

**THE BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF DOUGLAS, COLORADO**

**RESOLUTION DENYING THE REQUEST FOR A MAJOR AMENDMENT TO THE  
HERITAGE HILLS PLANNED DEVELOPMENT - PROJECT FILE ZR2016-010.**

**WHEREAS**, at a properly noticed public hearing held on September 13, 2016, the Board of County Commissioners (the "Board") considered the application of Davis Development ("Applicant") for a major amendment to the Heritage Hills Planned Development, proposing the addition of the multi-family residential land use within Parcel A2, Planning Area 20 (PA-20), and increasing the number of allowed units in the PA-20 from 300 units to 360 units (the "Application"); and

**WHEREAS**, at the conclusion of the public hearing, the Board adopted a motion directing the County Attorney to prepare a resolution denying the Application; and

**WHEREAS**, the Board hereby takes administrative notice of the file including all relevant provisions of the Douglas County Zoning Resolution, the Douglas County 2035 Comprehensive Master Plan, as amended (the "CMP"), staff reports, plans, maps, letters, other correspondence, studies and reports. Based further on the testimony and evidence presented at the hearing by the Department of Community Development, the Applicants and their representatives, referral agencies and members of the public, the Board makes the following findings and conclusions and adopts this resolution; and

**WHEREAS**, the procedural history of this Application is as follows:

1. The Application was heard by the Planning Commission on August 1, 2016.
2. At the conclusion of the public hearing on August 1, 2016, the Planning Commission voted to recommend denial of the Application by a vote of 6-0.
3. The Application was originally scheduled to be heard by the Board on August 23, 2016, but the Applicant requested a continuance of the Board's public hearing to September 13, 2016, to allow the Applicant to hold a community outreach meeting on August 29, 2016.
4. On September 13, 2016, the Board completed the public hearing to consider the Application.
5. The Board now enters its findings of fact, conclusions of law and order; and

**WHEREAS**, having considered all of the evidence and arguments and the credibility of the witnesses, the Board enters the following findings of fact:

1. Notice of all Planning Commission and Board hearings was properly mailed, posted and published.
2. The Application involves certain land located approximately ½ mile north of Lincoln Avenue, and less than a ¼ mile from the RTD Lincoln light rail station. (“Subject Property”).
3. The Application is to amend the Heritage Hills Planned Development (“HHPD”) to add multi-family residential development as an allowed use within Parcel A2, PA-20, and to increase the number of multi-family units permitted within the PA-20 from 300 to 360.
4. In 2015, the HHPD was amended to divide PA-20 into two parcels, Parcel A1 and Parcel A2. The amendment established “Residence (Multiple-Family)” and “Nursing or convalescent home or other extended care facility” as additional uses permitted in Parcel A1 only. The amendment also developed the setback, density, parking requirements and PD commitments for multi-family uses for Parcel A1, PA-20.
5. Section 1520 of the DCZR establishes the criteria to be considered by the Planning Commission and the Board of County Commissioners in the review of a major amendment application. The criteria in § 1520 that must all be met to approve a major amendment in this zone district are:

1520.01 Whether the amendment is consistent with the development standards, commitments, and overall intent of the planned development.

1520.02 Whether the amendment is consistent with the intent, efficient development and preservation of the entire planned development.

1520.03 Whether the amendment will adversely affect the public interest or enjoyment of the adjacent land.

1520.04 Whether the sole purpose of the amendment is to confer a special benefit upon an individual.

1520.05 For applications proposing an increase in the intensity of allowed land uses, including changes in densities, whether the amendment is consistent with the water supply standards in Section 18A, Water Supply Overlay District, of this Resolution.

1520.06 Whether the public facilities and services necessary to accommodate the

proposed development will be available concurrently with the impacts of such development.

1520.07 Whether the roadway capacity necessary to maintain the adopted roadway level of service for the proposed development will be available concurrently with the impacts of such development.

6. The Board finds that the Application does not meet the requirements in § 1520.03. The Application proposed will have an adverse effect on the enjoyment of adjacent land. An adjacent subdivision and several individual landowners as well as a representative of the City of Lone Tree testified that a tall, multi-family building above previously existing homes would have a significant negative impact on their enjoyment of their homes and property. Further, there was testimony that many landowners purchased their properties in reliance on the existing commercial zoning and would not have been willing to purchase if a land use like the one proposed herein was an option. The Board finds this testimony to be both credible and persuasive.
7. As a result, the Applicants failed to meet their burden that each of the approval criterion was satisfied.

**WHEREAS**, the Board makes the following conclusions of law:

1. The Board has jurisdiction of this matter.
2. Douglas County has an adopted Zoning Resolution. Under that resolution, a major amendment to a planned development can be approved only if all criteria set forth in § 1520 have been met.
3. This Application does not meet all of the criteria set forth in § 1520 of the Douglas County Zoning Resolution.
4. Therefore, the request for a major amendment to the HHPD must be denied.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of the County of Douglas, State of Colorado, that the Application for a major amendment to the Heritage Hills Planned Development, proposing the addition of the multi-family residential land use within Parcel A2, Planning Area 20 (PA-20), and increasing the number of allowed units in the PA-20 from 300 units to 360 units is hereby denied.


**PASSED AND ADOPTED** this 27th day of September, 2016.

THE BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF DOUGLAS, COLORADO

BY:

  
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DAVID A. WEAVER, Chair

ATTEST:

  
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MEGHAN MCCANN, Deputy Clerk

