REGULAR MEETING OF THE
ARAPAHOE COUNTY PLANNING COMMISSION
TUESDAY, FEBRUARY 19, 2019 @ 6:30 P.M.

GENERAL BUSINESS ITEMS

APPROVAL OF THE MINUTES FROM FEBRUARY 5, 2019

REGULAR ITEMS

<table>
<thead>
<tr>
<th>ITEM 1:</th>
<th>CASE NO LR18-005, COMP PLAN AMENDMENT FOR 1841 S DAYTON ST FROM SINGLE FAMILY TO EMPLOYMENT / LONG RANGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>LOCATION:</td>
<td>1841 S Dayton St; 1973-22-3-04-011</td>
</tr>
<tr>
<td>ACREAGE:</td>
<td>0.2878</td>
</tr>
<tr>
<td>EXISTING ZONING:</td>
<td>R-3</td>
</tr>
<tr>
<td>PROPOSED USE:</td>
<td>Auto-Storage</td>
</tr>
<tr>
<td>APPLICANT:</td>
<td>Mohamed Ali Ben-Masaud, Owner</td>
</tr>
<tr>
<td>CASE MANAGER:</td>
<td>Planner, Larry Mugler</td>
</tr>
<tr>
<td>REQUEST:</td>
<td>Approval of the request to amend the Comp Plan.</td>
</tr>
<tr>
<td>VOTE:</td>
<td>IN FAVOR</td>
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<tr>
<td>CONTINUED TO:</td>
<td></td>
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<tr>
<th>ITEM 2:</th>
<th>CASE NO LDC19-001, AGRICULTURAL ESTATE (AE) LOT WIDTH REVISIONS / LAND DEVELOPMENT CODE (LDC) AMENDMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>LOCATION:</td>
<td>County-wide, but generally the rural/eastern portions of the county</td>
</tr>
<tr>
<td>ACREAGE:</td>
<td>N/A</td>
</tr>
<tr>
<td>EXISTING ZONING:</td>
<td>AE</td>
</tr>
<tr>
<td>PROPOSED USE:</td>
<td>Revision to the Land Development Code to change the standard AE Lot Widths</td>
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<tr>
<td>APPLICANT:</td>
<td>Arapahoe County Planning Division</td>
</tr>
<tr>
<td>CASE MANAGER:</td>
<td>Planner, Jason Reynolds; Engineer, Chuck Haskins</td>
</tr>
<tr>
<td>REQUEST:</td>
<td>Positive referral to the BOCC</td>
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<td>VOTE:</td>
<td>IN FAVOR</td>
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<td>CONTINUED TO:</td>
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ANNOUNCEMENTS:

- The next regular Planning Commission meeting is scheduled for March 5, 2019 at the Administration Building.
- Planning Commission agendas, Board of County Commissioner agendas, and other important Arapahoe County information may be viewed online at www.arapahoegov.com or you may contact the Planning Division at 720-874-6650.

PLANNING COMMISSION MEMBERS:

<table>
<thead>
<tr>
<th>Mark Brummel -</th>
<th>Jamie Wollman -</th>
<th>Randall Miller -</th>
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<tbody>
<tr>
<td>Diane Chaffin -</td>
<td>Jane Rieck, Chair -</td>
<td>Richard Sall -</td>
</tr>
<tr>
<td>Kathryn Latsis -</td>
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**MINUTES OF THE REGULAR MEETING OF THE**
**ARAPAHOE COUNTY PLANNING COMMISSION**
**TUESDAY, FEBRUARY 5, 2019**

<table>
<thead>
<tr>
<th>ATTENDANCE</th>
<th>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 were in attendance: Mark Brummel; Jane Rieck, Chair; Richard Sall, Diane Chaffin, Kathryn Latsis, Jamie Wollman, and Randall Miller. Also present were: Robert Hill, Senior Asst. County Attorney; Chuck Haskins, Engineering Services Division Manager; Kurtis Cotten, Engineer; Sarah L White, Engineer; Molly Orkild-Larson, Senior Planner; Kathleen Hammer, Planner II; Jason Reynolds, Current Planning Program Manager; Jan Yeckes, Planning Division Manager, and members of the public.</th>
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<tr>
<td>CALL TO ORDER</td>
<td>Chair Rieck called the meeting to order at 6:30 p.m. and noted a quorum of the Board was present.</td>
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<tr>
<td>DISCLOSURE MATTERS</td>
<td>There were no Planning Commission member conflicts with the matters before them.</td>
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<tr>
<td>GENERAL BUSINESS ITEMS:</td>
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<tr>
<td>APPROVAL OF THE MINUTES</td>
<td>It was moved by Ms. Latsis and duly seconded by Ms. Wollman to accept the minutes from the January 8, 2019 Planning Commission meeting, as presented. The motion passed unanimously. It was then moved by Ms. Latsis and duly seconded by Ms. Wollman to accept the minutes from the January 15, 2019 Planning Commission meeting, as presented. The motion passed unanimously.</td>
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<td>REGULAR ITEMS:</td>
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<tr>
<td>ITEM 1</td>
<td>Case No. GDP18-005, Quebec &amp; Colorado/Towns @ South of Cherry Creek, General Development Plan (GDP) – Kathleen Hammer, Planner II (PWD)</td>
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</table>
Mr. Sall and Ms. Latsis disclosed business relationships with the applicant and stated it would not influence their decisions.

Ms. Hammer established jurisdiction for the public hearing and introduced the application. She explained how the GDP fit into the overall approval process. She reported the property was currently zoned R-2 for single-family residential use. She said the proposal was consistent with the recommended land use under the Comprehensive Plan for single-family residential development at a density of 1 to 12 dwelling units per acre (du/ac). Ms. Hammer noted staff recommended conditional approval. She also noted that several additional public comments had been received in the last few days, and that those had been provided to the Planning Commission (PC).

Michael Sullivan, SRE Development Company, introduced the development team and noted public outreach conducted. He stated community outreach would continue with the processing of the future Specific Development Plan (SDP) application.

Paul Brady, Godden Sudik Architects, presented a slide of the Four Square Mile SubArea Plan land use map for the subject and surrounding properties. He shared outreach and efforts to address questions and concerns about traffic. He presented a chart with the basic development details, such as maximum density of 6.86 du/acre and maximum of 82 units (actual density proposed 74 single-family attached units in two-story buildings), buffering provided to adjacent neighbors and streets, parking (167 spaces at 2.25 spaces per unit including garages), proposed setbacks and fencing, street and pedestrian improvements, and on-site open space. Mr. Brady showed a site plan for the development superimposed on an aerial photograph showing its relationship to the adjoining single-family detached homes in the neighborhood to the west and to the Quebec Street frontage. He shared graphics of possible architectural styles. Mr. Brady provided clarification on access points. He reported the main access was on Quebec Street with a full-movement turn. He said a secondary access on Colorado Avenue was for emergency purposes only. He explained access would be further developed in plans for the SDP and subsequent Administrative Site Plan (ASP) and noted the intent was to minimize any increase in traffic on Colorado Avenue.

Ms. Rieck explained the public comment process and opened the hearing for comments.

Dau Nguyen, Lou Grounds, Jim Stone, Dan Brooks, Marion Brum de Barros, Joseph L Wilson, Ed Hornunc, Karen Barela, Jeff Brusak,
Dave Falconiere, John Haycraft, Lynn Sauve, Cameron Wilhelm, Judy Korzinek, and Mark Lampert were generally supportive of the project and complimentary of the applicant’s efforts to be a good neighbor and provide a quality development. They spoke to concerns with safety, traffic, a needed traffic signal, access, ingress/egress at Colorado Avenue, controlled intersection, drainage, and density.

Mr. Cotten addressed the traffic concerns, as requested by Ms. Rieck. He stated staff had received feedback from citizens about the project. He shared the conclusions of the traffic study submitted with the GDP. He explained the addition of the project to the Colorado Avenue traffic was only five trips during the evening peak hours; as a result, the County was not requiring the EVA-only designation, but it seemed to be a good compromise. He reported other improvements in the area were being reviewed. He said Arapahoe and Denver Counties were in the early stages of a study along the corridor to evaluate operational changes that could improve traffic. He said those could include changes to right-in/right-out. He said traffic signals were not warranted at this time (they did not “meet warrants” for signalization). Mr. Cotten also talked about the drainage improvements planned for the development. He stated there was Phase 1 drainage report for now, and a phase 3 report would be available at a future phase of development review. Mr. Cotten stated staff reviewed only the connections that were proposed; however, if a new proposal included Asbury, that proposal would need to be further reviewed. He reviewed data from the traffic study, which stated five left turns onto Colorado Avenue during the morning peak hours. Mr. Cotten said the total trips during peak a.m. hours were 36 trips split between Colorado and Jewel Avenues.

There were no further comments. The public hearing was closed.

Mr. Sullivan noted some improvements that would be made to Quebec and stated they were committed to continuing to work on traffic evaluations. He noted there were challenges with getting access to Asbury. He said they did not own frontage on Asbury and a new road would be required to cut through their primary open space area.

Mr. Miller asked how drainage and runoff would be addressed so as not to impact neighbors.

Mr. Sullivan noted the frontage was quite long and drainage would have to be further evaluated to ensure that it was well-handled.
Ms. Wollman encouraged Denver residents to call their elected officials and urge them to complete the traffic corridor study as soon as possible and to look at traffic calming measures.

It was moved by Ms. Latsis and duly seconded by Ms. Wollman, in the case of GDP18-005, Towns @ South of Cherry Creek / General Development Plan, that the Planning Commission reviewed the staff report, including all exhibits and attachments, listened to the applicant’s presentation and the public comment as presented at the public hearing, and moved to recommend approval of this application, based on the findings in the staff report, subject to the following conditions:

1. Prior to signature of the final copy of these plans, the applicant must address Public Works Staff comments and concerns.

2. The applicant will need to provide will serve letters from Cherry Creek Valley Water and Sanitation District and the City and County of Denver.

The vote was:

Ms. Rieck, Yes; Ms. Chaffin, Yes; Mr. Miller, Yes; Mr. Brummel, Yes; Mr. Sall, Yes; Ms. Latsis; Yes; Ms. Wollman, Yes.

ITEM 2

Case No. SDP18-002, Cherry Tree Estates, Specific Development Plan (SDP) – Molly Orkild-Larson, Senior Planner, Public Works and Development (PWD)

Ms. Orkild-Larson established jurisdiction for the hearing and introduced the application for the Specific Development Plan. She noted the clean-up that had occurred with the former landfill site and stated CDPHE was present to answer any questions. She highlighted key conditions of approval recommended by staff for approval of the SDP. Ms. Orkild-Larson, in response to Ms. Rieck’s question about the deviation from the Land Development Code on lighting requirements, explained staff was not overly concerned with this, but would continue to work with the applicant through the Administrative Site Plan (ASP) process.

Melissa Kendrick, representing owner Tim VanMeter, presented a PowerPoint, a copy of which was retained for the record. She referred to a slide that gave the perspective of the property in relation to the surrounding properties within the City and County of Denver.
and along the Cherry Creek Trail. She explained the prior approval of the Preliminary Development Plan (PDP), served as the GDP for the three-phase approval for mixed-use for independent homes and assisted-living. She stated the approved zoning had age-based requirements for residency in the development. Ms. Kendrick explained some details of the property, including a 75-foot wide Xcel power line easement that significantly impacted the layout of the development on the property. She reported there was also a gap from the property to public streets necessary to access the site. She said Mr. VanMeter had been working with City and County of Denver to get approvals and permits into place. She said final permit approval was still pending for access through the park at Quebec Street and at Colorado Avenue. Ms. Kendrick showed the layout of the SDP and explained how it complied with the approved PDP. She highlighted some details from the charts on the plan set to demonstrate compliance with the density and building heights, which were less than what was permitted. She reported the applicant had opted for one-story rather than two- and three-story buildings, with the exception of the community building, which would be two stories and was located in the center of the property rather than close to adjoining homes. Ms. Kendrick showed building elevations and rooflines proposed and how they worked to moderate height of buildings. She addressed the request for a parking reduction and how the Land Development Code (LDC) was not clear on the needs for assisted-living. She reported the project received administrative approval for a five-space reduction, for a total of 167 spaces rather than 172 spaces. She added, the single-family residences met code requirements.

Mr. VanMeter reported he had purchased the property in 2006, knowing the many limitations to the property to be resolved, and had been working on the proposal and resolving those limitations since 2008. He referenced a handout submitted to the Planning Commission on Alzheimer statistics, a copy of which was retained for the record. Mr. VanMeter reported by 2025, Colorado would see a 30% increase in the incidence of Alzheimers. He said he owned and operated a similar facility in Arvada. He discussed the parking demands at that facility. He explained the one-story buildings proposed for residential and assisted-living, which was less than would be allowed under the approved zoning. Mr. VanMeter introduced individuals who worked on this project.

Mr. Fonda Apostalopoulos discussed the brownfield nature of the property and the cleanup and water quality improvements that had been made to the site. He explained that those properties often remained vacant, due to the associated liabilities. He said the
improvements that Mr. VanMeter had made would make for a useful and productive site. They have taken a long time to put into place.

Paul Stone also worked on the project and stated he had been working with Mr. VanMeter since 2007. He said his own mother was in a similar type of facility and he would have no concerns about moving his mother into Mr. VanMeter’s facility, if she lived nearby.

Mr. VanMeter answered a question from the Planning Commission about the number of dump-truck loads that were needed for the cleanup of this site.

There was further discussion about the benefits of resolving the methane problem for nearby residents and what was found during the cleanup process. It was reported no asbestos was found.

Mr. VanMeter noted the development was creating about 225 jobs with cleanup, construction, and operation.

There were discussions regarding groundwater contamination and water cleanup. It was noted the type of contaminant was similar to asphalt and once the source of contamination was removed, the groundwater cleaned up naturally and very quickly, so no major remediation was necessary. It was noted the traffic impact, of the development overall, was found to be very low.

Ms. Rieck opened the hearing for public comments.

Nancy Guerre, Lynn Sauve, Mary Tracy, Lisa Foreman, Dean Foreman, and Mark Lampert addressed the Planning Commission and were generally in favor of the project. There were concerns expressed over access, parking, lighting, drainage, and landscaping, traffic. Citizens were complimentary of the project and how the developer had handled things so far. They expressed appreciation of the Planning Commission for hearing testimony from the Denver residents impacted by the project.

Ms. Orkild-Larson noted staff heard the neighbors’ concerns about the landscaping. She said there would be further review of the landscape plan during the ASP process for the project. She reported she was a landscape architect.

There were no further public comments. The public hearing was closed.
There were continued discussions about the horseshoe of the memory care buildings that would be a covered area just outside the kitchen for residents. It was noted the fencing was shared on the property line. The Colorado Avenue entrance and control of the gate were discussed and it was noted that only a few select individuals would have access to that gate. The applicant did not want traffic cutting through the development or uncontrolled access by delivery trucks, etc.

Mr. VanMeter said the clubhouse would be about 900 feet from the back yard of the neighbor who expressed concern. He said it should not block views of the mountains. He expressed his desire to work with the County and SEMSWA on additional landscaping, but wasn’t sure what could be approved in proximity to a trickle-channel. He explained it was important to maintain the trickle-channel for drainage protection for the Concha neighborhood. He commented there would be garages with the single-family residential buildings.

It was moved by Ms. Wollman and duly seconded by Ms. Chaffin, in the case of SDP18-002, Cherry Tree Estates / Specific Development Plan, that the Planning Commission reviewed the staff report, including all exhibits and attachments, listened to the applicant’s presentation and the public comment as presented at the public hearing and moved to approve the application based on the findings in the staff report, subject to the following conditions:

1. Prior to signature of the final copy of these plans, the applicant must address Public Works Staff comments and concerns.

2. At the time of the Administrative Site Plan, the applicant shall work with the City and County of Denver and RTD to locate a new RTD stop along S. Quebec Street.

3. The applicant shall address all fire district’s comments.

4. All right-of-way access and location permits from the City and County of Denver shall be obtained prior to approval of the Administrative Site Plan and Minor Subdivision.

5. At the Administrative Site Plan, the applicant shall address all the sheriff’s requests, including working with the City and County of Denver on placement of a visible sign at street entrances.
6. Applicant shall work with staff at Administrative Site Plan to ensure that lighting meets the intent of the code, particularly with respect to a pedestrian-oriented development where good lighting is important.

7. At the Administrative Site Plan, the applicant shall provide adequate screening along the boundary with the Concha development.

8. If this development changes to allow children, the school district reserves the right to request cash-in-lieu fees.

9. Cash-in-lieu fees to be paid prior to the recording of the Minor Subdivision plat.

10. The Site Development Plan and Administrative Site Plan approvals are conditioned on the final approval of the associated Minor Subdivision plat.

The vote was:

Ms. Rieck, Yes; Ms. Chaffin, Yes; Mr. Miller, Yes; Mr. Brummel, Yes; Mr. Sall, Yes; Ms. Latsis; Yes; Ms. Wollman, Yes.

STUDY SESSION ITEMS:

ITEM 1

LDC19-001 – Agricultural Estates (AE) Lot Width Revisions, Land Development Code Amendment – Jason Reynolds, Current Planning Program Manager

Mr. Reynolds explained the purpose of the proposed change to the lot width for A-E zoned lots. He gave some history on how the lot widths had become a problem in the east county due to land divisions not required to go through the subdivision process, under State statute, but had zoning requirements for lot width. He noted research showed that our lots width requirements were outliers from other counties that tended to require lot widths closer to 600 feet, if there was a requirement at all. Mr. Reynolds also referenced an older Board of Adjustment case that allowed variances for lot widths for a development many years ago. He explained that staff, at that time, stated the County was in the process of changing the minimum lot width requirement, as the minimum lot size had decreased from 160
acres to 35 acres, and felt the lot width should be accordingly reduced.

Mr. Brummel stated that “the horse has already left the barn” on this. He talked about how the property got divided into smaller lots over time. He noted a recent case for A-1 approved 19-acre lots with only 300-foot lot widths.

Mr. Miller stated that the Planning Commission had opposed those “bowling alley” lots, so why would they encourage more of those?

Mr. Hill noted that those divisions did not go through the subdivision process, so it was difficult to catch them.

Mr. Miller noted the risk for many individual driveways being built along county roads because no one was building internal roadways in order to divide the property, which would reduce the number of individual lots accessing the roads.

Mr. Reynolds showed a map with lot lines.

Mr. Brummel reported he lived across the street from that and there was very fast traffic that included heavy trucks. He said this was creating a real problem with people pulling out of driveways; however, properties had been divided all over the east county. He said land owners just hire a surveyor and do these without regard for whether it makes sense, and people buy them.

Ms. Latsis asked whether the code change was intended to help avoid a lot of Board of Adjustment variance applications and to help make these lots legal.

Mr. Reynolds said the amendment to the lot widths would help with that problem.

Ms. Rieck asked whether these changes would be controversial.

Mr. Reynolds said there were numerous lots in A-E that were only 600 feet wide and other counties were doing the same. He reported Adams County required 600-foot-wide lots.

Engineering Services acknowledged that this increases traffic conflicts, but that the roads were designed to handle the traffic loads.

Mr. Brummel asked why anyone would want to live on such a narrow lot and have to drive 40 miles to work. He said it seemed like people
would want to get something for making that drive and feel like they are on a larger piece of property. He said that people kept doing it. Mr. Brummel reported Elbert County tried to rectify this, but there were already people building on the more narrow lots.

Mr. Reynolds noted there was evidence the County intended to reduce the lot width when the minimum lot size was reduced; however, it seemed to be overlooked at the time.

Mr. Brummel talked about efforts to develop the rural cluster code to help resolve this type of development. He said a lot of work was done, but developers said they would not use it because of the paved road requirements. He reported only one application was filed, and it was denied.

Ms. Latsis asked whether there would be a new wave of people not meeting the 600-foot lot width.

Mr. Reynolds said staff was planning to do outreach with surveyors working in the county to let them know that the lots must be at least 600 feet wide.

Mr. Miller and Ms. Wollman noted that land owners did not want to put in new roads, and homeowners did not want to pay to maintain new roads, so it would be difficult to get the kind of land divisions we would like to see.

Mr. Brummel noted a large landowner in Elbert County, south of Byers, developed and sold 19, 40-acre lots. He said the buyers then discovered they could not get financing to build a home because there was no fire district, and the farmer just plowed in roads – they did not meet any kind of standards. He said people buying the lots also did not realize that the counties will not snow-plow or grade their roads, as they are private. He said land owners wanted to divide a quarter-section into 35- or 40-acre lots and not have to build any roads. Mr. Brummel said there was also lack of control of what kind of home was put on the property with not much infrastructure to support them. He said the County may as well conform to what people were putting in.

**ADJOURNMENT**

There being no further business to come before the Planning Commission, the meeting was adjourned.
PROPOSAL:
The owner of the property located at 1841 South Dayton St is proposing a revision to the County’s Four Square Mile Subarea Plan, an element of the Arapahoe County Comprehensive Plan, to change the land use designation for their property from Single-Family Residential with a density of one to two dwelling units per acre (1-2 DU/Acre) to Employment.
The subject property being considered for this Subarea Plan Amendment is located generally south of Colorado Avenue and north of Jewell Avenue, and directly fronting on Dayton Street. The city limits of the City of Aurora are directly east of the property.

The Subarea Plan anticipates residential uses at 1-2 DU/Acre for a larger area beginning at this property and extending north past Mexico Ave. The plan anticipates Employment land uses directly south of this property. The affected portion of the Subarea Plan is shown on the map below.

**STAFF RECOMMENDATION:**
Staff recommends denial of Case Number LR18-005 based on the findings outlined in this report.
1. BACKGROUND INFORMATION

Subarea Plan History and Amendment Process
The Planning Commission adopted the Four Square Mile Subarea Plan in February 2005. As part of that plan, the land use designations for properties along Dayton Street were established. In 2010, County Planning Staff engaged the neighborhoods of the Four Square Mile Neighborhoods Association to consider whether their residents saw a need either for a comprehensive update or smaller-area updates to the Subarea Plan. No changes were requested by the Four Square Mile neighborhoods in follow-up to the information provided to the homeowners’ associations for review and discussion.

In January 2014, the Planning Commission approved Chapter V of the Comprehensive Plan, which provides a process for citizens to propose amendments to the Comprehensive Plan and its various Subarea Plans. At that time, fees were also adjusted to help facilitate any changes that may be needed to elements of the Comprehensive Plan. These changes resulted from an internal review of the Land Development Code, which identified the lack of a defined process for amending the Comprehensive Plan to be a deficiency that needed to be addressed. The decision was made to incorporate that process into the Comprehensive Plan document rather than the Land Development Code. This amendment process was included as Chapter VI in the 2018 update of the Arapahoe County Comprehensive Plan.

Request
Consistent with the amendment process, the property owner has requested that the Arapahoe County Planning Commission modify the plan map in the Subarea Plan to extend the Employment land use designation (currently encompassing adjacent property to the south) to include his property at 1841 S Dayton St. Until recently abated in follow-up to a notice of zoning violation, the property was being used as an automobile repair/storage facility. This use is inconsistent with the Subarea Plan and with the current zoning of the property (R-3 Residential – for single-family detached homes with a minimum lot size of 12,500 square feet).

While an individual application to change the zoning on property could move forward either with or without this additional step of amending the Subarea Plan, approval of the requested Subarea Plan amendment would result in consistency between the Subarea Plan recommendation for this property and a request for rezoning that may be submitted sometime in the future.

If the landowner wished to establish an automobile repair use on the site, the setback requirements for the likely Business zone severely restrict the usable space of the lot under the necessary zone district for this business. The adjoining properties to the west and north are zoned and used for residential purposes; the setback from each of these property lines is 50 feet. The owner recognizes these limitations, but wishes to proceed with the request to change the Subarea Plan.

Staff believes it is likely that a rezoning to B-4 (subsequent to a Subarea Plan land use designation change) to accommodate the major vehicle repair facility or other business use would result in a request for variances to the setbacks on the property. Staff does not feel it can support a request to amend the land use designation to accommodate a business that cannot be reasonably
developed under its likely new zoning designation. Even if the currently proposed business were able to use the land without variances, a future business that would be allowable under an already established conventional business zone district may not be able to do so. While a PUD rezoning process to establish different setbacks would be an option, it is difficult to envision that this would result in a significantly better outcome for development of this single parcel.

Staff believes a change in land use designation would be more appropriately considered at such time that the three adjoining residential properties fronting Dayton Street could be assembled under a Subarea Plan change request. Rezoning all three properties fronting on Dayton Street to a business zone would significantly reduce the side yard setback requirements for each individual lot. However, it is unknown, even then, whether the neighborhood would support a change to the Employment land use designation. Properties to the west are zoned and used as single-family residential, and properties across Dayton to the east, in Aurora, are zoned and developed for multi-family residential. A land use designation that would support a more transitional residential use may be more appropriate even for assembled properties.

**Result of Subarea Plan change if approved**
This legislative action, if approved, would amend the Subarea Plan map for the identified parcel. It currently limits the land uses to single-family dwellings with secondary uses such as neighborhood commercial uses if appropriately zoned (the current zoning does not allow neighborhood commercial use). The desired major automotive repair and outdoor storage use is not consistent with a zone district that could be supported by the current Subarea Plan land use designation allowing secondary neighborhood commercial uses. The requested amendment would change the supported uses to include “major service and office center complexes, warehousing and light industrial uses that include outdoor storage, research and development offices and assembly of parts and components.”

Before the use of the lot could be changed, the property owner would need to request a zoning change since the property is presently zoned R-3, which does not allow vehicle repair or outdoor storage, as well as site plan approval. Any such subsequent rezoning would have to be brought before the Planning Commission for its recommendation and before the Board of County Commissioners for its approval. The action on the pending Comprehensive Plan application will not change the zoning on the subject property without these additional approvals through the public hearing process. In addition, rezoning might result in another land use that would be consistent with the “Employment” category in the Subarea Plan, as this land use category supports a range of uses and zone districts and not just the business being proposed by the current land owner.

**Current land uses**
The property at 1841 S. Dayton St. is currently vacant, although the applicant has stored automobiles on the site in the past. A photo of the site is below.
The current land uses along Dayton Street are varied. To the south of the subject property is an electrical company with vehicle storage, zoned B-4 and in an Employment area in the Subarea Plan. See photo below.

The SF 1-2 area of the Subarea Plan begins at the subject property and extends 0.3 miles to the north. In that frontage are 2 single-family homes, a 120-unit apartment complex, a veterinary clinic,
and an office building. The home adjacent to the property on the north is shown in the following photo.

Across Dayton Street in Aurora are several apartment complexes. To the west of the subject property is an Xcel transformer facility, and two homes with large storage buildings.

A review of Arapahoe County aerial photos for 1841 S. Dayton St. showed that the parcel has been vacant since at least 1998.

II. DISCUSSION

Staff reviewed this application for compliance with the Comprehensive Plan, the Four Square Mile Subarea Plan, and development patterns and activity within the planned area and considered comments from referral agencies and individuals providing comment by the time of the Staff Report. A summary of the analysis is as follows:

1. Comprehensive Plan:

The request is an amendment to the Subarea Plan. The plan amendment process sets forth five criteria for reviewing plan amendments. These are listed below with a discussion of the consistency of the request to each criterion.

A. Consistency with the spirit, intent, goals, objectives, and policies of the Comprehensive Plan.

The Four Square Mile Subarea Plan contains the following goals regarding commercial development: Recognize the transitional commercial areas along the major arterial streets . . . and develop methods to encourage re-development or relocation of uses that are incompatible with the surrounding commercial and
residential areas. Determine the on-going viability and impact of non-residential uses on the surrounding residential areas. The proposed amendment would expand the Employment area along Dayton Street but would still have residential developments on three sides of the parcel. Development of this vacant site would need to be done in a sensitive way to be compatible with the existing residential areas.

Changing the map to Employment would open the site to a variety of uses. The Four Square Mile community has identified a list of land uses that are incompatible with the neighborhood. That list includes both automobile repair facilities and automobile storage facilities.

B. **Compatibility with surrounding land uses and zoning.**

The requested Employment land use would be consistent with the current designation or the properties directly south of the proposed property and, if approved through subsequent PUD or rezoning application, would be consistent with uses south and southwest of the site. However, it would still be inconsistent with uses west and north and, depending on the type of employment use, might be incompatible with those residential uses.

C. **Compatibility with existing, natural, and environmental conditions of the proposed amendment and preservation of important natural features, riparian corridors, wildlife habitat and movement corridors, and historic resources.**

The proposal would not affect any natural conditions.

D. **Adequate water supply, water and sewer treatment facilities, transportation networks, access, fire protection, school facilities, and parks and trails for the development.**

The parcel is in a neighborhood with the full range of urban services, which are adequate to support the proposed change in use. While the site is in the Cherry Creek Valley Water and Sanitation District, it currently does not have service. Such service would need to be obtained prior to development.

E. **How existing and planned capabilities of the affected special districts can adequately handle the service demand.**

The special districts affected by this request have indicated the capability to serve the proposed change.

F. **How social, economic, or land-use conditions of the County have changed or are in the process of changing in such a manner to support the proposed amendment to the Comprehensive Plan.**

The parcel has been vacant since at least the County's 1998 aerial photograph, with no apparent interest in developing the lot as residential. The proposed amendment would create some economic activity for the property. However, residential uses remain adjacent to the parcel and would be negatively affected by the change. Consideration should be given to whether a more transitional residential land use category may be appropriate given land uses to the north, west and east.
2. Referrals:

Staff sent out referral letters to 2 homeowners’ associations, 28 key groups, and over 200 individuals, requesting that referral responses be submitted during the outside referral comment period, from November 19 to December 19, 2018. All 12 of the referral agency responses received were “No Comment.” Comments on behalf of the Four Square Mile Neighborhoods Association and four letters from area residents opposed the change; two letters of support were received. The comments received are summarized and addressed below.

<table>
<thead>
<tr>
<th>Organization</th>
<th>Comment</th>
</tr>
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<tbody>
<tr>
<td>Arapahoe County Sheriff</td>
<td>No comment</td>
</tr>
<tr>
<td>Arapahoe Library District</td>
<td>We have no concerns about this project</td>
</tr>
<tr>
<td>Arapahoe Park and Recreation District</td>
<td>No comment</td>
</tr>
<tr>
<td>Cherry Creek Schools</td>
<td>No comment</td>
</tr>
<tr>
<td>Cherry Creek Valley Water and Sanitation District</td>
<td>In Arapahoe County and served by CCV Water &amp; Sanitation District</td>
</tr>
<tr>
<td>City and County of Denver</td>
<td>No comment</td>
</tr>
<tr>
<td>City of Aurora</td>
<td>No comment</td>
</tr>
<tr>
<td>RTD</td>
<td>No comment</td>
</tr>
<tr>
<td>South Metro Fire District</td>
<td>Reviewed the above referenced project and has approved this with no comments</td>
</tr>
<tr>
<td>Tri-County Health Dept.</td>
<td>No comment</td>
</tr>
<tr>
<td>Urban Drainage and Flood Control District</td>
<td>No comment</td>
</tr>
<tr>
<td>Xcel</td>
<td>No apparent conflict.</td>
</tr>
</tbody>
</table>

Please be aware PSCo owns and operates existing electric distribution facilities within the subject property. Should the project require any new natural gas or electric service or modification to existing facilities, the property owner/developer/contractor must complete the application process via FastApp-Fax-Email-USPS. It is then the responsibility of the developer to contact the Designer assigned to the project for approval of design details. Additional easements may need to be acquired by separate document for new facilities.
<table>
<thead>
<tr>
<th>Four Square Mile Neighborhoods Association</th>
<th>Opposes the change for several reasons:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1. Contravenes the intent and purpose of the Subarea Plan.</td>
</tr>
<tr>
<td></td>
<td>2. Would change the Subarea Plan for a single parcel.</td>
</tr>
<tr>
<td></td>
<td>3. Proposed use is not allowed by the Subarea Plan.</td>
</tr>
<tr>
<td></td>
<td>4. Property is currently in violation of zoning provisions.</td>
</tr>
</tbody>
</table>

| Additional Citizen Comment | Written comments through letters and emails received by the time of the Staff Report are attached. Four responses expressed concern about the present use of the property, while four responses supported the proposed change. |

### III. STAFF FINDINGS

Staff has reviewed the proposal and supporting documentation and referral comments as detailed in this report. Based on review of applicable goals and policies as stated in the Comprehensive Plan, Staff finds:

1. This proposed revision to the Four Square Mile Subarea Plan does not comply with the goals of the Arapahoe County Comprehensive Plan and could result in land uses incompatible with adjacent uses.

2. Amending the Subarea Plan for a single parcel is not consistent with good planning and would set an undesirable precedent.

3. The site will have significant setback restrictions under any Business zoning, which would be difficult to meet on this single parcel. Amending the land use category is difficult to support without assembling the three residential properties fronting Dayton Street.

4. The Arapahoe County Planning Commission has the authority to amend provisions of the Four Square Mile Subarea Plan as proposed by this revision.

### IV. STAFF RECOMMENDATION

Based on the four (4) findings described above, Staff recommends **denial** of this Amendment request.

### V. DRAFT MOTIONS

**Motion for Denial:** *This motion is consistent with the staff recommendation.*

In the case of LR18-005 1841 S Dayton St Comprehensive Plan Amendment, the Planning Commission has read the proposed plan amendment and staff report and has considered additional information presented during the public hearing. We do find ourselves in agreement with Staff findings one (1) through four (4) set forth in the Staff report dated February 12, 2019, and therefore **deny** the application.
Motion for Approval: This motion is not consistent with the staff recommendation.

In the case of LR18-005 1841 S Dayton St Comprehensive Plan Amendment, the Planning Commission has read the proposed plan amendment, staff report and attachments and has considered additional information presented during the public hearing. We do not find ourselves in agreement with Staff findings set forth in the Staff report dated February 12, 2019, and therefore approve the application based on the following findings:

1. (State new or amended findings to support a motion for approval)

We approve the application with the following conditions:

1. An attachment to this report illustrates the changes to be made to the Four Square Mile Subarea Plan Map if the Planning Commission approves the request. Staff, in conjunction with the County Attorney’s Office, is hereby authorized to update the map.

Motion to Continue:

In the case of LR18-005 1841 S Dayton St Comprehensive Plan Amendment, I move to continue the [public hearing for] [action on] this item to [Date, 2019], date certain, 6:30 p.m., at this same location, [to obtain additional information] [to further consider information presented during the public hearing].

Attachments:

- Illustration showing the Four Square Mile Subarea Plan map, if amended
- Referral comments (only the referral agencies that responded with specific comments have been included with this Staff report)
- Public comment letters received by the time of the staff report (any letters received after the staff report is sent out will be provided to the Planning Commission and will also be included as part of the public hearing record)
Illustration Showing the Four Square Mile Subarea Plan, if Amended
Comments from Referral Agencies
November 29, 2018

Larry G. Mugler
Arapahoe County Public Works and Development
6924 South Lima Street
Centennial CO 80112

Re: Case No. LR18-005/1841 S Dayton St Comp Plan Amendment

Thank you for the opportunity to comment on the above-noted application. After reviewing the provided information, we have no concerns about this project.

Please feel free to contact me with any questions or concerns.

Sincerely,

[Signature]

Linda Speas
Director of Library Operations
The enclosed development application has been submitted to the Arapahoe County Planning Office for consideration. Due to the close proximity of the proposed development to your property or area of influence, this development proposal is being referred to your agency for comment. Please examine the referenced materials and check the appropriate line before returning the form to the Arapahoe County Planning Office. Responding on or before the date indicated above is appreciated.

<table>
<thead>
<tr>
<th>COMMENTS</th>
<th>INSERT YOUR ORGANIZATION &amp; NAME/SIGNATURE</th>
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<tbody>
<tr>
<td>☐ I Have NO Comments to make on the case as submitted</td>
<td></td>
</tr>
<tr>
<td>☐ I Have the following comments to make related to the case:</td>
<td></td>
</tr>
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Comments: (responding by email, letter, or an email attachment is optional)
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<tbody>
<tr>
<td>☑ I Have NO Comments to make on the case as submitted</td>
<td>[Signature]</td>
</tr>
<tr>
<td>District Manager</td>
<td></td>
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<tr>
<td>Arapahoe Park and Recreation District</td>
<td></td>
</tr>
</tbody>
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<tr>
<td>☐ I Have NO Comments to make on the case as submitted</td>
<td>Glenn Thompson, Bureau Chief, Arapahoe County Sheriff's Office</td>
</tr>
<tr>
<td>☐ I Have the following comments to make related to the case:</td>
<td></td>
</tr>
</tbody>
</table>

Comments: (responding by email, letter, or an email attachment is optional)
Larry Mugler

From: Ingram, Porter <pingrum@auroragov.org>
Sent: Friday, December 21, 2018 1:05 PM
To: Larry Mugler
Subject: RE: Comprehensive Plan Amendment Request Referral

Larry,

I haven’t heard back from any of the departments...so I guess it’s a no comment from the city.

Thanks,

Porter

From: Larry Mugler [mailto:LMugler@arapahoeegov.com]
Sent: Tuesday, December 18, 2018 12:00 PM
To: Ingram, Porter <pingrum@auroragov.org>
Subject: RE: Comprehensive Plan Amendment Request Referral

Porter –

I am following up on our referral of a plan amendment request for the property at 1841 S Dayton St. Since it is across the street from the Aurora city boundary, we wanted to be sure you had a chance to comment. I will be out next week but am meeting with the applicant on January 3. It would be great to have your feedback before that meeting.

If you have any questions about the project, you can contact me at this email or at the phone number below.

Larry

Larry G. Mugler
Planner
(720) 874-6577

ARAPAHOE COUNTY
COLORADO’S FIRST

From: Ingram, Porter <pingrum@auroragov.org>
Sent: Monday, November 19, 2018 11:13 AM
To: Larry Mugler <LMugler@arapahoeegov.com>
Subject: Automatic reply: Comprehensive Plan Amendment Request Referral
The enclosed development application has been submitted to the Arapahoe County Planning Office for consideration. Due to the close proximity of the proposed development to your property or area of influence, this development proposal is being referred to your agency for comment. Please examine the referenced materials and check the appropriate line before returning the form to the Arapahoe County Planning Office. Responding on or before the date indicated above is appreciated.

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<tr>
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</tr>
<tr>
<td>☐️ I Have the following comments to make related to the case:</td>
<td>[Comment]</td>
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<tr>
<td>☐ I Have NO Comments to make on the case as submitted</td>
<td></td>
</tr>
<tr>
<td>☑ I Have the following comments to make related to the case:</td>
<td>John T. Warford</td>
</tr>
</tbody>
</table>

Comments: (responding by email, letter, or an email attachment is optional)

In Arapahoe County and served by CCV Water & Sanitation District.
The enclosed development application has been submitted to the Arapahoe County Planning Office for consideration. Due to the close proximity of the proposed development to your property or area of influence, this development proposal is being referred to your agency for comment. Please examine the referenced materials and check the appropriate line before returning the form to the Arapahoe County Planning Office. Responding on or before the date indicated above is appreciated.

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</thead>
<tbody>
<tr>
<td>X</td>
<td>I Have NO Comments to make on the case as submitted</td>
</tr>
<tr>
<td>□</td>
<td>I Have the following comments to make related to the case:</td>
</tr>
</tbody>
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**Comments:** (responding by email, letter, or an email attachment is optional)
The enclosed development application has been submitted to the Arapahoe County Planning Office for consideration. Due to the close proximity of the proposed development to your property or area of influence, this development proposal is being referred to your agency for comment. Please examine the referenced materials and check the appropriate line before returning the form to the Arapahoe County Planning Office. Responding on or before the date indicated above is appreciated.

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<tbody>
<tr>
<td>☒ I Have NO Comments to make on the case as submitted</td>
<td>RTD – C. Scott Woodruff</td>
</tr>
<tr>
<td>☐ I Have the following comments to make related to the case:</td>
<td></td>
</tr>
</tbody>
</table>

Comments:
Larry Mugler
Planner
Arapahoe County Public Works and Development
Arapahoe County Lima Plaza
6924 S. Lima Street,
Centennial CO, 80112
720-874-6677

File #/Name: LR18-005 / 1841 S Dayton St Comp Plan Amendment
Project Type: Comprehensive Plan Amendment
Referral Received: November 19, 2018
Comments Due: December 19, 2018

S. Metro Review #: REFOTH18-00200
Plan Reviewer: Jeff Sceili jeff.sceili@southmetro.org
Review Date: November 20, 2018

Narrative:

Code Reference: 2015 IFC/IBC

South Metro Fire Rescue's Fire Marshal's Office has reviewed the above referenced project and has approved this with no comments.
December 18, 2018

Larry Mugler
Arapahoe County Public Works and Development
6924 S. Lima Street
Centennial, CO 80112

RE: 1841 S Dayton St Comp Plan Amendment, LR18-005
TCHD Case No. 5298

Dear Mr. Mugler,

Thank you for the opportunity to review and comment on a Comprehensive Plan Amendment to change the land use of a parcel from Single Family to Employment in Four Square Mile Subarea Plan located at 1841 S. Dayton Street. Tri-County Health Department (TCHD) staff has reviewed the application for compliance with applicable environmental and public health regulations and principles of healthy community design. After reviewing the application, TCHD has no comments.

Please feel free to contact me at 720-200-1585 or aheinrich@tchd.org if you have any questions on TCHD’s comments.

Sincerely,

Annemarie Heinrich, MPH/MURP
Land Use and Built Environment Specialist

cc: Sheila Lynch, Monte Deatrich, TCHD
The enclosed development application has been submitted to the Arapahoe County Planning Office for consideration. Due to the close proximity of the proposed development to your property or area of influence, this development proposal is being referred to your agency for comment. Please examine the referenced materials and check the appropriate line before returning the form to the Arapahoe County Planning Office. Responding on or before the date indicated above is appreciated.

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<th>COMMENTS</th>
<th>INSERT YOUR ORGANIZATION &amp; NAME/SIGNATURE</th>
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<tbody>
<tr>
<td>☑️ I Have NO Comments to make on the case as submitted</td>
<td>Morgan Lynch, UDFCD</td>
</tr>
<tr>
<td>☐ I Have the following comments to make related to the case:</td>
<td></td>
</tr>
</tbody>
</table>

Comments: (responding by email, letter, or an email attachment is optional)

1. We have no comments on this project as it is not eligible for UDFCD maintenance. The Site is under 130 acres, not adjacent to a major drainageway, and does not contain any master planned improvements. With the change in landuse we would encourage any runoff reducing practices that could be incorporated onsite, including disconnected impervious areas and the use of vegetation to increase infiltration.
December 18, 2018

Arapahoe County Public Works and Development
6924 South Lima Street
Centennial, CO 80112

Attn: Larry Mugler

Re: 1841 South Dayton Street Comprehensive Plan Amendment
Case # LR18-005

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the comprehensive plan amendment for 1841 South Dayton Street and has no apparent conflict.

Please be aware PSCo owns and operates existing electric distribution facilities within the subject property. Should the project require any new natural gas or electric service or modification to existing facilities, the property owner/developer/contractor must complete the application process via FastApp-Fax-Email-USPS (go to: https://www.xcelenergy.com/start_stop_transfer/new_construction_service_activation_for_builders). It is then the responsibility of the developer to contact the Designer assigned to the project for approval of design details. Additional easements may need to be acquired by separate document for new facilities.

As a safety precaution, PSCo would like to remind the developer to call the Utility Notification Center at 1-800-922-1987 to have all utilities located prior to any construction.

Please contact me at donna.l.george@xcelenergy.com or 303-571-3306 if there are any questions with this referral response.

Donna George
Right of Way and Permits
Public Service Company of Colorado
Comments from Residents
FOUR SQUARE MILE NEIGHBORHOOD ASSOCIATION'S STATEMENT IN
OPPOSITION TO APPLICATION IN CASE NO. LR18-005

Dear Mr. Mugler,

The Four Square Mile Neighborhood Association (the “Association”) is submitting this letter to oppose the Application (the “Application”) of Mr. Mohamed Ben-Masaud for an amendment to the Four Square Mile Sub Area Plan (the “SAP”). The Association opposes the Application because 1) it contravenes the intent and purpose of the SAP, 2) it requires an amendment to the Arapahoe County Comprehensive Plan (the “Comprehensive Plan”) to accommodate a single lot and single owner, which violates sound planning principles, 3) it proposes what amounts to a zoning change for a business that is not allowed by the SAP, and 4) the property that is the subject of the Amendment (“Property”) appears to be in violation of zoning provisions. Each of these points are addressed in additional detail below.

1. **Contravenes the intent and purpose of the SAP**

   The SAP established limited business corridors along S. Parker Road, with multi-family and single-family residential zones abutting the business corridors. The Application proposes to expand the business corridor into a single-family residential area. Contrary to the Narrative submitted with the Application, the Property is surrounded on three sides by single-family and multi-family development. See the map attached hereto as Exhibit A, which is an excerpt from the SAP. The narrative claims that the parcels to the west of the Property are a commercial dog training facility and a high voltage power plant. The parcel immediately to the west of the Property (9630 E. Colorado Ave.) is zoned single-family. Whether that parcel is being used in violation of zoning is immaterial to the Application. It is zoned single-family, as is the property west of 9630 E. Colorado Ave. (9520 E. Colorado Ave.). The parcels to the north, northeast, east, and southeast are all multi-family housing. The power plant is southwest of the Property. Therefore, despite the information in the narrative, the Property is best classified as residential, like the surrounding property on three sides.

Moreover, Mr. Ben-Masaud knew, or should have known of the property’s zoning and the neighborhood characteristics when he purchased the Property. According to Arapahoe County’s real property records, Mr. Ben-Masaud purchased the Property in August of 2017. This was approximately 13 months before Mr. Masaud submitted the Application to the County. There has been no change in the surrounding neighborhoods since Mr. Ben-Masaud purchased the property, as is claimed by the narrative submitted with the Application.

---

1 See Quit Claim Deed dated August 16, 2017, from Sabiha Kamal Ibrahim and Kamal R. Ibrahim, as grantors, to Mahamed Ali Ben-Masaud, as grantee, recorded on August 21, 2017 at Reception No. D7095109 of the real property records of Arapahoe County, Colorado.
Amendments to the Comprehensive Plan require consistency with the maps contained in the Comprehensive Plan. The map in the Comprehensive Plan incorporates the maps in the SAP. The map of the Property in the SAP clearly defines the Property as residential, along with the property to the west and north of the Property (east of the Property is the City of Aurora, but is also residential). The amendment proposed by the Application is entirely inconsistent with the maps in the Comprehensive Plan.

2. Comprehensive Plan change to accommodate a single lot and single owner

Comprehensive plans should be general, long range, and focus on community goals. By definition and by sound planning principles, they should not be specific, short term, or directed at a single property or property owner. Approval of the Application would set a reprehensible and thoroughly unacceptable precedent that any property owner would be able to change the Comprehensive Plan and the SAP to accommodate that particular owner’s wants or profit plans. This would result in flood of amendments to the SAP and the Comprehensive Plan whenever to suit the passing whims and fancies of the hundreds of thousands of property owners in Arapahoe County. Approval of the Application would eliminate the role of community in the Comprehensive Plan, replacing it with the passing impulse of a single property owner. This is, by definition, the opposite of planning and would render the Comprehensive Plan gratuitous.

3. Zoning change for a business that is not allowed by the SAP

The amendment to the SAP proposed by the Application amounts to a zoning change for a single lot. Mr. Ben-Masaud has indicated that he wishes to use the lot once it is re-zoned for an automobile repair facility. This is on the list of prohibited uses within the Four Square Mile area (otherwise known as the “dirty 13”).

4. Zoning violations

The public comments that have already been submitted in response to the Application allege that the Property is currently in violation of zoning provisions. Allegations include excessive cars being parked on the Property, and a vehicle repair business being operated on the Property. The Application is essentially requesting that the County amend the SAP in order to rectify the current zoning violations. The Property should be made to conclusively demonstrate that it is in compliance with zoning regulations before its zoning classification is changed.

5. Conclusion

For the reasons set forth above, the Association respectfully requests that the Application be denied.

---

EXHIBIT A TO FOUR SQUARE MILE NEIGHBORHOOD ASSOCIATION'S STATEMENT IN OPPOSITION TO APPLICATION IN CASE NO. LR18-005
July 10, 2017

Mr. Mike Flynn
1831 South Dayton Street
Denver, Colorado 80247
720.675.5343

To whom it may concern

I, the undersigned Mike Flynn, owner and resident of 1831 South Dayton Street Denver, Colorado 80246, have no reservation or any issues for my neighbor Mr. Mohamed Ben-Masaud, the owner of piece of land south of my property to use it in any business services he may wish. Mr. Mohamed Ben-Masaud has been more than a good neighbor the moment he purchased the land and I have been helping with water and anything else he may need. He had improved the condition of the land tremendously by putting a nice fence and paved it with landscaping to control the wild weeds.

I truly support Mr. Mohamed Ben-Masaud in any business he may choose to run, and wish him the most success.

Should you have any question, please do not hesitate to contact me (at) 720.675.5343

Sincerely,

Mr. Mike Flynn
1831 South Dayton Street
Denver, Colorado 80247
Date: November 1, 2017

Mohamed Ben-Masaud
2537 S Joliet Ct
Aurora, CO 80014

Re: 1841 S Dayton St. Denver CO 80236

Dear Mohamed

I have visibly examined the property and have determined that the highest and best use of the land would be some type of commercial development. The combination of land use to the south and large barn like structure to the west of the property along with the close proximity to the power station would make building a single family home on the lot unwise. It would be very difficult to sell a home on that land because of the surrounding properties.

Sincerely,

Matthew Kuchar

HomeSmart Cherry Creek
Broker
To: Larry Mugler @ Planning Department.

December 10, 2018

1841 S. Dayton St.

Is the applicant aware of what may be required for him to be an employer at this location?

Pay the water and sewer tap fees.
Install water & sewer service lines.

Build a proper building with separate M & F restrooms, an employee training area, break room, work space and office space.
Construct a paved parking area with adequate parking spaces for all employees and customers.
Adequate parking within the facility will be particularly important because the on-street parking on Dayton St. is maxed-out whenever the Mosque has services.
Heritage Electric employees already utilize most of available parking on the west side of Dayton St. on weekdays.
Equip the building with heat, electric power, telephone, internet and communication/security systems.
All of the above will need to be compliant with the Americans With Disabilities Act requirements.

If this is going to be an automotive service type business there may need to be specific storage areas for gas & diesel fuel, oils and lubricants and all the other automotive chemicals normally used.
Containment, recycling and correct disposal of waste oil, batteries, solvents and other solid & liquid automotive servicing waste products will be required.

OSHA will have a list of requirements and regulations pertaining to the health and safety of the employees, including training programs and equipment to be provided by the employer for all personnel.

South Metro Fire Protection will have requirements for fire extinguishers, chemical inventory listing, record keeping and on site MSDS documents, inspections, permits and fees.

The EPA may require construction of a wash down bay with containment of waste water and oil/water separation equipment.

Proper site grading, fencing, landscaping and storm water management, including a detention or retention pond is always required.

The above is only a partial list of what is involved before he will be able to open for business.

The applicant needs to be fully aware of all these items, **and the significant costs involved**, before this case moves forward.

As Vice President of the **Green Haven - Paula Dora HOA** I request that we receive all information and notices concerning this project.

Any change or amendment to the Four Square Mile Area Sub-Area plan is not something the long time residents, like myself, are going to accept without a very good reason. What we have seen happening at this address, so far, doesn’t warrant our support.

Respectfully, Kim Duleff 38 year resident
9501 E. Colorado Ave.
Denver, CO 80247
303 695-0789
tekts@comcast.net
Mr. Mugler -

RE: Parcel at 1841 S. Dayton St.

Of primary concern would be to allow the further encroachment of additional business/Employment use in well established residential areas that where clearly developed with extensive neighborhood / County meetings specifically for overall long term stability within the Sub-Area Plan.

It is clear, that having spoken with many neighbors, no form of support would be forthcoming for this type of business from an applicant that has both violated and resisted compliance with county land use codes.

Respectfully

Donald Pritchett
9485 E. Colorado Ave.
Denver, CO 80247
Larry Mugler

From: Lori <lkck@comcast.net>
Sent: Thursday, December 20, 2018 8:42 AM
To: Larry Mugler
Subject: Re: 1841 S. Dayton Street Long Range Plan

Mr Mugler,

Please add this to my comments:

The property on the corner of Dayton and Jewell did receive a zoning change due to the fact that it backs up to a large xcel substation to the west and has a huge xcel tower in its front yard making it not feasible to be a residence. The property in question is NOT subject to the substation in any way and should remain residential.

Many Thanks,
Lori Kennedy
Lori

On Dec 10, 2018, at 8:44 AM, Larry Mugler <L.Mugler@arapahoegov.com> wrote:

Thank you for your response. It will be included in the packet for the Planning Commission for their public hearing on this requested amendment. Be watching for a follow up email with the date and time of that hearing sometime in 2019.

Larry
Larry G. Mugler
Planner
(720) 874-6577

<image001.png>

From: Lori Kennedy <lkck@comcast.net>
Sent: Wednesday, December 05, 2018 12:50 PM
To: Larry Mugler <LMugler@arapahoegov.com>
Subject: 1841 S. Dayton Street Long Range Plan

Dear Mr. Mugler and Arapahoe County:

RE: 1841 S. Dayton Street, Denver, CO

My name is Lori Kennedy, my husband Don and I live at 9630 E. Colorado Ave which is the property to the West of of the above address.
I would like you to know that we are **NOT** in favor of the any changes to the long range plan, particularly for this property for the following reasons:

The property is currently zoned residential and should remain that way. There is no reason for a change. The current owner is operating in violation of the current zoning, he has at least 20 cars parked there at any given time. They have tow trucks coming in 24 hours a day dropping off and picking up cars, they work on cars under a shed that is attached to a cement slap which they did not pull any permits for. They paint cars in that shed, they work on cars and have engine parts etc. strung all over the lot. Concerns: EPA issues with painting cars and working on cars, gas, oil, etc.. where is it being disposed of? Where are workers going to the bathroom? They have conduit on my fence for electricity, it is my understanding that they use electricity from the home to the north via an extension cord and water from there via a garden hose. The said property is residential, it has residential to the east with apartments, west and north being single family homes. There is no valid reason to change any zoning with this lot.

I have been calling Alan Snyder (now retired) and Bill Skinner about this property for at least the last 18 months asking that the county take action on what is happening on that lot. I have also spoke to Mr. Hill, County Attorney. . . We are sincerely requesting the county will not make any changes to said property zoning and that the property will resume in a residential capacity.

Respectfully submitted,

Don and Lori Kennedy

9630 E. Colorado Ave.

Denver, CO

303-641-0138
Larry Mugler

From: Terry Hamilton <terry9393@earthlink.net>
Sent: Friday, December 28, 2018 10:12 AM
To: Larry Mugler
Subject: Fw: 1841South Dayton

-----Forwarded Message-----
>From: Terry Hamilton <terry9393@earthlink.net>
>Send: Dec 28, 2018 10:07 AM
>To: lmugler@arapahoe.gov.com
>Subject: 1841South Dayton

> Larry,
>
> My name is Terry Hamilton, and I represent Burch Funding, the owner of 2 Properties in
> the area affected by the change in the Master Plan for the 4 square mile area.
>
> As Dayton is a busy street, I do not oppose the change to Employment. However, I would oppose
> a "heavy industrial type use" for this Property.
>
> Body Shop or Automotive uses would certainly not be acceptable.
>
> Please advise, if anything further is needed from me, regarding this matter.
>
> Sincerely
>
> Terry Hamilton

>
Feb 6 2019

I Richard Mascarella have been living at 1790 S. Clinton for almost 9 yrs. I was asked if I had any problem with cars being stored at 1841 S Dayton St by Mr. Mohamed Ben-Masaul. I have no problem with this. Everyone in this area has either storage or some type of business on their property. The man is just trying to make a living like the rest of us. From where he is located a few cars would bother no one.

My opinion is let the man change his zoning. Any questions call me at 312 672 2621.

Thank you

Rich Mascarella
To whom it my concern

I am Virgin Versteeg owner of the land 1881 South Dayton Street South of the land owned by Mr. Mohamed Ben-Masaud.
I understand Mr. Ben-Masaud applying to change the zoning to do so type of Auto services. I do not have any objection of such a request and I support. Mr. Ben-Masaud has been a great neighbor and he should do services in his land like everyone else in the area.
Should you have any question you may contact me

Best Regards.

Virgil Versteeg
Owner
303.368.1100
SUBJECT: LDC19-001 A-E Lot Width Reduction

JASON REYNOLDS, PLANNER

PROPOSAL
Arapahoe County staff recommends reducing the A-E Agricultural Estate lot width requirement from 1,320 feet to 600 feet, which would bring Arapahoe County’s lot width requirements closer to what other counties require. It would also better align our requirements with existing widths for many parcels in the county. Since not all existing parcels would meet the proposed 600 foot requirements staff also proposes including a provision that treats existing parcels as if they meet the 600 foot requirement, even if they are narrower.

STAFF RECOMMENDATION
Staff recommends reducing the A-E Agricultural Estate lot width requirement.

BACKGROUND
The Arapahoe County Land Development Code requires a 1,320 foot minimum lot width for parcels in the A-E Agricultural Estate zoning district. Prior to 1987, the A-E zoning district required a minimum lot area of 160 acres (one quarter of a section/square mile). The 1987 Arapahoe County code reduced the minimum lot area to 35 acres but it kept the minimum lot width the same as it was when the minimum lot area was more than four times larger. The Arapahoe County Board of Adjustment cited this anomaly in 1997 when it approved a lot width variance for 17 parcels. The Board of Adjustment resolution indicated that the zoning administrator was seeking a change to the A-E zone district to reduce required lot width (see attached Big Valley Estates site plan and Board of Adjustment resolution). Staff is not aware that any further action was taken under consideration to put a reduced lot width into place at that time.

If a 35+ acre parcel does not meet the lot width requirement of 1,320 feet, that parcel is not eligible for building permits. Many existing and recently created 35+ acre parcels fail to meet the 1,320 foot lot width requirement. Staff is holding at least two building permit applications because the properties do not meet lot width requirements. Divisions of land that result in new lots or parcels of at least 35 acres in size are exempt from County subdivision regulations under State statutes. Staff does not have an opportunity to review these before they are recorded and, often, sold. This has resulted in parcels that do not comply with zoning requirements.

Staff reviewed the minimum lot width requirements for several other Colorado counties and Arapahoe County is an outlier: of counties requiring a lot width, our minimum lot width is more than twice as large as others. Of our neighbors to the north and south, Douglas County requires no minimum lot width, Adams County requires 600 feet, and Elbert County requires 500 feet (see chart on next page).
### DISCUSSION AND FINDINGS

Staff reviewed this proposal for compliance with the Comprehensive Plan, Align Arapahoe, and the general purpose of the Land Development Code.

1. **Comprehensive Plan and Align Arapahoe**

   Align Arapahoe – Quality of Life

   *If the A-E lot width minimum is kept the same, many property owners will have to seek relief from the Board of Adjustment for variances to lot width. The proposed 600’ lot width requirement would match Adams County’s requirement and improve consistency between the two counties.*

Comprehensive Plan Land Use Categories - Rural

*The proposed code amendment only affects the A-E Agricultural Estate zone district, which is found in the rural areas of Arapahoe County. For the rural areas, the plan identifies farming, ranching and other agricultural uses as primary uses, with very low density residential as a secondary use. Parcels with 35 or more acres and a lot width of 600 feet would be more suitable for very low density residential than for agricultural uses, and the plan does identify very low density residential as appropriate in the rural areas.*

Comprehensive Plan Strategy T3 GM 1.1(c) – “Agricultural uses and residential lots 35 acres and greater are consistent with the character sought to be preserved in Tier 3”

*Tier 3 covers much of the eastern portion of Arapahoe County and the Comprehensive Plan acknowledges that some residential development on lots over 35 acres will continue to occur in*
those areas. The proposed amendment would not affect the total allowable density; parcels will still need to be at least 35 acres in area to meet the zoning requirements.

2. Land Development Code

The General Purpose of the land development code is “to promote the health, safety, morals, convenience, order, prosperity, and/or welfare of the present and future inhabitants of Arapahoe County, Colorado, by…

1-308 Promoting planned and orderly development within the County…
1-312 Providing for the harmonious development of land in the existing community and facilitating the future development of appropriate adjoining tracts…”

The existing land use pattern could be considered planned and orderly if it had developed under the proposed 600 foot lot width. Many existing parcels in the A-E zone district fail to meet the existing standard. Changing the minimum lot width to 600 feet acknowledges the existing land use pattern and promotes harmonious development by matching the standard found in Adams County. As noted in the 1997 Board of Adjustment case, the zoning administrator had proposed a change to reduce the lot width requirement because many property owners at the time were obtaining variances to allow narrower lots in the A-E zone district. It appears that this proposal may not have moved forward for consideration as a Land Development Code amendment.

The current proposal under consideration at this time also includes a provision that considers existing parcels to meet the minimum lot width requirement, regardless of their existing width. Those parcels would still need to meet all other development standards such as setbacks. With 100-foot front, side, and rear setbacks, the A-E zone district would still promote significant building separations, even if the parcels might be narrower than standards allow.

3. Referral Comments and Public Comments

The proposed change was forwarded to several agencies and posted on the Arapahoe County major planning cases web page. We received two public comments supporting the proposal (included with the attachments). One comment recommended reducing the lot width requirement to 550 feet to accommodate some existing properties. As noted above, the proposal includes language that considers all existing parcels to meet the lot width requirements, even if they are narrower. That language addresses the commentator’s concern while maintaining a 600 foot lot width for future lots. The following table summarizes comments received during the referral process:

<table>
<thead>
<tr>
<th>Referral Agency</th>
<th>Referral Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>ARAPAHOE COUNTY AGENCIES</td>
<td></td>
</tr>
<tr>
<td>ARAPAHOE COUNTY ASSESSOR</td>
<td>No response.</td>
</tr>
<tr>
<td>ARAPAHOE COUNTY ASSESSOR-COMMERCIAL</td>
<td>No response.</td>
</tr>
<tr>
<td>ARAPAHOE COUNTY ASSISTANT ATTORNEY</td>
<td>Assisted with code language.</td>
</tr>
<tr>
<td>ARAPAHOE COUNTY COMMUNITY RESOURCES DEVELOPMENT</td>
<td>No response.</td>
</tr>
<tr>
<td>ARAPAHOE COUNTY OPEN SPACE</td>
<td>No response.</td>
</tr>
<tr>
<td>ARAPAHOE COUNTY OPEN SPACE</td>
<td>No response.</td>
</tr>
<tr>
<td>ARAPAHOE COUNTY PWD MAPPING</td>
<td>No comments.</td>
</tr>
<tr>
<td>Referral Agency</td>
<td>Referral Response</td>
</tr>
<tr>
<td>--------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>ARAPAHOE COUNTY PWD PLANNING</td>
<td>Prepared code language.</td>
</tr>
<tr>
<td>ARAPAHOE COUNTY PWD/ZONING</td>
<td>Assisted with code language.</td>
</tr>
<tr>
<td>CITIZEN ORG &amp; HOA</td>
<td></td>
</tr>
<tr>
<td>ARAPAHOE COUNTY ECONOMIC DEVELOPMENT-UACED</td>
<td>No comments.</td>
</tr>
<tr>
<td>EAST ARAPAHOE COUNTY ADVISORY PLANNING COMMISSION</td>
<td>Hollingsworth - No comments. Miller – Recommend against approval; narrow lots do not fit agricultural setting.</td>
</tr>
<tr>
<td>ENVIRONMENT/OPEN SPACE</td>
<td></td>
</tr>
<tr>
<td>USDA – ARAPAHOE COUNTY FARM SERVICE</td>
<td>No response.</td>
</tr>
<tr>
<td>FIRE</td>
<td></td>
</tr>
<tr>
<td>BENNETT-WATKINS FIRE RESCUE</td>
<td>No response.</td>
</tr>
<tr>
<td>BYERS</td>
<td>No response.</td>
</tr>
<tr>
<td>DEER TRAIL</td>
<td>No response.</td>
</tr>
<tr>
<td>STRASBURG</td>
<td>No response.</td>
</tr>
<tr>
<td>PLANNING OFFICES</td>
<td></td>
</tr>
<tr>
<td>ADAMS COUNTY PLANNING</td>
<td>No response.</td>
</tr>
<tr>
<td>BENNETT PLANNING</td>
<td>No response.</td>
</tr>
<tr>
<td>DEER TRAIL PLANNING</td>
<td>No response.</td>
</tr>
<tr>
<td>DENVER PLANNING</td>
<td>No response.</td>
</tr>
<tr>
<td>DOUGLAS COUNTY PLANNING</td>
<td>No comments.</td>
</tr>
<tr>
<td>ELBERT COUNTY PLANNING</td>
<td>No response.</td>
</tr>
<tr>
<td>JEFFERSON COUNTY PLANNING</td>
<td>No comments; provided copies of their agricultural zone districts.</td>
</tr>
<tr>
<td>STATE LAND BOARD</td>
<td>No response.</td>
</tr>
<tr>
<td>SHERIFF</td>
<td></td>
</tr>
<tr>
<td>ARAPAHOE COUNTY SHERIFF</td>
<td>No response.</td>
</tr>
<tr>
<td>ARAPAHOE COUNTY SHERIFF/COMMUNITY RESOURCES</td>
<td>No response.</td>
</tr>
<tr>
<td>ARAPAHOE COUNTY SHERIFF/CRIME PREVENTION UNIT</td>
<td>No response.</td>
</tr>
<tr>
<td>ARAPAHOE COUNTY SHERIFF/PATROL REFERRALS</td>
<td>No comments.</td>
</tr>
<tr>
<td>SOIL OR CONSERVATION</td>
<td></td>
</tr>
<tr>
<td>DEER TRAIL &amp; E ADAMS CONSERVATION DISTRICT</td>
<td>No response.</td>
</tr>
</tbody>
</table>
STAFF FINDINGS
Based upon review of applicable policies and goals in the Comprehensive Plan, review of the development regulations and analysis of referral comments, our findings include:

1. The proposed amendment is consistent with the Arapahoe County Comprehensive Plan and the General Purpose of the Land Development Code.
2. The proposal would align our A-E zoning lot width requirement more closely with standards in other Colorado counties.
3. The proposed reduction in lot width requirements in the A-E zone district matches the actual land use pattern more than the existing requirement.

RECOMMENDATION
Considering the findings and other information provided in this report and its attachments, Staff recommends approval of case number LDC19-001 A-E Lot Width Reduction subject to the following conditions of approval:

1. Staff will make corrections and revisions to the proposed language as directed by the County Attorney prior to incorporating the approved amendment into the Land Development Code for publication.

(Draft motions provided on next page)
DRAFT MOTIONS
Recommend Conditional Approval
In the case LDC19-001, A-E Zone District Lot Width Reduction, the Planning Commissioners have reviewed the staff report, including all exhibits and attachments, and have listened to the applicant’s presentation and any public comment as presented at the public hearing. I hereby move to RECOMMEND APPROVAL of this application based on the findings in the staff report, subject to the following condition:

1. Staff will make corrections and revisions to the proposed language as directed by the County Attorney prior to incorporating the approved amendment into the Land Development Code for publication.

Staff provides the following Draft Motions as guidance in preparing an alternative motion if the Planning Commission reaches a different determination:

Recommend Denial:
In the case of LDC19-001, A-E Zone District Lot Width Reduction, the Planning Commissioners have reviewed the staff report, including all exhibits and attachments, and have listened to the applicant’s presentation and any public comment as presented at the public hearing. I hereby move to RECOMMEND DENIAL of this application based on the findings:

1. State new or amended findings in support of denial as part of the motion.

2.

Continue to Date Certain:
In the case of LDC19-001, A-E Zone District Lot Width Reduction, I move to continue the hearing to [date], 6:30 p.m., to obtain additional information and to further consider the information presented.

Attachments:
Proposed Code Text
Big Valley Estates Site Plan and Board of Adjustment Resolution
Referral Comments
Public Comments
CHAPTER 4: AGRICULTURAL ZONE DISTRICTS – A-E & A-1

Table of Contents:

4-100 General Provisions
  4-101: Agricultural Zone Districts Established
4-200 Agricultural Zone Districts & District-Specific Standards
  4-201: Agricultural Zone Districts
    4-201.01: General Purposes
    4-201.02: A-E Agricultural Estate District (35 Acre Minimum Lot Size)
    4-201.03: A-1 Agricultural-1 District (19 Acre Minimum Lot Size)
4-300 A-E and A-1 District Performance Standards and Allowed Uses
  4-301: Agricultural Zone Districts - Performance Standards
  4-302: Allowed Uses – A-E & A-1
CHAPTER 4: AGRICULTURAL ZONE DISTRICTS AND DISTRICT-SPECIFIC STANDARDS

This Chapter of the Land Development Code identifies and establishes the Agricultural Estate (A-E) and the Agricultural-1 (A-1) zone districts for the unincorporated portions of Arapahoe County, as well as the (1) purpose and (2) regulations specific to each of these districts. The regulations contained in this Chapter for A-E and A-1 are district-specific in that they apply on a district-wide basis and generally relate back to the stated purposes of the zone district. The standards and requirements provided in this Land Development Code also apply to development in each of these districts.

SECTION 4-100 GENERAL PROVISIONS

4-101 Agricultural Zone Districts Established

In order to carry out the purposes and intent of this Chapter of the Land Development Code, the following standard zone districts are established. They may be referred to throughout this Code by their name or district letter abbreviations.

<table>
<thead>
<tr>
<th>Table 4-1: Agricultural Zone Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abbreviation</td>
</tr>
<tr>
<td>---------------</td>
</tr>
<tr>
<td>A-E</td>
</tr>
<tr>
<td>A-1</td>
</tr>
</tbody>
</table>

SECTION 4-200 AGRICULTURAL ZONE DISTRICTS & DISTRICT-SPECIFIC STANDARDS

4-201 Agricultural Zone Districts

This section sets forth all agricultural zone districts applicable in unincorporated Arapahoe County, including for each: (1) the district’s specific intent and purpose; (2) the district’s role in implementing the Comprehensive Plan’s future land use policies; (3) location criteria that the County must consider in mapping such district to specific property; and (4) development and design standards specific to such district. Rural Engineering Standards as addressed within this Land Development Code may also apply.

4-201.01 General Purposes

Among the County’s primary land-use goals, as stated in the Comprehensive Plan, are goals to maintain its rural heritage and character, conserve natural areas and environmental quality, and ensure efficient and improved public services and facilities. The agricultural zone districts in this section are intended to implement these goals by promoting and preserving a rural, agricultural economic base and lifestyle in the eastern parts of unincorporated Arapahoe County. Residential uses are secondary in these districts, and are developed at very low densities or clustered to protect and conserve existing open and agricultural lands and to preserve a rural character. These zone districts are intended to apply only within the Rural Area as designated in the Comprehensive Plan, and are not appropriate for properties located in a Growth Area. The A-E and A-1 agricultural zone districts are encouraged in the Rural Area of unincorporated Arapahoe County.
4-201.02 A-E Agricultural Estate District (35 Acre Minimum Lot Size)

4-201.02.01 Specific Purpose
All development in the district must respect and respond to the district’s unique agricultural and rural character, as well as its topography. All development must be sited to avoid or mitigate any adverse impacts on the rural environment and sensitive development areas, including impacts on the Rural Area’s important riparian corridors that perform important drainage, habitat, and recreational functions.

All development must have no detrimental effects on soil stability or ground water supplies, and all development must also mitigate impacts from runoff or from changes to the drainage characteristic of the land.

4-201.02.02 Relation to the Comprehensive Plan
The A-E Zone District is intended to correspond to and implement the “Rural Area Uses” and “Open Space” land use categories designated in the Land Use Plan element of the Comprehensive Plan.

4-201.02.03 Location and Other Rezoning Criteria
A. In addition to satisfying the general rezoning criteria stated in this Land Development Code, the County may approve a rezoning to the A-E Zone District only if the proposed district complies with all of the following specific criteria:

1. The proposed district is located in the Rural Area and outside of designated Planning Areas for the Eastern Communities as designated in the Comprehensive Plan;

2. The district is proposed to accommodate and respect variations in the site’s topography, such as rolling and hillside terrain, or to preserve and protect sensitive development areas located on or adjacent to the site; and

3. Any residential development proposed within the district will have no significant, adverse impact on the continued operations of any adjacent agricultural use(s) and will comply with any applicable “right to farm” provisions in state statutes.

4-201.02.04 District-Specific Standards

A. Principal Use(s)/Structure(s) per Lot
Only one principal structure is permitted per parcel, unless approved as a Special Exception Use (SEU) by the Board of Adjustment (BOA).

B. Rural Cluster Option in the A-E Zone District
A landowner in the A-E Zone District may be eligible for exceptions to the lot size, lot dimension, and use provisions stated in this chapter and this Land Development Code by choosing the Rural Cluster Option set forth in this Land Development Code.
4-201.03 A-1 Agricultural-1 District (19 Acre Minimum Lot Size)

4-201.03.01 Specific Purpose

A. The A-1 Zone District is intended to provide and preserve land for agricultural and rural economic uses in the Rural Area of unincorporated Arapahoe County as designated in the Comprehensive Plan. The primary uses allowed in this district are agricultural and open land uses, agriculture-dependent or agriculture-related uses, and other uses supportive of a rural, agriculture-based economy.

B. All development in the district must respect and respond to the district’s unique agricultural and rural character, as well as its topography. All development must be sited to avoid or mitigate any adverse impacts on the rural environment and sensitive development areas, including impacts on the Rural Area’s important riparian corridors that perform important drainage, habitat, and recreational functions.

C. All development must have no detrimental effects on soil stability or ground water supplies, and all development must also mitigate impacts from runoff or from changes to the drainage characteristic of the land.

4-201.03.02 Relation to the Comprehensive Plan

A. The A-1 Zone District is intended to correspond to and implement the “Rural Area Uses” and “Open Space” land use categories designated in the Land Use Plan element of the Comprehensive Plan.

4-201.03.03 Location Criteria and Other Rezoning Criteria

A. In addition to satisfying the general rezoning criteria stated in this Land Development Code, the County may approve a rezoning to the A-1 District only if the proposed district complies with all of the following specific criteria:

1. The proposed district is located in the Rural Area, and outside designated Growth Areas or planning areas for the Eastern Communities as designated in the Comprehensive Plan;

2. The district is proposed to accommodate and respect variations in the site’s topography, such as rolling and hillside terrain, or to preserve and protect sensitive development areas located on or adjacent to the site;

3. Any residential development proposed within the district will have no significant, adverse impact on the continued operations of any adjacent agricultural use(s) and will comply with any applicable “right to farm” provisions in state statutes.

4-201.03.04 District-Specific Standards

A. Principal Use(s)/Structure(s) per Lot

Only one principal structure is permitted per parcel, unless approved as a Special Exception Use (SEU) by the Board of Adjustment (BOA).

B. Rural Cluster Option in the A-1 Zone District

A landowner in the A-1 Zone District may be eligible for exceptions to the lot size, lot dimension, and use provisions stated in this chapter and this Land Development Code by choosing the Rural Cluster Option set forth in this Land Development Code.
SECTION 4-300  A-E AND A-1 DISTRICT PERFORMANCE STANDARDS AND ALLOWED USES

4-301  Agricultural Zone District Performance Standards

<table>
<thead>
<tr>
<th>Table 4-3 A. Performance Standards A-E &amp; A-1</th>
<th>A-E</th>
<th>A-1</th>
</tr>
</thead>
<tbody>
<tr>
<td>NP = Not Permitted</td>
<td></td>
<td></td>
</tr>
<tr>
<td>LOT SIZE (minimum)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>LOT WIDTH (minimum)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>1320'</td>
<td>600'</td>
</tr>
<tr>
<td>ANIMALS (maximum per lot)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pets</td>
<td>no limit</td>
<td>4</td>
</tr>
<tr>
<td>Agricultural Animals per acre</td>
<td>no limit</td>
<td>no limit</td>
</tr>
<tr>
<td>Agricultural Animals, Small, Non-Commercial</td>
<td>no limit</td>
<td>no limit</td>
</tr>
<tr>
<td>BUILDING HEIGHT (maximum)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building Height (maximum)</td>
<td>50'</td>
<td>50'</td>
</tr>
<tr>
<td>SETBACKS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>100'</td>
<td>100'</td>
</tr>
<tr>
<td>Side</td>
<td>100'</td>
<td>50'</td>
</tr>
<tr>
<td>Rear</td>
<td>100'</td>
<td>50'</td>
</tr>
<tr>
<td>Side Corner</td>
<td>100'</td>
<td>100'</td>
</tr>
<tr>
<td>Accessory Front</td>
<td>100' Front Building Line of Principal Structure</td>
<td></td>
</tr>
<tr>
<td>Accessory Side</td>
<td>100'</td>
<td>25'</td>
</tr>
<tr>
<td>Accessory Rear</td>
<td>100'</td>
<td>25'</td>
</tr>
<tr>
<td>Commercial Feed Lots (from all property lines)</td>
<td>200'</td>
<td>NP</td>
</tr>
<tr>
<td>Stable (private) - located on the rear half of the lot, 25' from all property lines, 50' from any dwelling unit</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stable (commercial) - located on the rear half of the lot, 50 from all property lines, 100' from any dwelling unit</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

[1] *Smaller lot areas may be authorized through the Subdivision Exemption process (see Table 4-3 A.1 and Section 14-900)

[2] Parcels larger than 35 acres in area and created prior to April 2, 2019 shall be considered to meet this lot width requirement, regardless of their existing width. All other development standards including, but not limited to, animals, building height, and setbacks, shall apply.
Table 4-3 A.1 Performance Standards for Undersized Parcels in A-E & A-1
These setbacks apply to legally created parcels which are smaller than the minimum required lot area in the A-E and A-1 zone districts. These parcels were either created prior to the adoption of the Arapahoe County subdivision regulations or may be created through a subdivision exemption (Section 14-900 of the Land Development Code).

<table>
<thead>
<tr>
<th>Parcel size (acres):</th>
<th>35+</th>
<th>19-34.9999</th>
<th>9-18.9999</th>
<th>2.41-8.9999</th>
<th>&lt;2.41</th>
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</thead>
<tbody>
<tr>
<td>Front</td>
<td>See table 4-3 A</td>
<td>50’</td>
<td>50’</td>
<td>50’</td>
<td>25’</td>
</tr>
<tr>
<td>Side</td>
<td>See table 4-3 A</td>
<td>50’</td>
<td>25’</td>
<td>25’</td>
<td>25’</td>
</tr>
<tr>
<td>Rear</td>
<td>See table 4-3 A</td>
<td>50’</td>
<td>50’</td>
<td>25’</td>
<td>25’</td>
</tr>
<tr>
<td>Side Corner</td>
<td>See table 4-3 A</td>
<td>100’</td>
<td>50’</td>
<td>50’</td>
<td>25’</td>
</tr>
<tr>
<td>Accessory Front</td>
<td>See table 4-3 A</td>
<td>Front building line of principal structure</td>
<td>Front building line of principal structure</td>
<td>Front building line of principal structure</td>
<td>Front building line of principal structure</td>
</tr>
<tr>
<td>Accessory Side</td>
<td>See table 4-3 A</td>
<td>25’</td>
<td>25’</td>
<td>15’</td>
<td>15’</td>
</tr>
<tr>
<td>Accessory Rear</td>
<td>See table 4-3 A</td>
<td>25’</td>
<td>25’</td>
<td>15’</td>
<td>15’</td>
</tr>
</tbody>
</table>

**4-302 Allowed Uses – A-E & A-1**

This section sets forth the uses anticipated in the Agricultural zone districts. Furthermore the table included below indicates which uses are allowed in the Agricultural zone districts as well as the extent to which they are allowed. Additional information is available for all anticipated uses allowed within the unincorporated areas of Arapahoe County in this Land Development Code.

Table 4-3 B. Allowed Uses in the Arapahoe County Agricultural Zone Districts

<table>
<thead>
<tr>
<th>P = Permitted, A = Accessory, USR = Use by Special Review, SEU = Special Exception Use, NP = Not Permitted</th>
<th>A-E</th>
<th>A-1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory Structure</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Accessory Use</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Agricultural or Ranch Use</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Agri-tainment</td>
<td>USR</td>
<td>USR</td>
</tr>
<tr>
<td>Amateur Motorsports Facility</td>
<td>USR</td>
<td>NP</td>
</tr>
<tr>
<td>Animal Assisted Therapy Activities</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Bed and Breakfast</td>
<td>SEU</td>
<td>SEU</td>
</tr>
<tr>
<td>Broadcast Tower Facility</td>
<td>SEU</td>
<td>NP</td>
</tr>
<tr>
<td>Building and use customarily appurtenant to the permitted use</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>CMRS - See 12-1100 - Commercial Mobile Radio Facilities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CMRS - See 12-1100 - Commercial Mobile Radio Facilities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CMRS - See 12-1100 - Commercial Mobile Radio Facilities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial Feed Lot</td>
<td>SEU</td>
<td>NP</td>
</tr>
</tbody>
</table>
### Table 4-3 B. Allowed Uses in the Arapahoe County Agricultural Zone Districts

<table>
<thead>
<tr>
<th>Allowed Uses</th>
<th>A-E</th>
<th>A-1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Solid Waste Disposal Site and Facility (subject to Certificate of Designation and applicable state requirements)</td>
<td>P</td>
<td>NP</td>
</tr>
<tr>
<td>Community Events and Conference Center</td>
<td>USR</td>
<td>USR</td>
</tr>
<tr>
<td>Explosion welding, cladding, or metallurgical bonding of metal or other similar uses</td>
<td>SEU</td>
<td>NP</td>
</tr>
<tr>
<td>Farm and Gardening Classes</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Farm Museum</td>
<td>SEU</td>
<td>SEU</td>
</tr>
<tr>
<td>Farm or Ranch Animal Center</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Farmer's Market (Year-Round)</td>
<td>SEU</td>
<td>SEU</td>
</tr>
<tr>
<td>Farmer's Market (Seasonal)</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Farming or Ranching Events</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Flower Farms</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Greenhouse</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Group Home - Type A</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Group Home - Type B</td>
<td>USR</td>
<td>USR</td>
</tr>
<tr>
<td>Guest Ranch</td>
<td>SEU</td>
<td>NP</td>
</tr>
<tr>
<td>Home occupation</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Hunting Club</td>
<td>USR</td>
<td>USR</td>
</tr>
<tr>
<td>Kennel or Animal Hospital</td>
<td>SEU</td>
<td>SEU</td>
</tr>
<tr>
<td>Landing Strip for Private Aircraft and/or aircraft-related recreational facilities</td>
<td>SEU</td>
<td>SEU</td>
</tr>
<tr>
<td>Major Electrical, Natural Gas, and Petroleum-Derivative Facilities of a Private Company</td>
<td>USR</td>
<td>USR</td>
</tr>
<tr>
<td>Manufactured Home</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Mining, Quarry and Earth Extraction</td>
<td>USR</td>
<td>USR</td>
</tr>
<tr>
<td>Mother-in-law Apartment/Dwelling Unit</td>
<td>SEU</td>
<td>SEU</td>
</tr>
<tr>
<td>Office incidental to the operations of the permitted use</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Processing, packaging, and selling of an agricultural commodity</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Quasi-public Use</td>
<td>USR</td>
<td>USR</td>
</tr>
<tr>
<td>Ranch Hand/Agricultural Worker Housing (Residence for persons employed at the principal permitted use only)</td>
<td>SEU</td>
<td>SEU</td>
</tr>
<tr>
<td>Resource Recovery Operation (subject to Certificate of Designation as well as all applicable State requirements)</td>
<td>P</td>
<td>NP</td>
</tr>
<tr>
<td>Roadside sales stand provided only products raised on the premises shall be sold in such stand and any such structure should comply with applicable building codes.</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Rodeo</td>
<td>SEU</td>
<td>SEU</td>
</tr>
<tr>
<td>Shelter for agricultural implements and tools used to maintain premises</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Shooting Range (outdoor)</td>
<td>USR</td>
<td>NP</td>
</tr>
</tbody>
</table>
Table 4-3 B. Allowed Uses in the Arapahoe County Agricultural Zone Districts

<table>
<thead>
<tr>
<th>Allowed Uses</th>
<th>A-E</th>
<th>A-1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family Dwelling Unit</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Small Wind Energy Conversion System</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Stable – Commercial Riding (see setback restrictions in setback table in this chapter)</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Stable – Private Riding (see setback restrictions in setback table in this chapter)</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Storage and Sale of Firewood</td>
<td>SEU</td>
<td>SEU</td>
</tr>
<tr>
<td>Temporary Concrete and or Batching Plant with materials stockpiling</td>
<td>SEU</td>
<td>SEU</td>
</tr>
</tbody>
</table>

P = Permitted, A = Accessory, USR = Use by Special Review, SEU = Special Exception Use, NP = Not Permitted

Revisions: June 30, 2010, Rev Sept 30, 2011; Rural Engineering Standards 08/31/2012; Subdivision Exemptions setback table 07/31/2018; AE Lot Width 4/2/2019
RESOLUTION NUMBER BA 97-9-13

It was moved by Barbara Fruitman and duly seconded by Susan Nix to adopt the following resolution:

WHEREAS, Big Valley Estates, at SEC25 T4S R61W, has heretofore applied to the Board of Adjustment of Arapahoe County, Colorado, by application dated August 11, 1997, requesting a variance in to or from the requirements set forth under the (A-E) Zone district category of the Arapahoe County, Colorado, Zoning Regulations & Map, for the purpose to be allowed to build on 17 parcels which do not meet the required 1320' lot width requirement; and,

WHEREAS, on the 18th day of September, 1997, a Public Hearing was duly held at which a representative of the applicant and a representative of the Zoning Division were present; and,

WHEREAS, a Certificate of Posting was presented and found to be in order and in accordance with the Zoning Regulations. Upon testimony of the applicant and presentation of photographs, it was determined the posting was correct and jurisdiction could be established; and,

WHEREAS, Bob Cloughen, Zoning Administrator, reported that Big Valley Estates was before the board to request a variance for 17 parcels in the A-E Zone district. The minimum lot width requirement is 1320'. The lots range from 563.37' to 698.74'. This represents a variances from the minimum requirement of 756.63' to 621.26'. The county has recently experienced a significant amount of these 35 acre+ splits due to the current economy, which is conducive for large landowners to sell off their property without having to go through an expensive Zoning or Subdivision process. The Board of Adjustment has recently entertained many of these variance applications which is necessary to enable the property owners to obtain building permits. The county changed the minimum lot area of an A-E zoned lot approximately 10 to 15 years ago, however inadvertently did not change the minimum lot width requirement at the same time. I am currently awaiting a requested change to the Zoning Regulations reducing this requirement. We have not received any phone calls either for or against this case.

WHEREAS, Rick Wallace, representing Big Valley Estates, was in attendance and reported that he has an area of land that is in a flood plain and needs to build up on the hill. The Bijou Creek runs through the property.
FINDINGS

The Board of Adjustment of Arapahoe County, Colorado, finds as follows;

1. All requirements, if any, necessary, to accord to jurisdiction upon the Board of Adjustment of Arapahoe County, Colorado, to hear the aforesaid application of Big Valley Estates, have been met and the Board of Adjustment of Arapahoe County, Colorado, has jurisdiction over the subject matter of the said application.

DECISION

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of Arapahoe County, Colorado, that the application of Big Valley Estates, at SEC25 T4S R61W, be allowed to build on the 17 lots that do not meet the required 1320’ lot width requirement, be granted.

Upon roll call, the vote was Barbara Fruitman, yes; Thad Hodack, yes; Bob Francois, yes; Susan Nix, yes. The chairman declared the motion carried and the variance granted.

Dated this day of September 18, 1997.

ARAPAHOE COUNTY BOARD OF ADJUSTMENT

By Bob Francois, Chairman

By Mary Zaitz, Recording Secretary
Jason Reynolds

From: Arnold Hollingsworth <ajguitar2@yahoo.com>
Sent: Friday, February 01, 2019 8:37 AM
To: Jason Reynolds
Subject: Re: Arapahoe County Proposed A-E Lot Width Reduction (case LDC19-001)

Jason, thank you for the correspondence. I have no comments on this proposal, as I feel none are needed. Arnold Hollingsworth east end advisory committee.

From: Jason Reynolds <JReynolds@arapahoegov.com>
To: Jason Reynolds <JReynolds@arapahoegov.com>
Sent: Thursday, January 31, 2019 3:38 PM
Subject: Arapahoe County Proposed A-E Lot Width Reduction (case LDC19-001)

Arapahoe County is proposing a reduction in the A-E (Agricultural Estate) zoning district’s minimum lot width requirement. Currently, the A-E zoning district requires a minimum lot size of 35 acres and a minimum lot width of 1,320’. Under the current code, a parcel must be 1,320’ wide in order to get building permits for houses, barns, indoor riding arenas, or any other structure. Staff is recommending reducing that requirement to a minimum lot width of 600’. Many properties in the A-E zoning district already have lot widths narrower than 1,320’; many of those properties already have homes and other buildings. Reducing the required width to 600’ would recognize how property has already developed in Arapahoe County. Please review this request and return your comments, if any, to me on or before February 8. You may use the attached form or you may respond by email/letterhead if you prefer.

We are asking for comments by Friday, February 8 because we have this item scheduled for a February 19 Planning Commission hearing and we would like to include your comments, if any, in the Planning Commissioners’ agenda packet. Attached is a referral form, a copy of the draft regulations (changing “1,320” to “600”), and a frequently asked questions document about the proposed change.

Thank you!

Jason Reynolds, Current Planning Program Manager
Arapahoe County Public Works and Development
Arapahoe County Lima Plaza, 6924 South Lima Street, Centennial CO 80112
720-874-6664 direct / 720-874-6650 Planning / 711 TTY
jreynolds@arapahoegov.com / 720-874-6611 Fax
www.arapahoegov.com
Arapahoe County is proposing a reduction in the A-E (Agricultural Estate) zoning district’s minimum lot width requirement. Currently, the A-E zoning district requires a minimum lot size of 35 acres and a minimum lot width of 1,320’. Under the current code, a parcel must be 1,320’ wide in order to get building permits for houses, barns, indoor riding arenas, or any other structure. Staff is recommending reducing that requirement to a minimum lot width of 600’. Many properties in the A-E zoning district already have lot widths narrower than 1,320’; many of those properties already have homes and other buildings. Reducing the required width to 600’ would recognize how property has already developed in Arapahoe County.

Please review this request and return your comments, if any, to the Arapahoe County Planning Office on or before the date indicated above. You may use this form or you may respond by email/letterhead if you prefer.

<table>
<thead>
<tr>
<th>COMMENTS:</th>
<th>ORGANIZATION &amp; SIGNATURE</th>
</tr>
</thead>
<tbody>
<tr>
<td>☑️ I Have the following comments to make related to the case:</td>
<td>Shellie Miller  East End Advisory</td>
</tr>
</tbody>
</table>

Comments:

I recommend no on this referral. The narrow lots have a kind of industrial feel to them, not fitting for an agricultural setting. There aren’t many trees on the plains, so the long strips of property are very obvious. If a development wants to build narrower lots, I think they should continue to go before the Planning Commission for an exception and let this be decided on a case by case basis.
Hi Jason – Thank you for sending information on this regulation update to Jefferson County Planning & Zoning. We have no comments on the substance of the change. We do no foresee it having an impact on us.

However, in the FAQ, we think the zone district chosen is probably not the best comparison to the A-E District in Arapahoe County. We recommend citing our Agricultural Zone Districts - they are A-1, A-2, and A-35. A-1 has a 5 acre minimum lot size, A-2 has a 10 acre minimum lot size and A-35 has a 35 acre minimum lot size. None of them have a lot width requirement. The zone district cited in the FAQ is the RR-10 District, which does not allow the keeping of livestock. Our Ag Districts allow a broad range of farming and ranching uses. Our Agricultural District is attached for your reference.

Please let me know if you have any questions. Thanks,

Heather Gutherless, AICP
Senior Planner, Planning and Zoning
303.271.8716
hgutherl@jeffco.us

JEFFERSON COUNTY COLORADO
Arapahoe County is proposing a reduction in the A-E (Agricultural Estate) zoning district’s minimum lot width requirement. Currently, the A-E zoning district requires a minimum lot size of 35 acres and a minimum lot width of 1,320’. Under the current code, a parcel must be 1,320’ wide in order to get building permits for houses, barns, indoor riding arenas, or any other structure. Staff is recommending reducing that requirement to a minimum lot width of 600’. Many properties in the A-E zoning district already have lot widths narrower than 1,320’; many of those properties already have homes and other buildings. Reducing the required width to 600’ would recognize how property has already developed in Arapahoe County.

Please review this request and return your comments, if any, to the Arapahoe County Planning Office on or before the date indicated above. You may use this form or you may respond by email/letterhead if you prefer.

<table>
<thead>
<tr>
<th>COMMENTS:</th>
<th>ORGANIZATION &amp; SIGNATURE</th>
</tr>
</thead>
<tbody>
<tr>
<td>☑️ I Have NO Comments to make on the case as submitted</td>
<td>Glenn Thompson, Bureau Chief, Arapahoe County Sheriff's Office</td>
</tr>
<tr>
<td>☐️ I Have the following comments to make related to the case:</td>
<td></td>
</tr>
</tbody>
</table>

Comments:
Arapahoe County is proposing a reduction in the A-E (Agricultural Estate) zoning district’s minimum lot width requirement. Currently, the A-E zoning district requires a minimum lot size of 35 acres and a minimum lot width of 1,320’. Under the current code, a parcel must be 1,320’ wide in order to get building permits for houses, barns, indoor riding arenas, or any other structure. Staff is recommending reducing that requirement to a minimum lot width of 600’. Many properties in the A-E zoning district already have lot widths narrower than 1,320’; many of those properties already have homes and other buildings. Reducing the required width to 600’ would recognize how property has already developed in Arapahoe County.

Please review this request and return your comments, if any, to the Arapahoe County Planning Office on or before the date indicated above. You may use this form or you may respond by email/letterhead if you prefer.
At the Study Session, can you tell me if they are looking at the 600 feet width or something slightly less than that as a recommendation to the County Commissioners. I have a client that recently completed his survey for some of 35 acre sites on his property and they do not meet the 600 feet requirement. However, they are over 550 feet, Averaging around 570 feet. It would be beneficial if the number was 550 feet, not 600 feet. Please pass this on to the planning commission.

Thank-you

Don Clymer
CR Realty
Don@CRRealtyllc.com
303-921-6961
CRRealtyLLC.com
Hello Jason. Thank you for returning my call and for providing me with information on this proposed change. Please pass this on to the Planning Commission and to the Board of County Commissioners:

Hello, my name is Marilyn Drake. I bought two adjoining 35-acre parcels in east Arapahoe County, one in 1995 and a second in 1997. My family built a house on one of the parcels in 1996 and lived there until 2017, when I moved and sold it to another family. We never knew anything about this rule of a lot needing to be 1320 feet wide and were issued a permit with no questions/issues.

Now, I want to sell the second, empty parcel to a family who desires to build a house on it. I was very surprised to learn about this lot width requirement from my prospective buyer, who himself stumbled across this requirement.

I strongly urge you to pass this width size change to make it 600 feet. Many properties in neighboring areas are less than 600 feet and it would be economically very harmful to me, if I am unable to sell this parcel for a housing lot. My buyers, with whom we have already agreed on price and terms, would also be disappointed.

I bought this lot primarily to graze animals and enjoy it while I lived in the house on the adjoining land, BUT when I bought it and until this issue was brought to my attention, I knew that if and when I moved, I would sell it as a parcel for a house. It was priced accordingly when I purchased it over 20 years ago. If this parcel cannot be sold for housing, it would greatly diminish the value for me. I am sure others would be negatively affected as I would.

Please pass this amendment to the building code.

Sincerely,
Marilyn Bay Drake (formerly Marilyn Wentz)
303.594.3827

Sent from Mail for Windows 10