the property owners on these issues. He also noted a weedy, unsightly area on the CIG property and asked about maintaining the site better.

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	Mr. Baez said Xcel would use a yearly herbicide on the Xcel lease site. There were no further public comments. Mr. Rosenberg closed the public hearing. **It was moved by Mr. Brummel and duly seconded by Mr. Weiss, in the case of L16-003, South Harvest Mile Meter Station Location and Extent Amendment No. 1, that the Planning Commission read the staff report and received testimony at the public hearing and found themselves in agreement with staff findings, including all plans and attachments as set forth in the staff report dated August 4, 2016, and approve this case, subject to the following conditions:** **1. The applicant makes any minor modifications to plans, as requested by the Public Works and Development Department.** **2. The applicant agrees to address all Division of Engineering and SEMSWA comments and concerns as identified within the various Engineering reports.** **The vote was:** **Mr. Weiss, Yes; Ms. Rieck, Yes; Ms. Chaffin, Yes; Mr. Rader, Yes; Mr. Brummel, Yes; Mr. Sall, Yes; Mr. Rosenberg, Yes.**
Item 3:	**Case No. P15-002, Centennial Corp Ctr #03 / L8 B1 / [JASKO Enterprises Trucking Facility] / Final Development Plan (FDP) – Bill Skinner, Senior Planner, Public Works and Development (PWD)** Mr. Skinner introduced the project and established jurisdiction for the public hearing. He reported the project was a 6,000 sq. ft. office with warehousing, located in one of the few areas outside of the Dove Valley Master Development Plan that remained within the unincorporated county. He stated the project is within the CAEPA Overlay and complied with their requirements. Mr. Skinner noted this would be the fourth structure of ten lots on S. Dillon Ct. He showed photographs of other buildings and noted the uses approved for the lots. He explained two of the buildings were constructed prior to CAEPA requirements being adopted by Arapahoe County. Mr. Weiss asked for clarification on the project location and why a PDP had not come to PC? Mr. Skinner explained the PDP was approved in 1999, with a minor amendment several years later. He reported the building would not

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	look like the older buildings in the area, even though constructed under the same PDP, because the newer building was required to conform to the CAEPA standards. He explained there were newer development standards in place; further, the applicant was committed to a better architectural design. Zeke Freeman, Architect, introduced the two other team members present. He believed the project provided a good face to the area. He explained the materials and color palette proposed. He stated this will be a corporate office, so the glass elements were important. He stated the project would also meet their needs for a trucking operation. Mr. Rosenberg opened the hearing for public comment. There were no public comments. The public hearing was closed. Mr. Rosenberg noted the PC had seen many buildings; some they had not been pleased with. He expressed his appreciation of their efforts to design a better looking building. **It was moved by Mr. Rosenberg and duly seconded by Ms. Chaffin, in Case No. P15-002, Centennial E Corporate Center Filing 3, Lot 8 Final Development Plan, that the Planning Commission read the staff report and received testimony at the public hearing and found themselves in agreement with staff findings 1 through 3, including all plans and attachments as set forth in the staff report dated August 5, 2016 and recommended the case favorably to the Board of County Commissioners, subject to the following condition(s) of approval:** **1) Prior to signature of the final copy of these plans, all minor modifications shall be made as required by the Arapahoe County Public Works & Development Department.** **The vote was:** **Mr. Weiss, Yes; Ms. Rieck, Yes; Ms. Chaffin, Yes; Mr. Rader, Yes; Mr. Brummel, Yes; Mr. Sall, Yes; Mr. Rosenberg, Yes.**
ADJOURNMENT	There being no further business to come before the Planning Commission, the meeting was adjourned.

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