



**ARAPAHOE COUNTY
PLANNING COMMISSION
TUESDAY, JUNE 15, 2010**

MEMBERS

Arnold Hayutin, Chair, Absent
Leah Martin, Chair Pro-Tem
Mark Brummel
Kim Herzfeldt
Brett Larson, Absent
Brian Weiss
Paul Rosenberg

OTHERS PRESENT

Ron Hovland
Carol Kuhn
Bill Skinner
Terri L. Maulik

ADOPTION OF MINUTES

Mr. Rosenberg directed everyone to page 2 of 7 of the March 23, 2010 draft minutes. He stated the minutes reflect Mr. Larson nominated Ms. Martin for Chair when, in fact, Mr. Rosenberg made that nomination. Further, he stated the motion to nominate Ms. Martin for Chair was seconded by Mr. Larson, not by Mr. Hayutin.

Ms. Martin directed the Recording Secretary to make these changes to the minutes.

The motion to adopt the minutes from the March 23, 2010 Planning Commission hearing was made by Mr. Rosenberg, duly seconded by Mr. Herzfeldt as amended.

The motion passed unanimously.

The motion to adopt the minutes from the April 6, 2010 Planning Commission hearing was made by Mr. Rosenberg, duly seconded by Mr. Herzfeldt as presented.

The motion passed unanimously.

The motion to adopt the minutes from the May 4, 2010 Planning Commission hearing was made by Mr. Rosenberg, duly seconded by Mr. Herzfeldt as presented.

The motion passed unanimously.

OPENING COMMENTS

Ron Hovland, Current Planning Manager, shared that the Open Space Master Plan group has been very busy. He said they have accomplished some good things and have spent a lot of money. He announced that Jan Yeckes is not present tonight because she is currently on vacation. He said she will return next Thursday. He reported Mr. Larson is fulfilling his Air Force Reserve obligation and is not expected to be back until the 2nd meeting in August. Mr. Hovland said on June 8, 2010, the Board of County Commissioners (BOCC) had a presentation from Economic Planning Systems (EPS) and Vision Land Consultants. He said these are the chosen consultants who are doing the I-70 corridor feasibility study. He said the presentation was good. He said, yesterday, Julio Iturreria and he attended as guests of the Adams County Planning Staff, a presentation to the Adams County BOCC by EPS and Vision Land. He said the information reported was the same. He said all of the 3-member Adams County BOCC was present. Mr. Hovland said the Adams County BOCC was focused on jobs along the corridor. He said the BOCC was distressed to learn that the various service districts have very little water available for single-family equivalent taps. He reported employment along the I-70 corridor has doubled between 2000 and 2009. Things are still happening, but not on the scale he thinks Adams County envisioned. Mr. Hovland said the consultants are back doing their work. Ultimately, there will be a presentation for the Planning Commission (PC) on this subject. He reported the BOCC extended the medical marijuana land use moratorium through the period of time required for the Department of Revenue to provide further administrative regulations. At that time, the County wants regulations in place. He reported staff will begin meeting with interested parties, staff, and attorneys to put together a concise menu for the BOCC to work from. He said the BOCC can opt out entirely with the vote of the government officials or with a public vote. He said he believes the City of Aurora is going to the public for a vote to ban medical marijuana dispensaries. He said Greenwood Village is proposing something similar. Mr. Hovland said he heard the City of Centennial is considering this type of election as well. The cities actions will be considered when staff takes their recommendations to the BOCC. Currently, at least one BOCC member wants it completely banned; however, three votes would be needed to make anything happen. He said it will be interesting to see how things develop. Mr. Hovland said staff will keep the PC updated. He said, ultimately, because the new legislation effects land use, the PC will have to hold a public hearing on this issue.

Ms. Martin asked what would happen to existing businesses if the BOCC decided to opt out.

Mr. Hovland explained that any business that was in place, prior to the initiation of the moratorium, would become nonconforming. He said with nonconforming uses the BOCC could impose an amortization period. He said amortizations are about seven years. These businesses would go away. He said these issues will need to be discussed as staff and the BOCC considers our options and the impact on the County.

Mr. Rosenberg said the PC received an email regarding a meeting with the Centennial Planning Commission. He asked if Mr. Hovland knew the point of the meeting.

Mr. Hovland said he believes the Centennial Planning Commission is holding a breakfast meeting on Thursday, June 17, 2010. He is unable to attend due to a departmental staff meeting. He said the point of the meeting is to share what issues we are all working on jointly. He said he will find a staff person to attend, but with such short notice, he is not sure who can go.

CONSENT AGENDA

There were no consent agenda items.

REGULAR AGENDA ITEMS

Item 1 – W10-012, Land Development Code (LDC) - New Code #10/CH 12/2010 Relocating the Bed and Breakfast and Explosive Metal Working standards from the Agricultural Zone Districts in the existing LDC to Chapter 12 of the new LDC

Bill Skinner, Project Planner, explained the Planning Division is in the process of updating some regulations, some of which will be moved into a new book. He stated there will be a different system of numbering and lettering regulations and the basic structure of the book will be different. He said, while reviewing the code, staff came across regulations regarding the operation of bed and breakfast and explosive metal working and determined the code needed to be placed in a different section in the book. He offered to provide the PC with more detail regarding these codes. Mr. Skinner reported, after conferring with the County Attorney staff, moving regulations from one place to another (moving from Section 1-15-4 and Section 1604.1 to Section 12-1600), is not considered an amendment or change in the process; therefore, public notice wasn't required. Therefore, no public notice for today's hearing was made. He stated that outside referrals were not necessary. Mr. Skinner explained that this is a housekeeping case; however, staff is required to go before the PC and the BOCC to make the changes.

Mr. Rosenberg asked if the County had any bed and breakfasts.

Mr. Skinner said none that staff is aware of.

Mr. Hovland said several years ago the County put something into the code called agritainment. Under that heading, there were a number of things you could do in the agricultural zone, one of which was bed and breakfast. He said, to date, nobody has taken the step, over the threshold, from conference center to bed and breakfast; however, the option is available.

Mr. Skinner said, sometime in the future, staff is considering extending the bed and breakfast use into Commercial or Business Zones. He said it is currently limited to Agricultural Zones and staff believes that is an odd fit.

There was further discussion about opening a bed and breakfast in the Four-Square Mile area.

Mr. Hovland stated staff noticed this as a public hearing in both the I-70 Scout and The Villager, therefore the PC has jurisdiction.

Mr. Skinner said he appreciated the correction to his previous statement and confirmed the meeting had been noticed.

There was discussion about Explosive Metal Working.

Mr. Skinner reminded the PC that the code is not being removed. He said the code is simply being relocated.

Chair Pro-Tem Martin opened the public hearing.

There were no public comments.

The public hearing was closed.

The motion was made by Mr. Rosenberg in Case No. W10-012 – Land Development Code Revision, Relocation of the Bed and Breakfast and Explosive Metal Working Regulations - that the Planning Commission has read the staff report and received testimony at the public hearing. The Planning Commission finds itself in agreement with staff findings 1 through 3 including all plans and attachments as set forth in the staff report dated June 4, 2010 and recommends approval to the Board of County Commissioners subject to the following condition:

- **The Public Works and Development Department staff will make all minor modifications to the text as required prior to the incorporation into the Land Development Code.**

Seconded by Mr. Hertzfeld.

The motion passed unanimously.

Mr. Hovland told the PC there will be a meeting on July 6, 2010. He said there are things to discuss and he hopes to have information about the census. He said, currently, we do not have preliminary census numbers; however, staff has received information about the rate of return and everything that's been done in the County. He hopes staff can provide a briefing to the PC on this data.

Ms. Kuhn said August and September will be busy meetings. She said Commercial Mobile Radio Service, Phase II, and other things will be considered during a public hearing. She said there will probably be some public comment on these issues.

Mr. Rosenberg asked if the second meeting in July will be held.

Mr. Hovland said, as of right now, there is nothing slated for that agenda. However, staff has until the end of June to make additions to the agenda. He said he'd let the PC know, one way or another, as soon as possible.

Mr. Herzfeldt announced that he will miss the first two (2) Tuesdays in August due to vacation.

Mr. Hovland reminded everyone that all the code regulations will be on the County's website and very little information will be mailed. He said the website can be checked to monitor the progress of the LDC rewrite. He said public comments have not been posted on the website, but it is in progress.

Ms. Martin thanked the Planning Staff.

The meeting adjourned at 6:52 p.m.

Leah Martin, Chair Pro-Tem

**Terri L. Maulik
Assistant Clerk to the Board**