



**ARAPAHOE COUNTY**  
 COLORADO'S FIRST

**MINUTES OF THE ARAPAHOE COUNTY  
 BOARD OF COUNTY COMMISSIONERS  
 TUESDAY, September 6, 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:

<b>Nancy Doty, Chair</b>	<b>Commissioner District 1</b>	<b>Present</b>
<b>Nancy Jackson, Chair Pro-Tem</b>	<b>Commissioner District 4</b>	<b>Present</b>
<b>Nancy A. Sharpe</b>	<b>Commissioner District 2</b>	<b>Present</b>
<b>Rod Bockenfeld</b>	<b>Commissioner District 3</b>	<b>Present</b>
<b>Bill Holen</b>	<b>Commissioner District 5</b>	<b>Present</b>
<b>Ron Carl</b>	<b>County Attorney</b>	<b>Present</b>
<b>Matt Crane</b>	<b>Clerk to the Board</b>	<b>Absent and Excused</b>
<b>Joleen Sanchez</b>	<b>Asst. Clerk to the Board</b>	<b>Present</b>

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 Sharpe and duly seconded by Commissioner Holen to adopt the Agenda as presented.**

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

## **ADOPTION OF THE MINUTES**

**The motion was made by Commissioner Jackson and duly seconded by Commissioner Sharpe to adopt the minutes of August 9, 2016 public meeting as presented.**

**The motion passed 3-0, Commissioner Hole abstained, Commissioner Bockenfeld absent and excused.**

## **CEREMONIES**

There were no ceremonies on this date.

## **CITIZEN COMMENT PERIOD**

Maureen Welch, Greenwood Village resident, explained her request that the Board of County Commissioners audit the funds that are going to Developmental Pathways.

**Commissioner Bockenfeld arrived at 9:34 A.M.**

## **CONSENT AGENDA**

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

**The motion passed 5-0.**

## **GENERAL BUSINESS ITEMS**

**Item 1 – Resolution No. 160540 - Case No. P16-009 - Sky Mark, Filing No. 1, Replat/Final Plat and Item 2 – Resolution No. 160541 - Case No. P16-010 - Sky Mark Apartments, Final Development Plan**

Senior Assistant County Attorney Robert Hill established jurisdiction for the Board to hear this case. He stated that Item No. 1 and Item No. 2 would be heard together.

Senior Planner Sherman Feher introduced both cases and reviewed the conditions of approval.

It was clarified that there will be a pedestrian bridge with no access for automobiles.

Chuck Haskins, Engineering Services Division, discussed site distance issue at the north access and screening on the west side of the project.

Jared Carlan, Norris Design, presented a PowerPoint presentation, a copy of which has been retained for the record. He reviewed the site plan and discussed access, setbacks and the pedestrian bridge.

Chris Grady, Gephardt Community Planning Architecture, explained the architecture, density, and parking.

Mr. Carlan reviewed the conditions of approval.

Mr. Sheldon noted that this project has no subsidies, as rents will average \$2,000 per month or higher.

Roger Harvey, Arapahoe County Open Spaces, explained the maintenance agreement related to the pedestrian bridge.

**The public comment period was opened.**

David Strohlfus, representing Cherry Creek School District, stated that the District is neutral and has no opposition to this project.

Commissioner Sharpe said schools are over capacity and asked what the County should keep in mind regarding future developments in this area.

Mr. Strohlfus explained the fluctuation of enrollment due to increasing rents.

Sharon Schonhaut, representing the HOA for the Villas at Sky Mark, explained concerns with the project and stated that the HOA has embraced this development.

Lynn Suave, representing the Hughes Mountain View HOA, suggested utilizing the Highline Canal as a detention pond in order to plant more trees on the site.

Ted Wagner asked about traffic and if the units would be for sale or rent.

**The public comment period was closed.**

Mr. Sheldon said there are contracts in place with the neighbors that address neighbors' concerns and said the developer will comply with County regulations regarding drainage. He confirmed that the garages will have controlled access, but the site itself would not.

Mr. Haskins explained the traffic impact and storm water.

**The motion was made by Commissioner Jackson and duly seconded by Commissioner Holen in the case of P16-009, Sky Mark, Filing No. 1, Final Plat/Replat, that the Board has read the staff report and received testimony at the public hearing. The Board finds itself in agreement with staff findings including the draft plan and attachments as set forth in the staff report dated August 19, 2016, and approve this case, subject to the following conditions:**

1. The applicant must make all modifications to the Final Plat/Replat as requested by the Public Works & Development Department.
2. The applicant agrees to address all Engineering Services Division comments and concerns, as identified within their reports, prior to signed mylars.
3. The applicant will enter into a Subdivision Improvement Agreement (SIA) and provide collateral to the County for all public improvements associated with the project.

4. The Applicant provides modification to the plan and support documentation as identified in the SEMSWA Staff Report.
5. Per the BOCC-approved Preliminary Development Plan condition of approval, the applicant will use the appraised value cash-in-lieu for land for public schools, public parks and other public purposes.
6. According to the Land Development Code formula for cash-in-lieu of land, the applicant will pay a total amount of cash-in-lieu of \$717,525.50 to be distributed as follows: Land for Public Schools: \$226,375.50; Land for Public Parks: \$471,504.00; and Land for Other Public Purposes: \$19,646.00.
7. Per the Land Development Code, Section 14-111.07 the BOCC approves the Arapahoe County Open Spaces Department/Arapahoe Recreation District to credit the amount for constructing and maintaining the pedestrian bridge across the Highline Canal in place of the full cash-in-lieu payment for Land for Public Parks.

**The motion passed 5-0.**

**The motion was made by Commissioner Jackson and duly seconded by Commissioner Bockenfeld in the case of P16-010, Sky Mark Apartments Final Development Plan, the Board has read the Board Summary Report, dated August 19, 2016, and received testimony at the public hearing. Based on a review of the application materials and plans and on testimony received at the public hearing, the Board finds that the proposal meets the relevant review and approval criteria, and APPROVE the request for the proposed Final Development Plan with the stipulated conditions of approval, based on the findings contained in the staff report:**

1. The applicant agrees to abide by all material representations as presented with the 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.
2. The applicant will pay cash-in-lieu of land fees at the Final Plat stage for the Land for Public Schools 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 of land fees at the Final Plat stage for the Land for Other Public Purposes to the Arapahoe County Library District, as well as Land for

Public Parks to the Arapahoe County Recreation District 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. Prior to the issuance of any building permits, 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 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 will provide additional landscape buffering on the western side of this development (preferably evergreen trees).

**The motion passed 5-0.**

### **COMMISSIONER COMMENTS**

Commissioner Holen mentioned that next week is suicide prevention week and noted that there is a problem with prescription drugs.

**There being no other business before the Board, the public meeting was adjourned by Commissioner Doty at 10:35 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**