

**MINUTES OF THE ARAPAHOE COUNTY
BOARD OF COUNTY COMMISSIONERS
July 26, 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
Jennifer Gayer, Deputy Clerk	Present

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 Zimmer to adopt the Agenda as presented.

The motion passed unanimously.

ADOPTION OF THE MINUTES

The motion was made by Commissioner Zimmer and duly seconded by Commissioner Beckman to adopt the minutes of the June 28, 2005 Public Hearing.

The motion passed 3-0, Commissioner Myers and Commissioner Weddig abstaining.

The motion was made by Commissioner Zimmer and duly seconded by Commissioner Beckman to adopt the minutes of the July 5, 2005 Public Hearing.

The motion passed unanimously.

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 unanimously.

GENERAL BUSINESS AGENDA

Item A – Resolution No. 050429 – Public Hearing: Welch Park Rezoning, Case No. Z05-003

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

Carol Kuhn of the Planning Division presented the staff report, a copy of which has been retained for the file. She said this proposal is to rezone Lot 1, Welsh Subdivision Filing No. 9 from R-2 to C-Cultural. She said this 3.66-acre lot is located at 9015 E. Jewell Circle in the Four Square mile area. She said the current zoning, R-2 Residential was approved by the Board of County Commissioners on August 17, 1961. She said in March of 2002, Arapahoe County purchased this property for a park. She said the request to rezone is to provide consistency between the intended and desired use and the zoning classification. She said on July 12, 2005, the Planning Commission unanimously recommended approval of this rezoning request. She said concurrent with this application, the applicant, Arapahoe County, has also submitted a subdivision development plan. She explained that subdivision development plans are required with straight zoning and are not typically viewed by the Planning Commission or the Board of County Commissioners. She explained that the subdivision development plan information has been provided in this case to allow the Planning Commission and the Board to have detailed information regarding the project. She said the planning Commission hearing raised concerns regarding the type of grass materials depicted on the in the subdivision development plan. She said staff clarified that blue grass would be make up 5% of the mix. She said residents also raised concerns regarding the material being used for the trail. She said the residents expressed the desire for the County to have soft surface trails. She said in order to address the subdivision development plan concerns, staff has sent the subdivision development plan out for referral to the neighborhood associations as well as to the Board of County Commissioners.

Commissioner Myers clarified the hearing this morning is simply for the rezone and the other details of the park in the subdivision development plan remain pending.

Commissioner Weddig understood that a conventional re-zone would require a PDP.

Ms. Kuhn said there is a subdivision development plan, which is typically approved administratively. She said there is usually a referral process, but clarified it is usually done administratively. She explained that process is different than the PDP because the PDP is the planned unit development zoning and the FDP is a conventional zoning.

Commissioner Weddig confirmed that the County does not typically do conventional zoning any longer. He understood it is a rare instance.

Ms. Kuhn again clarified the subdivision development plan is a separate process from the re-zoning, but acknowledged it is the site plan.

Commissioner Weddig wondered if the applicant is held to the subdivision development plan on a rezoning.

Ms. Kuhn answered yes. She said in theory the applicant is supposed to be able to build to the site plan. She said the plans were merged together at the time they were submitted to the County. She said the staff has asked that the two plans be separated. She said the rezone would typically include only the notes page as the 1st sheet and the 2nd sheet, which outlines the property showing the size and the request from R-2 to C-Cultural. She said to provide additional information the staff left the other information with the rezone request to allow the Board to have a feel for the project.

Commissioner Weddig wondered why in a typical rezone, the Board would not see the subdivision development plan.

Ms. Kuhn explained the Land Development Code designates that the Planning Division Manager reviews the subdivision. She

Commissioner Weddig said it appears that there is a great level of detail on the rezoning.

Ms. Kuhn said the information before the Board is an anomaly. She said it is different than what is usually required. She said the staff just provided it for informational purposes for the Board. She concluded it has caused more confusion. She again explained normally the Board would only see the front sheet and the property with the rezoning.

Commissioner Myers stated the staff is providing more information than necessary, which she supports.

Commissioner Weddig also supported the staff providing additional information, but questioned why the Planning Commission and the Board would not be involved in seeing those plans and why the staff retains all of that power.

Julio Iturreria of the Planning Division acknowledged Anne Cecilione of the Fleet Management Division of the County who has also worked very hard on this project. He said in response to Commissioner Weddig's questions, for the last 45 years, this County has been doing nothing but PDP's. He said it has only been recently that the County has discovered the desire to put straight zoning back into the process. He said looking at the zoning code there are a number of obsolete zoning categories that were straight zoned in the past and a couple that are still around. He explained typically with a straight zoning or conventional zoning, a one-use item like residential that is fairly straightforward. He stated that is why that power was delegated to the Planning Manager. He said the Board would really be pretty bored looking at those typical rezones.

He displayed a graphic of the proposed park. He said the landscape plan is the controversial part of the rezoning. He said he wanted to make sure everyone had the opportunity to see what the site would look like. He said the only way to do that was to bring the information forward at the same time. He said the controversy occurred with the actual details of what the park would look like. He said the pathway and the parking is planned to be concrete because on the northern side of the site there is an Xcel tower, which is on the park itself and runs east/west with heavy duty power lines. He said there was a request to move the pathway away from the power lines for maintenance access and consideration was also given to the path being made out of a long lasting material that would not constrain the County in the future. He said the conclusion was made that concrete would be a lasting

material if it is done correctly. He said there was also consideration given to ADA and people in wheelchairs or people with strollers. He said the balance of the site would be soft material including some blue grass, which handles the wear and tear better than the buffalo grass. He said the site would be irrigated. He said the landscaping is richly done. He also displayed an aerial graphic of the proposed site. He identified a shelter on the graphic and explained that there would be landscaping and vegetation. He said from the street the park would like a wooded area, but it is really an enhanced open space. He stressed this is a public park and is being done by public funds, which means anyone could enjoy this park. He said there were no lights put in the park purposely to prevent evening activities on the site. He said there are no restrooms on the site because it is intended to be a passive park and should not host any organized play. He said there has not been very much attendance at the public meetings. He said in the referral for the site, the County could make comments regarding the subdivision development plan. He said the Planning Manager would take all of the comments of the County as well as the HOA's and render a decision. He said as a result of the concerns, the County has held back on construction plans and establishing a contractor. He said originally he was comfortable that this would be under construction in early August, but now it appears it would be 60-90 days before construction.

Commissioner Weddig asked if this would be part of Arapahoe Parks and Recreation District.

Mr. Iturreria explained the County is the applicant. He said Arapahoe Parks and Recreation District would participate in the next phase and are not needed for the re-zoning. He said once this goes to construction, Arapahoe Parks and Recreation District would be involved.

Commissioner Weddig confirmed this is the District's plan.

Mr. Iturreria said the plan is under revision because of the subdivision development plan is under scrutiny.

Commissioner Myers said this is in her District. She said there was huge public outreach last summer with a number of meetings. She said there was a large attendance at these meetings. She said there was an outside consultant and a number of plans and ideas, which were voted upon by the residents. She said this was the plan that was chosen by the public. She said it is the preferred plan. She said there was a lot public input. She said the area has gone through a natural change with a number of young families. She speculated the park would be well used. She said the money used to purchase this park was cash in lieu funds, which was appropriate.

Commissioner Weddig confirmed that the over site and maintenance of this park would be handled by Arapahoe Park and Recreation District.

Mr. Iturreria explained there has been a shift within the County with Lynn Wodell as the Arapahoe County administrator, who will oversee the construction as well as the maintenance.

Commissioner Myers said the County does not have a large park and recreation district.

Commissioner Beckman said she has water zoning questions. She said she believes this park would be very heavily utilized. She speculated that this might be an area that the County contracts out for maintenance as the County does for most of its blue grass parks. She said in Littleton has a separate zoning criteria for a park. She said the County currently has property that has underlying zoning, PUD's. She hoped this would be the first step in re-zoning park property so that there is not pressure in future years for development. She believes that there is pressure to whittle off parcels from parks for development. She wondered if the County has future plans to maintain consistency in the County's underlying zoning.

Mr. Iturreria said this is the first park that would be rezoned to Cultural. He said those other parks within the County have not been rezoned, including 17 Mile House as well as the 56 acre community park. He said none have been rezoned to a cultural or open space category.

Commissioner Beckman asked about the current zoning for 17-Mile House.

Mr. Iturreria said 17-Mile House is currently a PUD from the late 1970's called. He said the area was zoned for multi-family, residential and commercial.

Commissioner Beckman understood, even if there is an existing park or conservation easement, zoning is the stronger mechanism to ensure the land is preserved.

Mr. Iturreria said zoning is the strongest means because it takes a public hearing to change from one to another. He said if there were to be a change in the future the same process would prevail in a public hearing giving people the opportunity to voice their opinion publicly in due process.

Commissioner Beckman said it is important to look at the bigger picture. She said when property is being purchased with public money for public purposes; there is legitimacy in zoning the property accordingly. She explained it is not legal to buy land from developers and speculate. She clarified that is not what Arapahoe County is doing in any shape with the District, the Open Space, or Heritage areas. She said she would like staff to look into that at a future date.

Commissioner Myers asked the Board to return the focus to the case at hand.

John Warford, 9154 East Evans Place, thanked the Board and Planning Division for the consideration of this project. He said he would like to address the concerns about the volume of the path and the buffalo grass. He said there are two rest homes for in the area for the aged. He said the concrete path is appropriate for wheelchairs and strollers. He said he would also like to address the buffalo grass. He said buffalo grass does not hold up well under traffic and it is not the grass for a park. He also encouraged the County Commissioners to look at a consultant to look into how the County is landscaping parks, street and medians.

Valerie 2202 S. Clinton Street, said she is a new person in the neighborhood. She supports the comments of Mr. Iturreria and Mr. Warford. She said she is excited about the park and believes the concrete path is appropriate. She said understood there is concern that a concrete path would encourage more traffic from skate boarders. She said she does not believe that would be a problem with the area. She said she supports the park as presented.

Ms. Kuhn clarified that the Board of County Commissioners is considering the rezoning today and that the detail included in today's back up material may not be the end result. She said the detail would come forward and be considered with the subdivision development plan. She said staff typically provides illustrative plans in the rezoning, but the detail would be in the subdivision development plan. She further explained that the detail like the path material would be addressed in the FDP. She said Staff and the Planning Commission recommend approval of the rezoning subject to the conditions outlined in the staff report.

Commissioner Weddig said since this park would be maintained by others, he wondered if the County consulted anyone in that industry to ensure that the proposed landscaping is maintainable.

Ms. Kuhn said the County has sent it as a referral to Lynn Wodell as well as Trish Fallon. She said that Mr. Iturreria should answer any questions regarding a budget to maintain.

Commissioner Weddig said it is important to keep the maintenance costs in mind as the County goes through this process. He said the end costs per year to maintain is as important as the building costs in the beginning.

Julio Iturreria said the County has been concerned about the maintenance from the beginning. He explained because of the transition in the Open Space Program with Lynn Wodell, the County has to wait for her direction. He said the staff has been very mindful and concerned about the maintenance costs. He said the staff has had landscape architects looking at the proposal and have also considered drainage. He again displayed a graphic of the proposed park and identified an area in the center, which is referred to as "the sink." He said the County is concerned about maintenance as well as the drainage. He said the County wants to ensure there is no positive drainage that would infringe upon any of the residents that are currently around there. He said because of a history of drainage problems in the area, the issue of ground water has been discussed. He said as a result the County

would put a monitoring well on this particular site to ensure the ground water is not a problem for this site. He said this preferred plan has changed slightly because of engineering reasons.

Commissioner Myers said the County received an e-mail from Raylene Owen, who is very involved and Vice President of the Mountainview Gardens HOA, copy of which has been retained for the file. She said Ms. Owen is thankful for the park coming forward and supports using the soft trail.

The motion was made by Commissioner Zimmer to approve Case No. Z05-003, Welsh Park Rezone subject tot the following conditions:

1. The applicant agrees to make minor modifications to the plan as requested by the Public Works and Development Department prior to recordation of the mylars.
2. The applicant agreeing to address all Division of Engineering comments and concerns as identified in the engineering staff report.

Seconded by Commissioner Weddig.

Commissioner Myers stated as representative for the area, she is pleased the park is close. She hoped it would not be more than 90 days before the start of dirt being moved around. She said the purchase of the land for the purpose of a park has been very positive.

The motion passed unanimously.

COMMISISONER COMMENTS

There were no Commissioner comments.

There being no other business before the Board, the Chair adjourned the hearing at 10:18 AM.

ARAPAHOE COUNTY BOARD OF COUNTY COMMISSIONERS

**NANCY A. DOTY, CLERK TO THE BOARD
BY JENNIFER GAYER, DEPUTY**