

**MINUTES OF THE ARAPAHOE COUNTY  
BOARD OF COUNTY COMMISSIONERS  
April 5, 2005**

State of Colorado, County of Arapahoe. At a public hearing of the Board of County Commissioners for Arapahoe County, Colorado held at 5334 S Prince St. Littleton CO 80166 there were:

<b>Lynn Myers, Chair</b>	<b>Present</b>
<b>Bernard L. Zimmer, Chair Pro Tem</b>	<b>Present</b>
<b>Susan Beckman, Commissioner</b>	<b>Present</b>
<b>Rodney Bockenfeld, Commissioner</b>	<b>Present</b>
<b>Frank Weddig, Commissioner</b>	<b>Present</b>
<b>Kathryn Schroeder, County Attorney</b>	<b>Present</b>
<b>Nancy A. Doty, Clerk to the Board</b>	<b>Absent &amp; Excused</b>
<b>Joleen Sanchez, Recording Secretary</b>	<b>Present</b>

When the following proceedings, among others, were had and done, to wit:

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ADOPTION OF THE AGENDA**

**The motion was made by Commissioner Beckman and duly seconded by Commissioner Bockenfeld to adopt the Agenda as presented.**

**The motion passed 5-0.**

**ADOPTION OF THE MINUTES**

**The motion was made by Commissioner Zimmer and duly seconded by Commissioner Weddig to adopt the minutes of the March 1, 2005 Public Hearing.**

**The motion passed 5-0.**

**CEREMONIES**

There were no ceremonies.

**CITIZEN COMMENTS**

There were no citizen comments.

## **CONSENT AGENDA**

**The motion was made by Commissioner Beckman and duly seconded by Commissioner Zimmer to approve the Consent Agenda as presented.**

**The motion passed 5-0.**

## **GENERAL BUSINESS AGENDA**

### **Item A – Resolution No. 050204 – Public Hearing: Case No. P04-026, Centennial East Corporate Center, Filing No. 7, Sander Office/Warehouse, Final Development Plan**

Assistant County Attorney Tom McNish established jurisdiction for the Board to consider this Item.

Bill Skinner, Planner, said this case is for an office/warehouse building in East Centennial Corporate Center, located on the northeast corner of East Easter and South Blackhawk. He said there is an error in the Board summary report; the applicant is proposing a building of 14,786 square feet. He said staff is recommending approval, as the proposal is highly appropriate for the location. He said next week the Board would hear a case that is almost identical east of this project.

Steve More, Commercial Building Services, 7561 S. Grant Street, said this request is for Sander Office/warehouse on Blackhawk and Easter Avenue. He explained that the plan incorporates landscape requirements per County standards as well as right-of-way improvements and a detached sidewalk on Blackhawk. He said there would also be a sidewalk on Easter Avenue and an entry on Easter Avenue. He said the building is planned for phased construction; phase one would be 6,000 square feet, which would be the lower portion of the building. He said the remainder of the building, 14,736 square feet, would be constructed in the second phase. He said it is a single level structure. He presented a color board and said the building would be brown and synthetic stucco at the top. He said the public entry is from Blackhawk and the service access is on the east side of the building. He said there would be indirect lighting on the front of the building and the rear would have wall pack down cast lighting over doors. He said there would be no pole-type lighting. He said the owner has proposed a monument sign at the corner of Blackhawk and Easter, which meets County standards.

Commissioner Weddig said there is no architectural treatment on the back of the building. He wondered if staff has looked closely at that.

Mr. Skinner said the back of the proposed building (eastern elevation) is pushing the setbacks on the lot immediately to the east, and there would be a similar building. He said the public right-of-way is to the west and south of the building, so the backside would be unseen from that right-of-way. He clarified that the east side of this building would back to another building.

Commissioner Weddig asked does staff watch for that?

Mr. Skinner replied yes.

Commissioner Beckman said a couple of years ago the Board approved a standard for 360° architecture. She asked if that is just for single-family residences.

Melissa Kendrick stated that the standard should apply to all uses. She said this elevation isn't as articulate as the front but there is an attempt to make vertical and horizontal elements and staff felt that the applicant has made an effort. She said the Board might disagree and provide a different recommendation.

Commissioner Beckman said it is good that staff looks at that; much time was put into the decision to upgrade the criteria to look at all sides of the building and not just the front.

Mr. More said the block that is at the rear of the building is integrally colored and there was an attempt to maintain the cornice element around the facility. He said the vertical element would be maintained with the offset lighting.

**The motion was made by Commissioner Beckman to approve case P04-026, Centennial East Corporate Center, Filing #7, Sanders Final Development Plan, including 14,786 square feet.**

**Seconded by Commissioner Weddig.**

**The motion passed 5-0.**

**Item B – Resolution No. 050205 – Public Hearing: Case No. Z04-001, Greenfield, Preliminary Development Plan, 2<sup>nd</sup> Amendment**

Assistant County Attorney Tim Knapp established jurisdiction for the Board to consider this Item.

Sherman Feher, Planner, said the applicant, Village Homes of Colorado, is requesting approval of a Preliminary Development Plan amendment to change the land use for 11 ¼ acre tract from commercial/office to multi-family residential with 9.53 Dwelling Units per acre with approximately 50% open space. He said the site is near Smoky Hill Road and Liverpool Street.

Ron Skarka, Village Homes, explained why this case was brought before the Board. He said the Planning Commission recommended that this case be denied, but the applicant felt strongly that this case should be brought to the BOCC for three reasons. He said this case has been supported by staff all along and Village appreciates staff's time and effort; their professional opinion is important as it is based on sound principles of planning and engineering. He said Village also felt that the views presented at the PC hearing did not represent the broad views of Greenfield. He said Greenfield is a large community with 800 homes developed by Village over the past 10 years. He said Village followed all statutory notice requirements and the applicant felt that it was important to reach a broader segment of the community, which was done since the Planning Commission hearing. He said the feedback is encouraging. He concluded by saying that Village believes in this proposal and feels that it is a very viable residential alternative to the commercial development options.

Karen Holbert, Village Homes, said there are 11.55 acres of land located at Smoky Hill Road and Liverpool Street. She said this is the last tract that Village would develop in Greenfield. She said this community won community of the year in 1996. She said this proposal is for the 2<sup>nd</sup> amendment to the PDP. She said this property was zoned as commercial in 1981 and the first PDP was approved in 1993. She said this property is zoned for 250,000 sq ft of commercial and office space; the applicant is requesting an amendment because along the north edge of this property there is a big drop in grade along Smoky Hill and this is not a premium commercial site; nor is not a good site for single family homes because the site is surrounded by major roads and there is commercial property to the northeast. She said the new idea for medium density multi-family is appropriate for this site. She said there would be discussion regarding what surrounds the site. She said Kirk Street is to the west, which intersects with Smoky Hill Road then Fair Avenue. She pointed out Jericho Street on the Power Point presentation. She said to the east is Saddle Rock Ranches. She named the remainder of the surrounding areas.

Ms. Holbert said the plan has 110 homes, 22 buildings that are a townhouse style condominium. She explained that each building has 5 homes. She said there are three 2-story town homes and 2 flats above the garages. She referenced the pool and the open space and the private interior roads. She said the main access is from Kirk Street, which is a full-movement access; the access on Liverpool Street is a right-in/right-out. She stated that the majority of open space is on the outside because the developer wants to appease the neighbors. She said the existing PDP requires a 20-foot setback but the plan calls for 35-80 feet. Ms. Holbert then explained the landscaping. She said landscaping would be substantial along the south, east and west.

Ms. Holbert stated that the garages would face inward; the short side of the building faces out except for the corners; the front doors are located on the sides of the buildings; between the buildings there would be courtyards. She presented the conceptual elevations of the homes, which are designed to look like town homes. She explained the interiors of the homes and said they are considered condominiums because the garages are beneath the flats. She said this plan is compatible with Greenfield because it is so dramatically similar to Greenfield Filing 7, which is directly to the west of the proposed development. She said the percentage of open space and landscaping is comparable. She said the building footprint for Filing 7 is 24.9% and is 25.95% for Filing 8. She clarified that Filing 7 has town homes and patio homes. She said the square footage, prices and resident parking are also similar.

Ms. Holbert said according to the Arapahoe County Land Development Code, the PUD process is intended to prevent the creation of monotonous urban landscape by allowing a mixture of uses, which might otherwise be considered non-compatible. She said this is a PUD situation. She said the Denver metro area has done a great job of controlling sprawl because medium-density housing has been allowed and growth has not been limited to single-family detached homes. She said Arapahoe County allows small multifamily units or stacked units and 6-12 DU per acre; the proposed development is 9.53 DU per acre, which is mid range. Arapahoe County states that these types of developments should be located near major arterials, which is the case here. She displayed the entire Greenfield area and pointed out the town homes, patio homes and the commercial development. She said there are high intensity uses and this site would be a buffer so that none of the existing homes are located next to commercial.

Ms. Holbert then discussed the neighborhood meetings and said unfortunately, this issue has been much more controversial than expected. She said it was believed that residential in this location would be well received because most people don't like being next to commercial establishments; that is not the case and that was a surprise. She said another surprise was the flier that was circulated, which had misinformation as did a website, prior to the developer making a presentation. She said Village responded by hosting an open house but the damage could not be reversed. She read a copy of the flier to the Board: "Protect your home! These condos will decrease your property value. A change from light commercial originally proposed by Village Homes which would not have added auto or people traffic to the interior community". Ms. Holbert said that is not the case. She said the flier also talks about the amenities saying the swimming pool would be used by homeowners from Filing 8. She said Village was sorry to see this kind of information go out and Village tried to talk to the homeowners, but it might have been too late. She said there was also information on the master HOA website that, although it may have been well intentioned, was not accurate. She said there was a statement that Village had tried to sell this property and that is not true. She said Village is glad to be here and have the opportunity to talk about the developer's side in a public forum. Ms. Holbert said there were three meetings with the Greenfield Master HOA Board and there were three meetings with the sub-association Board. She said the homeowners adjacent to Greenfield Filing 8 were met with in November and Filing 7 was met with in January. She said all of Greenfield was invited to an open house and there was a meeting with Saddle Rock Ranches HOA, and the closest homeowners in Saddlerock were met with three times. She displayed the results of the meetings. She said with the Greenfield sub association, there were concerns about traffic connection at the intersection of Kirk Street and Smoky Hill Road; Village has agreed to pay for a portion of a traffic light. There was also concern regarding construction traffic. She stated that as soon as the access point is built onto Liverpool, the construction traffic would be directed onto Liverpool so it is not inside the community. She said the builder has agreed to speak with Centennial about posting parking signs. She said there was concern about landscaping along Kirk Street. She said the builder has agreed to work with the residents to come up with an agreeable plan to substantially buffer that edge. She said there was also concern regarding an open track and Village has agreed to landscape that. She said regarding the use of Greenfield's amenities, Village would work with the master HOA Board to do pro rata HOA fees-just paying for the amenities that this proposed development would use, which would not include the pool. She said the result was that the Greenfield sub-association Board is supportive of the proposal.

Ms. Holbert said the residents to the east had concerns regarding traffic. She said the minimum setbacks were changed to 50 feet. She said an entire building was removed to accommodate that setback and buffers would be increased. She said there was also concern along Liverpool and Village agreed to install a “pork chop” to keep people from turning left. She said a neighbor directly to the east has written a letter stating that their objections have been removed and urges a favorable vote for residential zoning.

Ms. Holbert said there were also concerns from the master HOA, which have not been resolved yet, but Village wants to continue to work with the master HOA to find a resolution. She said the first concern is the increased traffic and the master HOA thought commercial would create no access onto Kirk Street. She explained that because Smoky Hill Road is 25 feet down in elevation access from Smoky Hill Road is impractical and an access point would be necessary on Kirk Street, which would create traffic through the neighborhood. She said the only way there would not be additional traffic is if the property remains vacant. She said to work with the concerns, Village has agreed to a parking light. She said commercial buildings would increase the amount of traffic by at least 75% over what is proposed. She said Village would work with homeowners to mitigate traffic along Kirk Street and Jennifer Justin-Cook, who works with Arapahoe County for Centennial about traffic calming measures. She stated that the homeowners did an independent appraiser’s study that showed that property values would not affect Greenfield 7 homeowners. She said typically commercial property decreases homeowner land values around it per an independent appraiser. She said the opposite was told to the Greenfield homeowners.

Ms Holbert explained that the plan shows the minimum building height of 35 feet because of architectural elements, but the actual height of the buildings is 27 ½ feet. She said in a study there is no difference between that and single-family detached homes. She said a 50-foot setback has been provided, which is 30 feet more than the PDP requires. She displayed a graphic of the homeowners to the south showing the distances from the homes to the planned buildings; the range is from 185 feet to 92 feet.

Ms. Holbert commented that commercial lighting tends to be more overpowering than residential. She said Village would do everything possible to screen homeowners so the south so that headlights do not penetrate into their space.

Ms. Holbert said Greenfield Filing 7 and Greenfield Filing 8 are substantially similar and is extremely compatible. She said these homes would buffer the residents from commercial property. She added that none of the homes would be adjacent to commercial property and she asked for the opportunity to continue the process and work with the homeowners to come to a resolution.

Commissioner Myers asked how many meetings there were and how many people attended.

Ms. Holbert displayed the meetings and the number of attendees; she said the open house only had 40 people.

Commissioner Zimmer asked where the Fountain Family is located.

Ms. Holbert pointed out the property and said their letter has been included in the packet.

Commissioner Zimmer then asked what borders Kirk Street towards Smoky Hill.

Ms. Holbert said patio homes and town homes.

Commissioner Zimmer asked what kind of commercial exists across the street.

Ms. Holbert said a drug store, gas station, liquor store, nail salon and small strip mall shops.

Commissioner Zimmer asked where is the closest grocery store.

Ms. Holbert pointed it out on the map.

Commissioner Zimmer asked if Filing 7 is near completion.

Ms. Holbert replied yes.

Commissioner Zimmer asked if the type of construction proposed for Filing 8 is virtually the same as what exists.

Ms. Holbert said yes as far as square footage, values and how the neighborhood would be presented. She said the only difference is in the word “condominium”. She said in Filing 7, there are patio homes and town homes. She said Filing 8 would all be condominiums. She explained the between town homes and condos.

Commissioner Bockenfeld said six residents from Saddle Rock Ranches were invited to one of the meetings. He asked if Village met with the HOA.

Ms. Holbert said just the residents that encompass the area.

Commissioner Bockenfeld asked if there was a meeting with Parkborough HOA or Parkview HOA

Ms. Holbert said no, but Village would be happy to meet with any HOA that is interested.

Commissioner Bockenfeld asked if Village has disclosed to those HOAs what the intention is. He said the entire community is impacted.

Ms. Holbert understood that they were notified and she has not heard if there were any concerns.

Commissioner Beckman asked if Filing 7 is built out and sold?

Ms. Holbert said almost.

Commissioner Beckman said the development to the west of Liverpool Street is all Village Homes.

Ms. Holbert said yes; the homes were started in 1995. She said the last one was sold seven years ago.

Commissioner Beckman said a common thread is that Village presented that this site would be light commercial.

Ms. Holbert said every home that is sold contains a contiguous area report, which shows what is being planned for the area. She said the zoning would be shown as commercial and office and all homeowners must sign that statement at closing so everyone understands what is going on. She said Village was very surprised that people prefer commercial over residential. She said she was told at one time that people were asking that the zoning be changed to residential. She said people might have become comfortable with the vacant property and don't like the change. She said some residents might not understand the feeling behind the change. She said Village believes that this change would benefit the homeowners.

Martina Wilkinson, 3405 Park Way, Larimer County, is a registered Professional Engineer and is a Certified Professional Traffic Operations Engineer. She stated she was hired, as required by Arapahoe County, to identify traffic impacts. She said the work was done in close communication with Arapahoe County staff and meets County requirements. She said the proposal is for a multifamily designation and that means that 723 daily vehicular trips would be generated as part of this development. She said that is not quite accurate because one building has been eliminated. She said the access proposed is a right/in – right/out access onto Liverpool Street and there would be a full movement access on Kirk Street. She said in the original PDP approved in 1993, there was an additional right in/right out access on Smoky Hill. She said because of the grade that is not possible and has been dropped from the plan. She said right in / right out is limited and a “pork chop” island would be used to prevent left turns in or out of the site. She said this location meets the requirements for Arapahoe County. She said the CDOT and AASHTO standards were referenced and it was deemed that the access is in a reasonable location. She said there is an additional auxiliary lane that runs from Smoky Hill to Fair Avenue so that the right in/right out traffic do not impact the through traffic. She described the full movement access on Kirk. She said the overall impact on the arterial streets is less than 1% percent. She said the largest impact is at the Kirk and Smoky Hill intersection. She said the

impacts are small but the northbound traffic from Kirk could increase by 40%. She said that intersection does warrant a traffic signal and Village Homes and Arapahoe County are working on that, as it is not currently funded.

Ms. Wilkinson then discussed the internal impacts. She said there would be 100 more cars per day on Kirk Street south of the proposed access. She said the Average Daily Traffic (ADT) increases from 375 to 475. She said Kirk Street is classified as a local residential road, which has ADT of less than 1,000. She said currently there are 3 cars every five minutes; this proposal changes that to 4 cars per 5 minutes; that volume is acceptable.

Ms. Wilkinson said the question is how does this impact compare to other options. She said the choice is not multifamily residential or no traffic, but multifamily residential or other land use. She said in 1993, 250,000 square feet were approved for commercial or office space. She said Engineering looked closely at that and whether that was realistic. She said 123,000 square feet would be appropriate. She said the original approved PDP, which included the traffic report, the total daily trips that were assumed for 250,000 square feet of commercial is almost 9,000 trips per day; of that, it was assumed that 2,500 would utilize an internal roadway and 800 of those trips would never leave the development. She said the impact of the 110 units is 700 vehicles and 100 additional cars per day along Kirk. She said if this land use remains commercial/office, the realistic estimate would be 3,100 daily trips and the impact on the arterials is about four fold and the impact to the internal neighborhood streets is unknown. She said typically the goal is to minimize commercial traffic through residential areas but in mixed-use developments, the internal streets are very important and at times encouraged. She said because an access on Smoky Hill is not possible a singular right in /right out for a commercial property is not sufficient. She said it is likely that an access would be granted on Kirk. She said the exact numbers are not known and depend on the type of business that goes into that site.

Ms. Wilkinson said there is a lot of concern regarding internal traffic. She said that concern should be investigated regardless of today's outcome. She said there have been comments regarding the safety of children and that is an issue that must be considered regardless if this development goes in. She said other programs, such as the Safe Routes to School Program should be considered. She said traffic calming includes more than speed bumps, which can be noisy, or stop signs; traffic calming includes education, enforcement and engineering. She presented some engineering solutions.

Commissioner Zimmer asked if the impacts to the Fair/Liverpool intersection were studied.

Ms. Wilkinson said yes; the vehicular impacts are less than 2%; because of the right in/right out on Liverpool, there is little exiting traffic. She said there would be some impact to northbound cars that are coming into the development.

Commissioner Zimmer asked if there is a need for a traffic light at that intersection.

She said the need is greater for people turning left from Fair Avenue.

Commissioner Zimmer asked if Ms. Wilkinson would recommend a light at the intersection.

Ms. Wilkinson said yes, the light would be needed with or without this development.

Commissioner Bockenfeld asked that the map be displayed. He said one difficulty is that along Smoky Hill Road going east to Liverpool, high school students are driving in the morning; Eaglecrest students turn left and Grandview students turn right and that traffic backs up and cuts through the residential community, which is tremendously impacted today. He said it was stated that the proposed project would have a minimal impact, but this area has already been severely impacted. He said the Southland Mall would put more traffic on Smoky Hill Road. He asked if the number of increased cut throughs were studied.

Ms. Wilkinson said a goal of the traffic calming program that is internal to a development such as Greenfield would be to identify exactly what the nature is of the traffic that is using the roadways, whether they are local residents, or cut through traffic and where the cars are coming from and going to. She said that could be done via various

studies. She said as part of the traffic-calming program there are many ways to discourage cut through traffic. She said that should be done regardless of the decision today.

Commissioner Bockenfeld asked if the existing cut through traffic was studied.

Ms. Wilkinson said the existing daily traffic is known and knows approximately what the additional traffic would be from this development. She said at this time it is not known how many of the 375 cars that would utilize Kirk is cut through traffic, but could be figured out.

Commissioner Bockenfeld said the peak study time was before 4 and 5 PM, but that is not when that community is impacted the most.

Ms. Wilkinson explained that Arapahoe County requires that the peak times studied are two hours from 7-9 AM and 4-6 PM. She said those time frames are looked at in 15-minute intervals and four peak consecutive 15-minute periods to identify when that peak hour is. She said the original traffic study was done in 1993 and the update for this proposal was done in October of 2004. She clarified that is when the most recent traffic counts were collected.

Commissioner Beckman said the developer has agreed to pay 25% for the traffic light at Kirk Street and Smoky Hill Road. She asked if the County requires that amount.

Ashley Byerley stated that the developer is not required to pay anything; they have gone above and beyond. She said the signal is completely within the City of Centennial. She said the intersection does meet warrants. She said the City has not done a warrant analysis of Liverpool and Fair Avenue. She said the surrounding roadways are within Centennial.

Commissioner Myers clarified that the Greenfield development is in unincorporated Arapahoe County and Centennial.

Mr. Skarka said there is a lot of negative connotation regarding the word "condo". He said Village Homes believes in the proposal. He said explained that there could have been less density but it would not have provided a profitable return. He said Village believes that this proposal is a residential option and is the least intensive option that we can get a good return on. He said this is a good product and is being designed by a nationally renowned architect. He said this development would be attractive to young single professionals and married couples. He said the price of these homes would be \$250,000- \$275,000.

Commissioner Bockenfeld asked how long Mr. Skarka has been involved with the Greenfield project.

Mr. Skarka said six months.

Commissioner Bockenfeld said developers generally try to mix the use in a developing area with residential and commercial uses. He asked if that is a fair assessment.

Mr. Skarka said if that is what the plan calls for.

Commissioner Bockenfeld said that is attractive to government because residential does not always pay for itself and a commercial component makes government feel more favorable about a project in its beginning.

Mr. Skarka agreed.

Commissioner Weddig asked about the Hillside patio project. He asked why that was not extended to the east.

Mr. Skarka said the densities are a little different. He said there are many similarities between the two Filings regarding size, price and open space, but the density for the proposed community is about 9.5 DU per acre and in Filing 7 the density is 5.5 DU per acre. He explained that because of the numbers of units per acre that could be built in Filing 7, there is concern regarding an acceptable return.

Commissioner Weddig asked if there is more extensive groundwork in Filing 8.

Mr. Skarka said the ground would not be changed significantly.

Commissioner Bockenfeld asked if any one from Village Homes is present that has historical knowledge as to the original platting of the Greenfield project or where Grandview High School was supposed to be located when this area was developed.

Mr. Skarka answered no.

Mr. Feher presented several emails and letters, which have been retained for the record. One hundred twelve emails or letters were against the proposal and 17 were in favor of the rezone. He said this incorporates four changes that people made one way or another. He said the appraisers report was also included that states there is no lasting impact to homeowners, although it does not address the impact of commercial development. He said regarding referrals, staff sent referrals to a number of different HOAs including Parkview and Parkborough and no response was received. He said when no response is received the County assumes that there are no concerns with the proposal. He said in the staff report the referral sheet lists several more referrals. He said there was no response from any HOA until the Planning Commission hearing. He said the front of the PDP lists 5.8 acres of open space and .6 acres of park and recreation space totaling 6.48 acres. He said he came up with 56% and the applicant referred to 60% landscaped area. He asked for clarification. He said Planning staff recommends approval with conditions based on the findings contained in the staff report, however the Planning Commission recommends denial based on a 4-1 vote.

Commissioner Weddig asked what changes had been made since the Planning Commission hearing.

Mr. Feher said the removal of one building and the associated reduction in density and the “pork chop” would be considered at the FDP stage, but is considered a response.

Commissioner Weddig asked if the developer would contribute to the traffic calming measures.

Ms. Byerley explained that traffic calming would be done by Centennial on a case-by-case basis and is typically funded by the neighborhood that is most concerned with traffic.

Commissioner Weddig asked about impacts to the other amenities in other communities and ensuring that the new community would pay its share for those impacts.

Mr. Feher said the 25% for the traffic signal is not required and is above and beyond the responsibility of the developer. He said the landscaping and buffering is an FDP issue, not a PDP issue, but staff felt that is was important that the residents understand. He said the agreement with the Saddle Rock residents occurred prior to the Planning Commission hearing.

Commissioner Myers clarified that Centennial has jurisdiction of the streets. She asked if the fire district standards have been met.

Mr. Feher said yes.

Robert Gomez, 5974 S. Ireland Ct. representing the Greenfield Master Owner Association. He said it is unfortunate that the proposal the developer chose to present is this proposal. He said the general consensus is that the community would support residential over commercial uses, however, based on the community feedback, the MOA is asking that the decision of the Planning Commission be upheld based on original objections:

- Medium density housing is not right for this community and would make this the only multi-use community on Smoky Hill Road from E470 to Quincy
- The density is 110 units on 11 acres versus Hillside, which is 21.5 acres and 114 units
- The overall traffic impacts on the existing traffic flow in the community
- The unknown impact on property values
- The impact to adjacent single family homeowners in Hillside and Greenfield

Mr. Gomez said the Hillside Sub Association would support the proposal but the MOA must support the residents and the long-term interests of the community. He said the residents understand and accept that by rejecting the rezoning Village would attempt to sell this property as currently zoned. He said this proposal is not compatible regarding layout or design.

Dean Legraw presented a petition, which has been retained for the file. He stated that this is a survey done of Greenfield residents by Greenfield residents. He said it shows that this award winning community is united against this development. He said in Greenfield 442 signatures (opposed) were collected. He said in the filing in District 1, 84% of the houses are opposed, 16% were not available or undecided. He said due to time constraints, he felt that many more people would have signed. He said the numbers support that the community at large is strongly opposed.

Jennifer Bozarth said she is very concerned about valuation. She said four of the five Planning Commissioners denied this proposal. She said Kim Herzfeldt is a National Licensed Appraiser and was strongly against this. She said Village has made incorrect statements. She said Village stated that they sent out information to surrounding areas. She said she is a top real estate agent with Re/Max and Village stated in the last meeting that not everyone in Greenfield was notified because they would not have known what to do with 800 people. She said the surrounding areas were not notified and Village did a poor job, in her opinion. She said the reason Village is so surprised at the reaction is because they do not know their market. She said she owns a town home in Hillside and placed six people in the Hillside area last year; this is a family oriented community. She said the marketing efforts have leaned towards families and Village has maintained that the area in question would remain retail. She said she disagrees with the appraisal that was done by Unique Property Valuation & Consulting, LLC; she referred to page 5. She disagreed with the comps that were used.

Mat Merki, 6129 S. Kirk Street said he is concerned with the traffic report. He said the entrance at the top of Smoky Hill is Kirk Street and Jericho is there as well. He said the community uses that as a main entrance. He said he lives in the middle of the street and there are not 375 passing cars per day. He said there might be 10-12 cars around 7:30 AM. He said his concern is having 110 units that would equate to 220 cars. He said it was stated by Village that 100 cars would be using the street and that is 10 times the traffic that is there now. He said the reason he purchased in that community is so that his children could play in the streets. He said since that street was opened there is a constant thing of yelling "slow down". He said he is concerned that someone could get hit and neighbors have to put up signs that say "children at play" to slow down the 10 or 12 cars that decide to zip up through there. He said if 10 times that amount were added, something would happen. He said he is opposed to the amount of cars and people that would be in that area that is 11 acres. He said probably only nine acres is usable because of the slope and they could only be landscaped. He said he is opposed to the location of the traffic counts and wanted them done in the middle of the street.

Jerry Coleman, 13111 E Briarwood Avenue, said privacy is a very important issue to homeowners. He said the homes that back to these condos will suffer because they will be extremely close. He said when the homes eventually sell, they will sell below market value and that would affect the price of other homes in Greenfield if used as comps. He said the condos would be elevated over the homes, which would also be detrimental to the privacy. He said potential buyers consider this a fishbowl effect and want nothing to do with that. He said there is also a stigma of living next to condos. He said the power substation recently placed west of Greenfield is a prime example of poor planning and has caused a decrease in property values. He said 5952 S. Himalaya Court appraised at \$490,000 and sold for \$400,000, which is a 20% decrease in value. He said the Greenfield community has taken the brunt of a lot of poor planning and the overall planning has and will suffer.

Don Stoltz, 2626 E. Lake Place, said he is an architect and he lives in the community. He said he has been involved in this process from the very beginning. He displayed a rendering of the proposed homes. He said he sent a letter and a binder to Commissioner Bockenfeld. He pointed out the image of a 6' tall person standing next to the building. He pointed out Kirk Street and said the applicant failed to present the height of this structure and the union of the buildings into the land. He said this proposal ignores the architectural continuity of the existing community. He said although an economic impact study was done, no analysis of the projects impact on family life and no analysis of the project's size relevant to human scale were considered. He said he is an advocate of sustainable design homes that are in union with the community. He said the community is more important than buildings; quality of life is what our community is about. In spite of overtures by community members, Village Homes has shown no willingness to dialog or compromise their proposed initiatives. Their position has been ultimate: a filling station, carwash or us. He said the residents object to the density and respectfully request that the application be denied.

Kay Wise, 20436 E. Orchard Place, lives in Hillside and is currently on the Board of directors for the Hillside sub-association. She said because Hillside is in such close proximity to the area under consideration, the Board of Directors decided to seek outside professional help. She said two appraisers were hired to provide information regarding how multi-family housing would affect Hillside in terms of traffic, property values and resale. She said the report states that traffic, property values, and resale values would not be affected by the development. She said the appraisers did feel that commercial development would hurt Hillside. She said the Board of Directors support the rezoning request.

Beverly Johnston, 5969 E. Jebel Way, resident of Hillside, said she strongly supports Village Homes. She said she does not want commercial property at the site and cannot imagine why anyone would prefer commercial over residential. She said her patio home is considered a condominium. She said having commercial development near the homes would not add to the value of the homes. She said she lived two blocks from Buckingham Square when it was built and everyone knows what happened to that mall. She said there was always a problem with litter and traffic. She said there were many vacancies at the mall as well and does not add to the value.

Paul DeCreppe, 20681 E. Lake Avenue, said he lives to the west of the proposed community. He said the exterior of his town home unit is ugly, although he loves the interior. He said the proposal that Village presented is much better than the exterior of the current homes and is very similar in size. He said he would rather have the certainty of high-end condos than the uncertainty of commercial. He said a lot of the arguments against this development are comparisons to empty land, not the alternative. He said anything that is built there would sit high unless it is a subterranean community. He said he would like a park there but that is not an option. He said this proposal is the lesser of two evils and working with a developer that has treated him fairly and is willing to work with the community is better than the alternative. He said the strongest opposition is being heard today, and he felt that the opposition received false, misleading information and people didn't have the full picture when voicing their concerns. He hoped that the Commission does what is best for the community and makes an informed, unbiased decision.

Sheryl Gardenaur, 20616 E. Lake Place, said the proposed units do not have basements and all the units in Hillside as well as single-family homes have basements. She said the current architecture is nice, but it does not blend with the current homes. She said she heard that there was an over supply of condos on the market and that concerns her because that would cause the prices to drop. She asked if there is an over supply, why are more needed? She felt that there might be more people against this development than for.

Deb Harry, 16121 S. Kirk Street, said she bought her home 10 years ago and is one of the original homeowners. She said Village told her that Kirk Street would be a dental office or church and would access on Smoky Hill and would have no impact on her home or family. She said since then Kirk Street was opened. She said this proposal would severely impact families' lives. She asked is commercial the right answer? She said Village does not have the right answer with the condominiums; 110 units is 220 cars and no traffic engineer can tell me that would only generate only 100 cars. She asked how many people leave their house only once per day? She said you're looking at least four times per day and that is 800 cars per day down her street because South Kirk Street is the main access. She said Village has stated that the project would be medium density but medium density is Hillside or 21 acres with 114 units. She said this is 10 or 11 acres with 110 units and that is high density to her. She said the difference

between Hillside and these condominiums is that Hillside residents own their land. She said a homeowner takes a lot of pride when one actually owns the land. She said there are condominiums all around the area and these would be rental properties because Village would not be able to sell these houses for \$275,000; they would be \$100,000 or less. She said she is very emotional because this is her life and her home.

Tom Donnelly, 6120 S. Kirk Street, said he and his wife are opposed to this proposal here today. He said he wished he could support Village. He said he means that when he found out what was going on, he called one of the VP's from Village and suggested working together to create a proposal that everyone would like. He said the VP came over to his house and the result was that he was told that a development like Filing 7 would not be profitable enough. He asked when is enough money enough in this community. He said this community won Community of the Year because it was single-family homes not condos. He said the patio homes and town homes at Hillside were fine, but condos are completely different.

Mrs. Donnelly said they are opposed to the project because their property abuts to the proposal. She said there is an extreme slope up and is not level with the homes. She said that has not been brought to the Board's attention. She explained that there is a steep grade going up her back yard that goes up to a hill and at the time of their purchase, they were not told that the plan was to elevate that even higher. She said not only would the grade be higher, but also 35 structures would be on top of that and that would tower over her home. She said ten years ago, they were told that the site would have a church, medical, or dental office and there would be no affect from traffic because the access would be from Smoky Hill Road. She said they would not be able to enjoy the back yard and they can't go into the front yard because of all the traffic that will come up and down the street.

Cindy Saari, 6131 S. Kirk Street, said South Kirk Street will become a main thoroughfare for this proposed site. She said her husband and her are in definite opposition to the condo development proposed by Village Homes. She said she bought her home in Greenfield ten years ago and was told at that time that the site would be light commercial. She said at that time Kirk was not a through street and four years ago it was made a through street that connects to Smoky Hill Road. She said due to this we now have a very busy street with constant speeding traffic. She said she has called the Arapahoe County Sheriff's Department several times with complaints. She said she places "children at play" signs at the end of the street to slow people down. She said her boys are 5 and 6 years old and it has become a daily fear. She said Greenfield is a community that has the distinction of winning Community of the Year and everyone bought their homes in this community because of what was promised: a place to raise a family, make lifelong friendships and enjoy a valued home. She said a condo complex puts this important lifestyle at risk. This is no longer a community owned by Village Homes and they should not be able to threaten what many hold dear. She said the homeowners of Greenfield want to continue to be proud of the community. She said Village has not given the residents a say in what should be the owners decision as to what is best for the community. She said a condo complex in the middle of single-family homes is a ridiculous proposition and there is only one reason for Village to place this military-like complex in the middle of the homes and that is profit. She said there are many different and important reasons to not approve this development. She asked the Board to please allow the residents to save and continue the lifestyle that Village sold to everyone almost ten years ago. By approving this development the Board is sending a message that it is okay for homebuilders to make false promises to buyers to sell homes and then change the community theme based on profit.

Patti Rizzi, 6151 S. Jericho Way, thanked the County staff, who has been wonderful. She said zoning is about the quality of life for Arapahoe County residents. She said favoring the plan that Village is proposing defeats that and this Board zoned the land commercial years ago and the residents want that zoning maintained.

Randy Rizzi, 6151 S. Jericho Way, presented the site plan that was given to him by Village in 1996. He said there is no mention of multi-family homes on the plan and the site in question is listed a commercial and office. He said Village has represented from day one that the site was slated for commercial/office. He said no resident should be opposed to commercial uses permitted by the current zoning. He said this was disclosed from the beginning and should not surprise anyone. He said he feels that if Village could have done a commercial deal on this site, it would have happened and Village would not be apologizing to the residents for the increase in traffic. He said the site has poor access, poor visibility and a huge undesirable slope to the south. He said in a letter that Village sent to the residents last week, it was indicated that lots were 250,000 sq feet of commercial or office. He said he obtained recent statistics from Costar, which provides market data for commercial users. He said the vacancy rate in Aurora,

Centennial is 24% and for zip codes 80015 and 80016, there is 47% vacancy for retail. He said this includes the current Southlands mall under development near E 470. He said the vacancy rating for office space in Aurora and Centennial is 20% and 9% in the zip code areas mentioned above, however there are only 200,000 sq feet of available office in 80015 and 80016. He said based on these rates and the undesirable site for commercial use, it is apparent why Village wants to change the zoning from commercial to multi-family. He said the attempt to change zoning has everything to do with builders' bottom line and nothing to do what is best for the community. He said if Village can do a commercial deal on the site, he implored them to do it tomorrow or however long it takes for the economics to make sense. He said that is Village's burden and he should not have to share in easing the burden by Village being allowed to change the zoning to any type of residential use, which will increase the number of residents in the community. He said per Village, commercial development will decrease the value of his home and adding multi-family will increase the value of the home. He said if this were the case why did Village wait until the community was sold out before seeking the zoning change? He said if Village can't make a big enough profit on this site unless the zoning is changed and that should not be his problem. He said Village has made plenty of money.

Mike Holbrook, 20660 E. Lake Circle, is the vice president of the Greenfield Sub Association and represents about 100 people. He said the GSA is supporting the rezoning because based on meetings with Village Homes, he felt that people with strong opinions would show up to the meeting. He said 39 people signed up and after that there was a survey conducted. He said 3 people preferred the site stay commercial. He said 2 did not reply, one had no opinion and 33 supported the rezoning. He said there were five major concerns; one was the value of the homes. He said an appraiser was hired who said commercial development would be negative, as would annexation into Centennial, which would increase the taxes. He said the third item was that a retail area would probably have lights on at night and there would be higher traffic. He said the Board that represents the sub-association does support the zoning change.

Joe Zerucha, 20501 E. Weaver Avenue, said he is representing the people that live south of this proposal. He said there is a shortcut from Orchard through Fair now and he has followed some people to see where they are going. He said there are many people cutting through. He said Weaver exits on Euclid and people are already exiting on Euclid as well. He said the problem is that there would be a subsequent meeting with regard to a park enhancement in the area and another 110 households are going to increase the activity on that street. He said he attended the meeting that was presented by Greenfield and was impressed with what was said regarding commercial versus residential. He said he and his wife were originally in favor, but then started thinking about the traffic. He said the traffic generated from a commercial site would stay in the commercial district and would not necessarily come down the streets. He said 200 more cars trying to get out of Liverpool Street would come down his street as well and that increase is something he does not want to see.

Bill Fung, 6130 S. Kirk Street, he said he is a real estate agent and has been in the Aurora market for over 15 years and has been able to track different subdivisions and what has happened with them. He said there was one development years ago that had high priced single-family homes and then another developer built single-family homes at a lower price and it was said that there would be no impact. He said the result was that the higher priced homes dropped in value and have not recovered in ten years. He said this situation is totally different because the issue is condos and town homes and single-family homes. He said there is a difference even in the lending aspect as the requirements for a condo are very different, as they are much stricter. He said that speaks to values of a particular property. He said even though there are people saying that there is no impact, there is a great impact. He said if it didn't financial institutions would not have greater restrictions. He said regarding density, each lot in Greenfield is about ¼ acre or 4 DU per acre and the patio homes are 5-6 DU per acre and the condos are 9. He said that is a 100-200% increase and that is not good. He said he has a vested interest in the Greenfield area. He said the elevation of the proposed buildings is over 60 feet and he feels that he would be living up against the Great Wall of China and he does not wish to do that.

Sam Harry, 6121 S. Kirk Street, said he adamantly opposes the application. He said many people don't understand that Village Homes has been deceitful to many homeowners. He said they haven't informed the residents of meetings and he heard about this a couple of months ago. He said Village painted an awful picture of commercial property for the people at Hillside and that could be why many of the Hillside owners feel that this would be better than commercial. He said he would support a rezoning to residential if it were less dense and allowed single-family

homes. He said Mr. Skarka said homes would not be valuable along Smoky Hill Road. He said the property couldn't be sold as commercial because of the 25-foot drop, which is an excellent sound barrier. He thought that people would buy single-family homes and Village didn't tell him about South Kirk Street opening up. If he had known that was to be a commercial access point, he would have never bought his home. He said he is primarily concerned with the safety of his children and there are approximately 20 kids on Kirk Street. He asked the Board please don't do this and please don't allow more traffic on his street.

Laura Woods, 5942 S. Himilaya Court, said one question was how many of these proposed residences would house families that would be going to the elementary, middle and high school and Village seemed to think that that was not an issue. She said she knows for a fact that a friend of hers was going to purchase in Hillside and with a three-bedroom unit, that would be a viable option and that impact has not been looked at. She said she lives off of the Smoky Hill entrance and it is horrible in the morning and she has to go down to Jericho to get to the traffic light to turn left on Smoky Hill. She said there are people that cut through there all the time. She said there was discussion regarding the amenities that are currently available. She said right now the key that fits the tennis courts and the clubhouse also fit the pool and one concern is that the pool is at maximum usage as it is. She said what would keep her from going to the bigger pool when she has a key to get into that anyway. She said even if the residents pay a pro rata usage fee that would not be the actual usage.

John Greene, 20691 E. Lake Avenue, lives in a town home just to the west of the entrance off of Kirk. He said he is in support of the residential build out by Village Homes. He said the traffic studies show much less of an impact with residential versus commercial. He said traffic is a big concern but he is much more concerned given the proximity of his home, to the noise, light, and trash that would be generated. He does not believe that the access to the site lends itself to being a profitable commercial venture. He said he couldn't think of one benefit for commercial over residential development.

Patrick Flarity, 6287 S. Netherland Circle, Saddle Rock, said he moved into the area in 1990 when Greenfield was a cattle ranch. He said he has seen a lot of change and voiced his opinion at the Planning Commission. He said Sherman Feher should have the letter he submitted. He said he would like to discuss the traffic volume at the Liverpool and Smoky Hill Road intersection. He said Arapahoe County is working with a traffic study that is 12 years old. He said the 20-year projections are exceeded now at that intersection, which is one of the ten worst in Arapahoe County. He said there is an accident every month and he lives next to John Fountain, who has been working with Village Homes. He said the main concern is life safety. He said to give another access point on Liverpool 300 feet south of the intersection is ludicrous. He said people would be killed whether or not there is a pork chop there or not. He said there are high school kids in the morning and the traffic study showed that the intersection backs up 800 feet. He said the slope is severe and there would be deaths. He acknowledged that he is on the record and asked what the procedure is for obtaining an audio copy of this transcription. He said when the first person dies, he would go to all the networks and say here it is and listen to this meeting. He is really concerned that something has to be done to update the traffic study.

Kathy Mitchell, 5971 S. Himilaya Court, said she was asked to speak in favor of this. She said she is neutral because she does not back to the proposed site. She said she used to be on the Board and the process that was being used in the community was unfair to Village. She said after listening today she did not realize that there were that many people opposed. She said most people want this area to be residential and are hoping that if they oppose this Village would change their minds and put in a development more like Hillside. She said her house backs to the substation and to the church and for people that think it is good to back to a church, she would say that she would rather back to residential. She said her house has been paintballed. She said churches should only attract good people and that is not always the case. She assumed that the traffic impact would be less with residential development. She said if that is not true, then she would be opposed. She said she would benefit from a light on Smoky Hill because it is very difficult to turn left. She assumed that the light would go in faster if the Village proposal were approved. She said the vacant land that is there now is not attractive and doesn't do a bit of good for our community.

Bea Nolte, 6118 S. Killarney Drive, said she is a resident of Greenfield and a teacher at the elementary school. She said to date there are four mobile classrooms on the playground and there are small groups of students that have to

meet in closets. She said next year the Gifted and Talented kids would be placed in an office and the school is out of space. She said her concern is that the quality of education would suffer.

Kristi Henderson, 20727 E. Maplewood Lane, lives directly south of the proposed development. She said she is against it. She said there are 49 signatures on the petition from Hillside that are on opposition to the application.

Patty Burns, 6109 S. Kirk Street, said her house is on the corner and she has two active seven year olds. She is concerned with traffic. She said the kids play basketball and the run out in the road. She said the traffic is already bad. She said a couple of people have ended up in her front yard and the stop sign has been knocked down. She said she would prefer just dirt over condos.

Mr. Skarka said rather than trying to address every issue he would summarize. He said this application is a residential alternative to a commercially zoned property. He said Village has tried to follow the County's Comprehensive Plan designation on a site such as this. He said the question is if the proposal meets the Comp Plan conditions. He said Village believes it has and the proposal is a good alternative. He said as some people might not understand, there is less of an impact from residential. He felt that those folks that prefer commercial would appear before the Board again with the same cries and objections. He said Village truly believes that this would generate less traffic. He said Village would love to provide access off of Smoky Hill if possible, but it is a physical barrier to do so because of the significant drop off in grade, which has been there for years. He said regarding traffic, Village has agreed to make a contribution towards a signal at Smoky Hill and Kirk Street. He said regarding traffic calming, Village would also contribute towards that. He said there would still be traffic impact fees of at least \$900 per unit. He said mitigation is needed today whether the proposal is approved or commercial is allowed. He said Village believes this is a good alternative. He said about the comments that Village allegedly made to owners such as take it or leave it is just plain bunk. He said Village never said that to anyone nor would Village. He said those are not even allowed uses on this property. He said the Board has heard a lot of false statements and he takes offense to many of them. He said there were some prejudicial overtones to many comments; Village takes it's work seriously and believes this proposal is a good alternative and he asked the Board to take that into consideration.

Commissioner Weddig said traffic concerns are a big issue. He wondered if Centennial would pay the developer back for the upfront costs of the traffic light. He said that would install the light before the development begins. He asked if that could be done.

Mr. Skarka said Village supports the lights going in sooner rather than later even before the development if possible.

Commissioner Bockenfeld said one thing the Board considers is affordable housing. He asked if there is a shortage of affordable housing in this area.

Mr. Skarka said he does not know.

Commissioner Beckman said she was concerned about the grade and she didn't realize how steep it was. She asked if staff has concerns regarding the height of the buildings and the grade issues for the abutting properties.

Mr. Feher said normally that issue is not dealt with at the PDP stage. He said that is a FDP issue but the Board could take that into account.

Commissioner Beckman said the grade is very steep and the houses are terraced.

Ms. Holbert said the buildings are 27 ½ feet high, which is an average home height. She said when the grade was studied, that was taken into account. She added that there is an existing grade to the south. She said when to mitigate the height issue, under the existing PDP the setback is 20 feet and the set back is 50 feet, which acknowledges the grade issue; the buildings would not be quite as imposing. She said there would be a grade issue no matter what is built on the site.

Commissioner Beckman asked if the current PDP allows for a two-story office building.

Ms. Holbert said it allows for a 30 ft high building and the proposed building is 27 ½ feet high at the roofline.

Commissioner Bockenfeld asked if there is a shortage of affordable housing in this area.

Mr. Feher said he does not know.

Commissioner Weddig clarified that the hearing today is for a rezoning with a specific Preliminary Development Plan that sets out maximums and minimums.

Mr. Feher said yes, in general.

Commissioner Weddig said the reality is that if the rezoning is approved, the applicant would be bound by the limitations and requirements that are in the current PDP but due to topography and neighborhood concerns, there are many other things that could be further negotiated.

Mr. Feher said yes, that is possible through the FDP process. He said this is dealing with uses and general standards and then the FDP includes the specifics in terms of locations and architectural elevations. He said at this point, everything is conceptual and there could be minor changes. He said there could be problems with major changes.

Commissioner Weddig said the maximums could be reduced but not increased.

Mr. Feher agreed.

Commissioner Weddig said he is used to standard zoning where the plans are not presented ahead of time. He said this is probably a better process but it creates a design for a project that may never go forward as presented.

Mr. Feher said the maximums or the minimums are set and the applicant cannot come back with anything more than the maximum or less than the minimum without going through an amendment to the Preliminary Development Plan, but some of the site arrangements or architecture could be altered as long as the standards are not violated.

Commissioner Weddig asked ideally this would be a good church site. He asked if this rezoning would prohibit a church.

Mr. Feher said the current zoning does allow a church. He explained that if this site were changed to multi-family, because it is a planned unit development, a customized zoning district, the County would limit itself to only multi-family.

Commissioner Weddig asked how much trouble it would be to change to that kind of use at a later date.

Mr. Feher said the applicant would have to go through another PDP amendment to allow for a church.

Commissioner Weddig asked why that would have to be done.

Mr. Feher said the applicant chose not to include a church in their uses proposed.

Commissioner Zimmer asked if it would be appropriate to discuss changes to the topography.

Mr. Feher said that should be addressed in the FDP.

Commissioner Zimmer asked what if there were major changes to the topography.

Mr. Knapp said that would be an issue for the Final Development Plan.

Commissioner Beckman asked Mr. Feher to review what uses are allowed on this site.

Mr. Feher said the first amended PDP says retail shopping, professional offices, public and quasi public uses (churches, libraries, stations, preschools) to be allowed in a commercial parcel subject to the platting processes. Uses which are not permitted shall include any auto sales or service uses, auto laundry, service stations, drive through restaurants or uses which may be objectionable due to unusual noise, odor or glare. Mr. Feher clarified that multi-family is meant to include all low rise multiple dwelling types such as town houses, low rise garden condominiums, etc, also including quasi public uses such as churches, libraries, preschools, stations, etc.

Mr. Knapp said the Board must focus on what is being proposed and what has already been approved by previous Boards and that is a multi-use PUD with the uses that were described. He said the applicant is asking to amend that previous approval and previous plat for multi-family residential use. He said the specifics of the development would come at the Final Development stage and the BOCC and Planning Commission would have the opportunity to scale that as they see fit. He said since this is a PUD, it is a customized development that this Board has liberties that may not be available in other types of applications for residential use. He said the plan could be changed to make it appropriate for the proposal. He said the standard that the Board must use to weigh the decision is threefold. He said one is to consider the Comprehensive Plan and how this amendment fits. He said the second is compatibility. He said there has been a lot of testimony along that line and the Board must determine whether the plan is or isn't compatible. He said third the health, safety and welfare issues must be accounted for. He said traffic, speeding, building height can be considered.

**The motion was made by Commissioner Bockenfeld in the case of Z04-011, the Greenfield Preliminary Development Plan, that the Board of County Commissioners has read the staff report, including all plans and attachments as set forth in the staff report dated March 18, 2005 and receive testimony at the public hearing. The Board of finds itself in agreement with the Planning Commission recommendation and finds that the proposal is incompatible with surrounding single-family residential development and denies this case.**

**Seconded by Commissioner Beckman.**

Commissioner Bockenfeld said he believes that many of these folks who bought their homes in Greenfield had a reasonable expectation that the area in question would be developed as commercial. He said many people took that into consideration when they purchased their homes. He believed that Village's original intent was probably to make that commercial. He said part of the reason why commercial development is attached to residential is to make sure that growth pays for itself because commercial development supports growth. He said he would have like to see owners from other communities here because there are several other communities that surround this development. He said affordable housing does not appear to be a problem in this area. He said the Greenfield development has had an impact on the Piney Creek Drainage issue and future development as commercial would help support that. He said that makes the current zoning compatible with the community from many aspects. He said the traffic is a sever issue that impacts the health, safety, and welfare of the residents and that currently needs to be corrected. He said he appreciates that the Comp Plan has some flexibility to accommodate for how this property would be developed, but is also took into consideration public hearings. He encouraged the Board to support the decision that was made by the Planning Commission and oppose the changing of the zoning.

Commissioner Zimmer said he is against the motion. He said he has lived in the same development for almost 28 years and he has gone through much of the angst that he is hearing today. He said any residential development is preferable, in his opinion, than commercial development. He said it creates a different traffic pattern in and around the neighborhood, particularly through the neighborhoods and it might be a major mistake by leaving this area zoned for commercial. He said it will be developed as something and the residents are better off looking at multi-family development and having an impact in the development process. He said that is why the Commissioners have been asking about the impacts. He said he would vote against the motion and he urged the residents to consider what they ask for.

Commissioner Weddig said he is also against the motion. He said regarding the Comp Plan, this proposal could go either way. He said there are two major arterials that come together and this is certainly not a location for single-family homes. He said commercial or multi-family developments could go into this site. He said compatibility is being argued. He said that could go either way and he prefers to allow the developer to proceed a little further. He said the proposal could be turned down at the FDP if it is not right or compatible. He said right now there is not enough information to say it is not compatible and the landowner deserves his right to proceed. He said regarding health, welfare and safety, both developments would create traffic and there was testimony that showed that the housing would create less traffic. He said he has to rely on the experts for that kind of testimony.

Commissioner Beckman said this proposal is not compatible with the Comp Plan and in terms of density and design this is not a good match. She said planning has come a long way over the years and when she hears regarding mixed-use developments is that some commercial is good. She said light commercial is what the Board is pushing in other developments so that people can walk and don't have to drive a long way for coffee or items that need to be purchased. She said commercial would be good here. She said what bothers her is that until last year Village Homes was telling people that the site would remain light commercial. She said many times a parcel of land is sold to another developer and the new developer does not have to keep the commitment. She said for Village Homes to continue to tell people that this site was going to be light commercial, they people bought into that. She added that new urbanism is the planning template of the future. She said she would not support the rezoning because commitments have been made to the neighborhood and it does not comply with the Comprehensive Plan.

Commissioner Myers said she would vote in favor of the PDP to go forward. She said she feels that the plan is not where it needs to be and Village Homes has acknowledged that this morning. She said the neighbors have acknowledged that as well. She said homeownership is a better fit than commercial, but she asked that the groups get together and she asked staff to do everything possible, including working with Centennial particularly regarding the traffic light on Kirk Street. She said that must be addressed soon. She said Arapahoe County works closely with Centennial.

**The motion to deny failed 2-3:**

**For: Commissioner Beckman and Commissioner Bockenfeld**

**Against: Commissioner Weddig, Commissioner Zimmer and Commissioner Myers**

**The motion was made by Commissioner Zimmer in the case of Z04-011, the Greenfield Preliminary Development Plan, that the Board of County Commissioners has read the staff report, received testimony at the public hearing. The Board finds itself in agreement with the staff findings including all plans and attachments as set forth in the staff report dated March 18, 2005 and approve this case with the following conditions:**

- 1. The applicant must make all minor modifications to the Preliminary Development Plan as requested by the Public Works and Development Division**
- 2. The applicant must address the Division of Engineering's comments and concerns contain in the Engineering Staff Reports.**
- 3. The applicant must address compatibility issues related to the buffering between single family and multi-family dwelling units at the FDP stage.**
- 4. The Arapahoe County Board of County Commissioners requires a signed IGA between the City of Centennial and the developer to include the two traffic lights – one at East Fair Avenue and one at South Kirk Street before development can proceed.**

**Seconded by Commissioner Weddig.**

Commissioner Beckman said condition four is out of Arapahoe County's jurisdiction and is unfair to the neighborhood and the developer. She suggested that the County make the commitment to work with Centennial. She said she would personally make phone calls to get the light. She said Centennial might not even be aware of the problem.

Commissioner Weddig wondered if the applicant would agree to front the money for at least one traffic light.

Commissioner Zimmer agreed to amend the motion to state:

- 4. The Arapahoe County Board of County Commissioners strongly suggests a signed IGA between the City of Centennial and the developer to include two traffic lights-one light at the intersection of Fair Street and Liverpool Street and one light at the intersection of Kirk Street and Smoky Hill Road before development can proceed.**

**The motion passed 3-2:**

**For: Commissioner Zimmer, Commissioner Weddig, Commissioner Myers**

**Against: Commissioner Beckman and Commissioner Bockenfeld.**

#### **COMMISISONER COMMENTS**

**There being no other business before the Board, the Chair adjourned the hearing at 12:40 PM.**

**ARAPAHOE COUNTY BOARD OF COUNTY COMMISSIONERS**

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**NANCY A. DOTY, CLERK TO THE BOARD  
BY JOLEEN SANCHEZ, RECORDING SECRETARY**