

**MINUTES OF THE ARAPAHOE COUNTY
BOARD OF COUNTY COMMISSIONERS
June 21, 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:

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

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ADOPTION OF THE AGENDA

Kathryn Schroeder, County Attorney, stated that there is an add-on to the consent agenda. She said it would be Consent Agenda Item 8, and is a request for conveyance of a slope easement via quitclaim deed related to the Copperleaf Final Plat; that the associated case number is P04-021. She said this action would convey the existing drainage slope easement back to the current property owners of Copperleaf Filing No. 1.

Commissioner Weddig asked that Consent Agenda Item 7 be pulled for discussion. He said this item is a milestone and he would like staff to give a brief overview.

The motion was made by Commissioner Weddig and duly seconded by Commissioner Beckman to adopt the Agenda as amended.

The motion passed 5-0.

ADOPTION OF THE MINUTES

There were no minutes to adopt.

CEREMONIES

There were no ceremonies.

CITIZEN COMMENTS

Ron Willett, president of the Tri Valley Senior Citizens Association, said he would like to let the Board know what the group does. He said he is not sure the Board knows what the Tri Valley Seniors do with grant money it receives from the County. He said the main goal is to try to give a quality of life to the seniors in eastern Arapahoe County and Adams County. He said TVSCA tries to provide transportation for the seniors and provides meals through the schools and grants. He said during the summer, there is another organization that grants money for frozen dinners through the summer months. He said Tri Valley is divided into five towns: Watkins, Bennett, Strasburg, Byers and Deertrail. He said Strasburg, Byers and Deertrail are mostly in Adams County. He said the group is mainly serving the seniors from Byers and Deertrail. He said TVSCA has monthly meetings to discuss financial and other offerings for the seniors. He said the group tries to provide one trip per year for recreation or education.

Mr. Willett stated that there is a van that is used for local trips to the doctor or the store. He said if the seniors must come into the metro area, there is a special transit bus that comes on Tuesdays and Fridays, but they are not for seniors only. He said a round trip is \$8.

Mr. Willett said TVSCA appreciates the financial assistance the County gives. He said the group would like to have a little more if possible. He said he would like to give more meals to the seniors, as only two meals a week are currently given. He said he would like to provide three meals per week.

Commissioner Bockenfeld asked how many Arapahoe County clients are part of the program and how does that compare to the Adams County residents.

Mr. Willett said about 50 percent.

Commissioner Bockenfeld asked what the difference is between this organization and the other senior organization in Strasburg.

Mr. Willett said he doesn't know what the other organization does. He said that group will not talk to TVSCA. He said Adams County took the authority away from TVSCA for lunches and gave it to the senior hub in Thornton.

Betty Mergl, TVSCA Executive Director, said the other group has a van that comes to the metro area periodically. She added that they also use TVSCA services because we do not prioritize and any senior gets help. She said the Strasburg people used to be a part of this organization, but they are limited to their own towns and do their own thing, although they use TVSCA services.

Commissioner Bockenfeld asked what the current needs are.

Mr. Willett said transportation and meals. He said there is a medical problem because the nearest hospital is 45 miles away. He said the Byers Fire District goes to the Adams/Morgan county line. He said transportation time from there to Aurora is about 45 minutes. He said for most cases there is a call for a chopper. There are clinics in the area; one is open 5 days a week and one is open 2 days week.

Commissioner Bockenfeld said from the financial projections and to meet the needs annually, what is the group looking for.

Mr. Willett said about \$3,000 more per year. He said that would cover an extra meal at the school.

Ms. Mergl said \$3,000 more would help with transportation, education and meals. She said she had two people that were not able to get home health care. She said there is no one from the Hub to cover that need in this area. She said she had to contact the Volunteers of America and the Visiting Nurses Association. She said she could also provide information from a Deertrail resident stating that the Social Services are very lax in the area.

Mr. Willett agreed that the social services that are available for light housekeeping, etc., are hard to get because of the income limits. He said one woman was over the limit by one dollar.

CONSENT AGENDA

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

The motion passed 5-0.

Item 7 was pulled for discussion.

Consent Agenda Item 7 – Case No. LR05-001 – Clean Water Plan Amendment

Commissioner Weddig said in this project he sees an expansion rather than the creation of another division of government and he is in favor of that. He said this is a large piece of property that would be controlled in part by the waste treatment plant.

Julio Iturreria, Long Range Planner, said it is a clean water amendment, which would expand a facility in Coal Creek to a regional facility. He said the Board is acting as the 208 Water Quality Managing Agency to make a decision. He said the request is to have a letter signed by the 208 water managements that would go to DRCOG that states that the Rangeview property, which is about 26,550 acres become a regional facility. He said the idea is to encompass the entire 26,000 area. He presented a map of the regional envelope and the planning area, which is approximately 19,000 acres. He said the planning area, which is 7 square miles, is where the first phase of future development would be. He said there must be discussion regarding facilities for possible future development. He again stated that the change is from a fixed to a regional facility. He said he was part of a utility committee meeting on June 1st before DRCOG and there was overwhelming approval. He stressed that there is a letter from Tri County Health, which is in favor of this plan. He said before the process started, it was not known how this envelope would be dealt with. He explained that at first it was thought that this was part of a utility plan amendment. He said that is not the case. He said the utility plan is much more specific and this is not the last time the Board would see this. He said until the actual development comes to pass, the populations and densities are unknown.

Commissioner Weddig asked does designating this area for the clean water plan amendment preclude any other entity from taking care of the wastewater treatment? He assumed that this becomes the designated agency for the entire outline and if someone develops in the area, they have to attach to that plan.

Mr. Iturreria said this property has been under Rangeview's Metropolitan District. He said now the plan is getting closer to the specifics. He said a subset of the plan is the Coal Creek facility, which would be the facility that would take care of the entire basin

Commissioner Weddig said it does restrict other options for this property.

Mr. Iturreria said no one else could come in. He said this is State Land Board property and the property would remain under Rangeview.

Commissioner Weddig asked if that jurisdiction would be the same even if parts of this property were sold. He then asked if there are parts of this amendment to take parcels in and out.

Mr. Iturreria said the possibility is there but it would have to be heard by the Board.

Commissioner Weddig said the City of Aurora is immediately to the west of the site. He wondered what Aurora's relationship is with the metro district and wondered about the interaction.

Mr. Iturreria said along E 470 and to the property line of Lowry, there are already many districts that were created by Aurora to care for the city's development. He said there are about 80 special districts along that corridor.

Commissioner Weddig said he favors this plan because it puts a larger, more manageable, more economical district together.

Mr. Iturreria said this regional facility could become a pivotal point for the smaller districts. He said Aurora could be the entity to help any of the districts if it turned out that way.

Commissioner Bockenfeld said according to Tri County Health, Mr. Brown makes reference to a conflict in the clean water plan between Rangeview and Aurora's clean water plan that must be resolved with DRCOG prior to this project proceeding. He asked if that has been resolved.

Mr. Iturreria said not yet. He explained that DRCOG has created this ruling that says if there is a conflict or an overlap by a planning area, the status is elevated, which he believes, is detrimental to the cause. He said in essence, DRCOG created this rule, and it deals with whoever owns the property and who ever is going to deal with the facilities for water and sewer. He said that would not change and Rangeview in not going to give up that property all of a sudden. He said that is a fault in the DRCOG system and would have to be worked out. He said it is not an issue for the County to move forward. He said this is not the only place that this occurs in the Metro area. He qualified that the issue can become contentious, but would not stop anyone from servicing the area. He said Aurora is not in a position to ever service this property unless Aurora annexes.

Commissioner Bockenfeld asked if Aurora been noticed.

Mr. Iturreria replied yes. He commented that Aurora was present at the utility meeting where the vote was unanimously in favor of this plan.

The motion was made by Commissioner Weddig to authorize the Chair to sign the letter dealing with Case No. LR05-001, Clean Water Plan Amendment for the regional facility.

Second by Commissioner Zimmer.

The motion passed unanimously.

GENERAL BUSINESS AGENDA

Item A – Resolution No. 050364 – Public Hearing: Appeal a decision by the Planning Division Manager for an administrative amendment procedure.

Tom McNish, assistant County Attorney, said this is an administrative item with no public notice requirements.

Sherman Feher said this is a procedural question and the Board is not approving the monumentation or sign that is being proposed. He said staff has received an application from Inverness subdivision filing no. 44, Final Development Plan that proposes monument signs for 15', 16 ½' and 25' tall. He said the PDP for this development

defers to the County's Land Development Code, which only allows a 6' high monument sign. He said the LDC specifically states that any amendments that are above the PDP or Land Development Code may not be processed administratively. He said when the administrative request was brought before Sue Conaway, Planning Manager, it was denied based on the LDC code.

Mr. Feher explained that the applicant is seeking to have this process done administratively rather than a full-blown amendment.

Bret Blank, Metropolitan Homes, 2696 S. Colorado Blvd., said Metro Homes is presenting the project on Inverness Drive West and Dry Creek Road, which is the Transit Oriented Center. He said this request was first brought to Melissa Kendrick. He said the Mulhern Group on behalf of Inverness Properties originally did this project. He said the PDP was processed without access to a residential developer. He said Metro Homes went through that PDP and did a few clean-up items based on building separations, set backs, etc. He said everything was allowed to be administrative except for this one item. He said the request is for a 25' variance on the height of the sign based on the verticality of the buildings. He said the buildings are 48 units, four stories above a 1-story parking garage. He said a six-foot sign in front of that building would be lost. He stated that there have been reviews with the landscape architect and the primary monument, which is listed as No. 3 on the plan, is a 25' monument, which has been reduced to 18'.

Commissioner Myers clarified that the existing regulation is 6' and the request is for 18'.

Commissioner Weddig assumed that this is a dense project.

Mr. Blank said yes. He said based on the TOD, there are 48-unit buildings and 3-plex condos along the golf course. He said all products are attached and the development is based on the variance to be in the airport exclusion zone.

Commissioner Weddig asked about the necessity to have an 18' freestanding sign. He asked if the light rail commuters would be able to see the sign.

Mr. Blank said the sign would be visible upon entering the project from Inverness Drive West. He said on one side there would be a 48-unit building and there would be a transit stop on the other side. He believed that a 6' sign would be lost because of the backdrop and scale.

Commissioner Weddig agreed but said this is not Kohl's department store and the need to advertise...is there something that could be done while the property is being marketed? He wondered if something could be attached to the building to clearly identify the name of the project.

Mr. Blank said this is more an architectural feature and the project name is listed on the plaque and does not list the builders' names or product types. He said the monument is for project identification and is not a sales tool.

Commissioner Weddig asked if, 10-15 years from now, will the owners want to pay the cost for maintenance and repairs to the sign? He said he wondered if this is appropriate for a residential development.

Mr. Blank said typically, Metro Homes has art sculptures and pool facilities that are covered and maintained by the HOA. He said this monument would be included and is not a burden on the HOA.

Commissioner Myers commented that most monument signs are going vertical versus horizontal.

Commissioner Weddig said if the Board approves the request, the process would be completed administratively instead of a PDP amendment process, which would bring the PDP before the BOCC again.

Mr. Blank agreed.

Commissioner Zimmer asked if this change would set precedence that the Board would have to adhere to in the future.

Mr. Feher said no. He said this is a case-by-case issue.

Commissioner Zimmer said this is a single case that is being brought forward and if a similar case appears in the future, it would have to come before the Board for a decision.

Mr. McNish agreed with Mr. Feher's comment.

Commissioner Weddig said regarding other signs in residential projects in the County that are as big as these three signs, which are huge, are there any other similar signs that have been allowed in the County.

Mr. Feher said he is not aware of any others. He said the monuments depend upon the PDP, and as Mr. Blank stated, it would have been ideal if this issue would have been brought forward during the PDP process. He assumed that some PDPs do allow larger signs. He said in some ways, this monument is more vertical than horizontal. He said the cost of processing an administrative amendment is about \$4,000 and takes 1-2 months. He said a full amendment costs \$9,000 and takes from 3-5 months.

Commissioner Weddig wondered about the cost difference.

Mr. Feher said there are notice requirements and the proposal would have to go out for referrals. He said an administrative amendment usually stays internal.

Commissioner Weddig asked about the surrounding property.

Mr. Feher said mostly office parks. He said the TOD situation has changed Inverness' view of what types of developments would be allowed. He said the PDP was processed to allow residential in this area.

Commissioner Weddig said to go through the other process would not make a lot of sense.

Mr. Feher said during the PDP, there was very little, if any, opposition.

The motion was made by Commissioner Beckman that the Arapahoe County Board of County Commissioners appeal the decision by the Planning Division Manager for an administrative amendment procedure concerning signing regulations within the Land Development Code (LDC) for residential signings on Inverness Subdivision Filing No. 44, lot 2, Final Development Plan.

Second by Commissioner Zimmer.

Commissioner Beckman commented that the scale of everything in that area is very large. She said a smaller sign would get lost. She said what most high-end developments do is create signs to distinguish the area for people who are coming to visit the area. She said that is a very urbanized area and it is nice to have a sign that people can see. She further stated that the sign would look very nice and she is glad that the sign is not smaller.

The motion passed 5-0.

Item B – Resolution No. 050365 and 050366 – Public Hearing: Case No. N05-002, Copperleaf Street Name Changes

Tom McNish established jurisdiction for the Board to proceed with this case.

Ron Hovland said this is a request to change street names, which is not common. He explained that a procedure was established to address street name changes based on a 1985 resolution. He said in seven years, this is the first case he has presented to the Board. He said the request is to change some of the Denver grid street names that are currently and mandated to be used. He said Copperleaf is an 800-acre development located on the south side of East Quincy between E470 and S. Himalaya Street (extended). He said the area would be a primarily residential development. He said within that development the applicant is looking for a trademark street name and is proposing two changes. The applicant is requesting that E. Chenango Avenue and S. Versailles be changed to Copperleaf Boulevard.

Mr. Hovland said the last street involved is E. Radcliff Drive. He said the applicant is proposing to change that name to E. Radcliff Parkway, which would dead end into E. Copperleaf Blvd. He said the Planning Commission denied the second request. He said staff concurs but there were no objections from the Sheriff's Office, fire department and other emergency responders.

Mr. Hovland explained that the second request to change the name from Radcliff Drive to E. Radcliff Parkway was a little more complex. He said the Planning Commission wanted the street to remain East Radcliff Drive. He said the Planning Commission's discussion was that they would know a parkway when they saw one and this wasn't really a parkway. He said staff looked for definitions of a parkway, as the zoning and subdivision regulations don't currently define what a parkway or boulevard is, although other definitions were available. He said that would have to be resolved by staff when the subdivision regulations are updated. He mentioned S. Monaco Pkwy, E. 7th Avenue Pkwy, and E. 17th Avenue Pkwy, which are four-lane streets with landscaped center medians. He said the proposed parkway is a 2-lane road with parking turnouts and no landscaped center medians. He said the applicant is present and would like to present his position

Commissioner Weddig asked about the Cunningham Fire District letter regarding numbering.

Mr. Hovland said the consistency in numbering would follow the Metro Denver grid street that is also regulated by that 1985 resolution. He said there is a handbook that is quite detailed regarding numbering. He said the goal of naming and numbering streets is to keep confusion to a minimum.

Diana Rael, 710 W. Colfax Avenue, Norris Dullea, distributed an informational booklet to the Board. She clarified that during the Planning Commission hearing, the motion for the Copperleaf road name change was Copperleaf Boulevard, not East Copperleaf Boulevard. She said the staff report includes letters from East Cherry Creek Valley Water and Sanitation District, the Sheriff's Department, the City of Aurora Fire Department and IREA, which are not objecting to or are supporting the proposed change. She said there is no current definition of a parkway, and the applicant believes that they have met the definition of a parkway. She said the applicant presented Copperleaf to the Board a few months ago and there was discussion regarding the community, the theme, the work that went into the design and layout of the community. She said there was a 6-month charette process with staff. She said there was a close look at where the roads went and there was a lot of time spent on Radcliff. She explained that that street is important to the community, as it brings people to the heart of the community. She said this road was designed to run along the open space, not including schools, vistas or views. She said the only exception is where the road turns into the town center area. She said that does have a divided median. She referred to that area on the map and pointed out Himalaya and Radcliff Drive. She said the majority of the area along the Parkway is open space or a park. She then pointed out the town center and said a landscaped median would be present. She said there are six examples of parkways and five are two-lane collector roads. She said the exception is Castle Pines Parkway. She said the other examples are all two lanes and have open space on one side. She said the applicant's definition of a parkway is a slow-speed road so people can enjoy the open space and brings people from the suburbs into the town. She said included in the packet is a letter from the Norris Dullea traffic engineer, who has also spent a lot of time looking for a definition for a parkway.

Commissioner Zimmer asked for an explanation of the reason for the change of names, other than project differentiation.

Ms. Rael said the small portions of Radcliff that are on the metro grid are all different (Drive, Place, Avenue). She said the applicant feels that the design of the road lends itself to the terminology of a parkway and is consistent with the two non-arterial roads. She said Copperleaf Boulevard would be a signature street and so should Radcliff Parkway. She said the magnitude of open space is significant. She said the small segment of Copperleaf Drive across Himalaya is small and has no addresses.

Mr. Rael said the only address that would be off of the proposed renaming would be the school, no residential.

Commissioner Zimmer asked if that applies to both streets.

Ms. Rael said yes, except for retail. She stated that no homes would front those streets.

Commissioner Zimmer said one thing that makes the Denver metro area unique is that if one knows where the street is on the grid in one area of the city, you can generally find that street again somewhere else by simply thinking it through, as one street is the same distance north and south in Englewood as it is in Lakewood. He said the small variations in naming still indicate the same area across the city. He said he feels that there is a big deal between "Place" and "Circle" and "Parkway". He said he has a little more difficulty with the other name change. He said he understands that that road changes direction, and could lead to confusion.

Ms. Rael said one point that came up during the Planning Commission hearing was that the road, north of Quincy, is South Plains Parkway, then turns into Versailles, then turns into Tempe, then Chenango, then Belleview. She said the applicant felt that there was so much convergence of the different grids coming into that area, and that was justification for the name change.

Steve Prokopiak, 1380 17th Street, Denver, said he personally spoke with the fire department, which felt that there was confusion regarding the street names. He said if there is an emergency at Copperleaf, the name speaks to two things: a project and location. He further stated that it is not clear where Versailles Parkway is. He said Copperleaf Boulevard denotes "where", the street name and the direction. He said it also helps visitors. He understood that the County Commissioners have lots of issues to deal with and this is just a small issue.

Commissioner Zimmer said anything the Board can do to lessen confusion as to how to get from one place to another in the community would be helpful.

Mr. Hovland referred to a graphic. He said consumers like choices and in this case the choice is confusing. He pointed out South Plains Parkway in Aurora, which is a development street name that runs from Picadilly to E. Quincy Avenue. He pointed out Versailles and Chenango. He reviewed several options the Board could consider. He said if the Board favors naming the street Copperleaf Boulevard, then it should be East Copperleaf Boulevard. He said that is realistic, as, in the Denver area, only N/S streets in the northern areas do not indicate the direction. He said that would also be a good idea for the sake of emergency responders and people trying to find the right place.

Mr. Hovland said the argument regarding Radcliff seems like semantics, as he believes that a parkway is meant to be a more significant road. He said this is not an earth shattering decision for the Board and would not set a long-term policy. He said currently no one lives in the area and that should make any decision easier. He said there was no public input other than the applicant.

Commissioner Bockenfeld asked if the County would define a parkway in the future. He assumed that the definition would not be the same as what was presented today. He said for consistency, it would be fair to say that the proposed parkway would not fit with the future recommendation.

Mr. Hovland said that is a fair assessment.

Commissioner Weddig said the applicant prefers “Copperleaf Boulevard” versus “East Copperleaf Boulevard”.

Mr. Hovland agreed. He said when no direction is used on a street name, throughout the Denver metro area, that generally denotes a north designation. He said adding “east” would be proper.

Commissioner Weddig referred to the map and said the street runs east and north and adding “east” could also be confusing.

The motion was made by Commissioner Beckman in Case No. N05-002, Copperleaf Street Name Changes to change the name from East Chenango Avenue and South Versailles Parkway to Copperleaf Boulevard.

Vote:

For: Zimmer, Myers, Beckman; Weddig

Against: Bockenfeld

The motion passed 4-1.

Comments:

Commissioner Bockenfeld commented that he favored “East” in the street name, as that is consistent with the rest of the metropolitan area, and is helpful in defining where the location is.

The motion was made by Commissioner Beckman in Case No. N05-002, Copperleaf Street Name Changes to approve the change of East Radcliff Drive to East Radcliff Parkway.

Second by Commissioner Zimmer.

Commissioner Weddig said he has been on beautiful Drives as well as Parkways. He said since this street currently exists as E. Radcliff Drive to the west, he would not support this motion. He said this is an area that people can identify whether this is a parkway or drive and he prefers that the name remain the same.

Vote: Beckman, Zimmer, Myers

For: Weddig, Bockenfeld

The motion passed 3-2.

COMMISSIONER COMMENTS

Commissioner Myers said the Clerk and Recorder, Nancy Doty, is celebrating a birthday today. She also noted that there is a challenge regarding the air conditioning. She said there would be no meetings next Monday but there would be a public hearing Tuesday.

There being no other business before the Board, the Chair adjourned the hearing at 10:37 AM.

ARAPAHOE COUNTY BOARD OF COUNTY COMMISSIONERS

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