

## **Planning Commission Minutes of July 28, 2021**

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The Planning Commission of the County of Jefferson, State of Colorado, met virtually for pre-meeting on July 28, 2021. Commissioner Tim Rogers, Chairman, presided. Commissioner Hatton, Commissioner Spencer, Commissioner Cooke, Commissioner Jost, Commissioner Woods and Commissioner Anderson were present.

Commissioners Phillips and Johnson were absent.

### **STAFF PRESENT:**

Jeanie Rossillon, Director Development and Transportation  
Chris O'Keefe, Director Planning and Zoning Division  
Mike Schuster, Assistant Director Planning and Zoning  
Russ Clark, Planning Supervisor  
Kimi Schillinger, Executive Secretary, Customer Service Representative  
Josh Botts, Host, Planner  
Lindsey Wire, Co-Host, Engineer  
Nick Nelson, Senior Planner  
Cassidy Clements, Planner  
Felicity Selvoski, Planner  
Kayla Bryson, Planner  
Nathan Seymour, Engineer  
Ross Klopf, Engineer  
Kristin Cisowski, Assistant County Attorney

PRE-MEETING is recorded on Livelink.

### **Public Comment – Hearing 6:15 P.M.**

No citizens came forward to speak during the public comment period.

### **APPROVAL OF MINUTES**

The Planning Commission upon motion of Commissioner Jost, duly seconded by Commissioner Spencer and by unanimous vote, approved the minutes of July 14, 2021.

### **PUBLIC HEARING CONSENT AGENDA**

No one requested to testify in the following cases:

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**21-108138RZ** Rezoning  
**Case Name:** Miklos Official Development Plan  
**Owner/Applicant:** Mark Allen Miklos  
**Location:** 5245 Eldridge Street  
Section 18, Township 3 South, Range 69 West  
**Approximate Area:** 0.91 Acres  
**Purpose:** **To Rezone from Agricultural-Two (A-2) to Planned Development (PD) to allow for one dwelling unit and limited agricultural uses.**  
**Case Manager:** Cassidy Clements

The Planning Commission, upon motion of Commissioner Jost, duly seconded by Commissioner Spencer and by unanimous vote, adopted the attached resolution recommending **approval** of the case on the consent agenda subject to the conditions of approval, if any, identified in the applicable staff report.

## **PUBLIC HEARING REGULAR AGENDA**

**20-100625RZ** Rezoning  
**Case Name:** Three Hills Property Official Development Plan  
**Owner:** Hilltop Investments and UFXI, LLC  
**Applicant:** Matt Cavanaugh, Remington Homes  
**Location:** AIN 59-073-00-002, 59-073-01-003, 59-073-01-004  
Southwest of the intersection of Turkey Creek Rd  
and W Quincy Ave  
Section 7, Township 5 South, Range 69 West  
**Approximate Area:** 37.74 Acres  
**Purpose:** **To rezone from Planned Development (PD) to a new Planned Development (PD) to allow for 286 single-family attached and single-family detached residential units.**  
**Case Manager:** Nick Nelson

### SWORN TESTIMONY

Matt Cavanaugh, Applicant  
Donald Rosier, Applicant  
Alice Parker, Neighbor in opposition  
Andrea Rahberg, Neighbor in opposition  
Adam Rahberg, Neighbor in opposition  
Stephen Cinocco, Neighbor in opposition

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Stephen Garson, Neighbor in opposition

Melinda Widener, Neighbor in opposition

Susan Fitzgerald, Neighbor in opposition

Following the taking of sworn testimony and a general discussion, the Planning Commission upon motion of Commissioner Hatton, duly seconded by Commissioner Spencer and by unanimous vote, adopted the attached resolution recommending **APPROVAL WITH CONDITIONS** of this case.

**19-128025PF**

Preliminary and Final Plat

**Case Name:**

The Dominion

**Owner/Applicant:**

Ajay and Amy Kotha

**Location:**

8436 Settlers Drive

Section 4, Township 6 South, Range 70 West;

Section 32, Township 5 South, Range North 70 West

**Approximate Area:**

37.99 Acres

**Purpose:**

**To subdivide the property into 12 lots for single-family detached units.**

**Case Manager:**

Nathan Seymour

SWORN TESTIMONY

Aaron McLean, Applicant

Ajay Kotha, Applicant

Michael Swinson, Neighbor in opposition

Following the taking of sworn testimony and a general discussion, the Planning Commission upon motion of Commissioner Hatton, duly seconded by Commissioner Spencer and by unanimous vote, adopted the attached resolution recommending **APPROVAL WITH CONDITIONS** of this case.

**Rezoning Case Number 20-100625RZ (Three Hills Property Official Development Plan)** was read back into the record and reopened for the sole purpose of calling the votes from all seven Planning Commissioners in attendance at the public hearing. Originally and unintentionally, only five of the seven Commissioners voted. Commissioners Anderson and Woods were not called to vote.

Based on the sworn testimony heard and a general discussion, the Planning Commission upon motion of Commissioner Hatton, duly seconded by Commissioner Spencer and by unanimous vote of the seven Commissioners,

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adopted the attached resolution recommending **APPROVAL WITH CONDITIONS** of Rezoning Case Number 20-100625RZ.

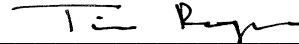
There being no further business to come before the Planning Commission, the meeting was adjourned at 10:11 p.m.

ATTEST:

PLANNING COMMISSION OF THE  
COUNTY OF JEFFERSON, COLORADO



Executive Secretary



Chairman

August 10, 2021

Date

August 10, 2021

Date

It was moved by Commissioner **Jost** that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION  
COUNTY OF JEFFERSON  
STATE OF COLORADO

**July 28, 2021**

**RESOLUTION**

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**21-108138RZ** Rezoning  
**Case Name:** Miklos Official Development Plan  
**Owner/Applicant:** Mark Allen Miklos  
**Location:** 5245 Eldridge Street  
Section 18, Township 3 South, Range 69 West  
**Approximate Area:** 0.91 Acres  
**Purpose:** **To Rezone from Agricultural-Two (A-2) to Planned Development (PD) to allow for one dwelling unit and limited agricultural uses.**  
**Case Manager:** Cassidy Clements

The Jefferson County Planning Commission hereby recommends **APPROVAL** of the above application on the basis of the following facts:

1. That the factors upon which this decision is based include evidence and testimony and staff findings presented in this case.
2. The Planning Commission finds that:
  - A. The proposed single-family detached residential and limited agricultural land uses are compatible with the existing and allowable single-family residential and commercial agricultural land uses in the surrounding area. The Rezoning would allow existing land use conditions to remain and allow accessory uses on the property which is consistent with the surrounding land uses.
  - B. The proposal is in general conformance with the Comprehensive Master Plan because it meets the land use and density recommendations in the North Plains Area Plan and is in conformance with the other applicable sections of the Plan goals and policies as described in the staff report.
  - C. The ability to mitigate the negative impacts of the proposed land use upon the surrounding area have been considered, and no negative impacts were identified.
  - D. The subject property is served by the Fairmount Fire Protection

District, North Table Mountain Water and Sanitation District, and the Jefferson County Sheriff’s Office. Existing infrastructure is adequate and available to serve the proposed land use.

- E. The proposed land use will not result in significant impacts to the health, safety, and welfare of the residents and landowners in the surrounding area.

Commissioner **Spencer** seconded the adoption of the foregoing Resolution, and upon a vote of the Planning Commission as follows:

Chairman	<b>Rogers</b>	<b>aye</b>
Commissioner	<b>Hatton</b>	<b>aye</b>
Commissioner	<b>W. Spencer</b>	<b>aye</b>
Commissioner	<b>Cooke</b>	<b>aye</b>
Commissioner	<b>Jost</b>	<b>aye</b>
Commissioner	<b>Woods</b>	<b>aye</b>
Commissioner	<b>Anderson</b>	<b>aye</b>

The Resolution was adopted by **unanimous** vote of the Planning Commission of the County of Jefferson, State of Colorado.

I, Kimi Schillinger, Executive Secretary for the Jefferson County Planning Commission, do hereby certify that the foregoing is a true copy of a Resolution duly adopted by the Jefferson County Planning Commission at a regular hearing held in Jefferson County, Colorado, July 28, 2021.



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Kimi Schillinger  
Executive Secretary

It was moved by Commissioner **Hatton** that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION  
COUNTY OF JEFFERSON  
STATE OF COLORADO

**July 28, 2021**

**RESOLUTION**

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**20-100625RZ** Rezoning  
**Case Name:** Three Hills Property Official Development Plan  
**Owner:** Hilltop Investments and UFXI, LLC  
**Applicant:** Matt Cavanaugh, Remington Homes  
**Location:** AIN 59-073-00-002, 59-073-01-003, 59-073-01-004  
Southwest of the intersection of Turkey Creek Rd  
and W Quincy Ave  
Section 7, Township 5 South, Range 69 West  
**Approximate Area:** 37.74 Acres  
**Purpose:** **To rezone from Planned Development (PD) to a new Planned Development (PD) to allow for 286 single-family attached and single-family detached residential units.**  
**Case Manager:** Nick Nelson

The Jefferson County Planning Commission hereby recommends **APPROVAL** of the above application on the basis of the following facts and condition:

1. That the factors upon which this decision is based include evidence and testimony and staff findings presented in this case.
2. The Planning Commission finds that:
  - A. The proposed single-family and townhome land uses are compatible with the existing and allowed commercial and agricultural land uses on the properties in the surrounding area.
  - B. The proposal is in general conformance with the Comprehensive Master Plan (CMP). The proposal does not include Office and Light Industrial land uses as recommended by the CMP for a portion of the property, but the applicant has satisfactorily addressed the three criteria for proposals out of conformance with the CMP. All other applicable goals and policies of the Comprehensive Master Plan have been met.
  - C. The ability to mitigate the negative impacts of the proposed land use upon the surrounding area have been considered. Such

impacts (e.g., visual impacts) are limited and are mitigated, under the Official Development Plan, with lower building heights, less traffic generation, and fewer dwelling units than allowed by the current ODP

- D. The subject property is served by the Willowbrook Water and Sanitation District for water and wastewater services, the West Metro Fire Protection District for emergency medical and fire services, and the Jefferson County Sheriff's Office for law enforcement services. The subject property has adequate infrastructure and services available to serve the proposed use.
  - E. The proposed land uses will not result in significant impacts to the health, safety, and welfare of the residents and landowners in the surrounding area.
3. Further, the Planning Commission finds that such recommendation for APPROVAL shall be conditioned on the redmark changes made to the sound mitigation provision in the ODP during the public hearing.

Commissioner **Spencer** seconded the adoption of the foregoing Resolution, and upon a vote of the Planning Commission as follows:

Chairman	<b>Rogers</b>	<b>aye</b>
Commissioner	<b>Hatton</b>	<b>aye</b>
Commissioner	<b>W. Spencer</b>	<b>aye</b>
Commissioner	<b>Cooke</b>	<b>aye</b>
Commissioner	<b>Jost</b>	<b>aye</b>
Commissioner	<b>Woods</b>	<b>aye</b>
Commissioner	<b>Anderson</b>	<b>aye</b>

The Resolution was adopted by **unanimous** vote of the Planning Commission of the County of Jefferson, State of Colorado.

I, Kimi Schillinger, Executive Secretary for the Jefferson County Planning Commission, do hereby certify that the foregoing is a true copy of a Resolution duly adopted by the Jefferson County Planning Commission at a regular hearing held in Jefferson County, Colorado, July 28, 2021.



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Kimi Schillinger  
Executive Secretary



It was moved by Commissioner **Hatton** that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION  
COUNTY OF JEFFERSON  
STATE OF COLORADO

**July 28, 2021**

**RESOLUTION**

---

**19-128025PF** Preliminary and Final Plat  
**Case Name:** The Dominion  
**Owner/Applicant:** Ajay and Amy Kotha  
**Location:** 8436 Settlers Drive  
Section 4, Township 6 South, Range 70 West;  
Section 32, Township 5 South, Range North 70 West  
**Approximate Area:** 37.99 Acres  
**Purpose:** **To subdivide the property into 12 lots for single-family detached units.**  
**Case Manager:** Nathan Seymour

The Jefferson County Planning Commission hereby recommends **APPROVAL WITH CONDITIONS** of the above application on the basis of the following facts:

1. That the factors upon which this decision is based include evidence and testimony and staff findings presented in this case.
2. The Planning Commission finds that:
  - A. The proposal conforms to the Land Development Regulation because all applicable regulations have been satisfied, or will be satisfied, prior to recordation of the Preliminary and Final Plat, as indicated within the staff report.
3. The following are conditions of approval:
  - A. Submittal of a title insurance commitment update with an effective date less than 45 days prior to the recording of the Plat which depicts no new owners or encumbrances. Said title insurance commitment shall be approved by the County Attorney's Office.
  - B. The Improvements Agreement and Exhibit "A" being approved as to form by the County Attorney's Office.
  - C. The recordation of the Plat mylars being prepared in accordance with the red-marked print dated July 28, 2021.

- D. Payment of \$16,500 for fees-in-lieu of park land dedication prior to plat recordation or payment of the fees-in-lieu of park land dedication as set forth in the Improvements Agreement prior to building permit, as applicable. This fee should be submitted on a separate check made payable to Jefferson County Treasurer.
- E. Payment of \$11,000 for fees-in-lieu of school land dedication prior to plat recordation or payment of the fees-in-lieu of school land dedication as set forth in the Improvements Agreement prior to building permit, as applicable. This fee should be submitted on a separate check made payable to Jefferson County Treasurer.
- F. Recordation of an access and utility easements to the benefit of the created lots and the future lot owners.
- G. Submittal of a current tax certificate from the County Treasurer's Office indicating that all ad valorem taxes applicable to The Dominion for prior years have been paid.
- H. Resolution of Planning Engineering's comments dated June 8, 2021 to include final approval from Homestead Water Company and obtaining a CDOT access permit for the Settlers Drive/US 285 Intersection.
- I. Submittal of a current letter of commitment from Homestead Water Company.
- J. Recordation of Pond Maintenance Agreement with Homestead Water Company.
- K. Recordation of Mutual Access and Utility Easement from Colonist Way.
- L. Recordation of an instrument notifying future purchasers or lease holders of the potential noise impacts in the area.

Commissioner **Spencer** seconded the adoption of the foregoing Resolution, and upon a vote of the Planning Commission as follows:

Chairman	<b>Rogers</b>	<b>aye</b>
Commissioner	<b>Hatton</b>	<b>aye</b>
Commissioner	<b>W. Spencer</b>	<b>aye</b>
Commissioner	<b>Cooke</b>	<b>aye</b>
Commissioner	<b>Jost</b>	<b>aye</b>
Commissioner	<b>Woods</b>	<b>aye</b>
Commissioner	<b>Anderson</b>	<b>aye</b>

The Resolution was adopted by **unanimous** vote of the Planning Commission of the County of Jefferson, State of Colorado.

Jefferson County Planning Commission Resolution

Case # 19-128025PF

Date

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I, Kimi Schillinger, Executive Secretary for the Jefferson County Planning Commission, do hereby certify that the foregoing is a true copy of a Resolution duly adopted by the Jefferson County Planning Commission at a regular hearing held in Jefferson County, Colorado, July 28, 2021.

A handwritten signature in black ink, appearing to read 'Kimi Schillinger', is positioned above a horizontal line.

Kimi Schillinger  
Executive Secretary