

**MINUTES OF THE ARAPAHOE COUNTY
BOARD OF COUNTY COMMISSIONERS
September 27, 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

Commissioner Beckman said she would like to pull Consent Agenda Item 5 for discussion.

The motion was made by Commissioner Beckman and duly seconded by Commissioner Bockenfeld to adopt the Agenda with Consent Item 5 pulled for discussion.

The motion passed 5-0.

ADOPTION OF THE MINUTES

The motion was made by Commissioner Beckman and duly seconded by Commissioner Zimmer to adopt the minutes of the September 6, 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 Zimmer and duly seconded by Commissioner Weddig to approve the Consent Agenda as presented.

The motion passed 5-0.

Consent Agenda-Item 5

Commissioner Beckman said regarding Item 5, specifically the resolution regarding the acquisition of the property in Englewood, there was discussion at an earlier meeting this week that there was a Council person that was concerned that Englewood wasn't brought into this discussion early enough. She read a letter from Doug Garrett, Mayor of Englewood dated July 27th. She read, "Arapahoe County has requested that the City of Englewood become familiar with the project and that we provide assurance that your project will be welcome". Commissioner Beckman said "your project" refers to the non-profit agency. "The City Council discussed the proposal at the study session on April 18, June 20th and July 18th 2005. The consensus of the Council is to support the acquisition of Layton Gardens with the Arapahoe County Community Development Assistance."

The motion to approve Item 5 of the Consent agenda was made by Commission Beckman and duly seconded by Commissioner Weddig.

The motion passed 5-0.

GENERAL BUSINESS AGENDA

Item A – Resolution No. 050571 – Public Hearing: Board of Adjustment Fee Waiver

Assistant County Attorney Tom McNish stated that there were no posting requirements for this case.

Tammy King, Arapahoe County Zoning Administrator, said Gary May, applicant, is requesting a fee waiver of half of the fee of the Board of Adjustment. She explained that the application fee is \$450 plus \$9.00 for the posting of the sign that is required. She said this request is for an "agritainment" sign variance. She said since this is a new use the sign criteria was not changed in the Land Development Code, therefore the applicant has a need for a larger sign that what would typically be allowed on an agricultural piece of property. She said the kind of signage that is needed for "agritainment" has not been reviewed yet so staff is asking that the fee be reduced by half so the applicant can proceed.

Commissioner Bockenfeld said the letter from Mr. May asked for a full waiver of \$450.

Ms. King said staff has never supported a full fee reduction.

Commissioner Bockenfeld ask when Mr. May came in for a special review, if he would have included the request for a larger sign, would it have been probable that this would have been covered by the original fees?

Ms. King said a variance would have still been required. She said a Use by Special Review cannot exceed the zoning requirements.

Commissioner Bockenfeld said the BOCC was open minded to this project. He said if this signage was included in special review, which the applicant inadvertently left out, the applicant may have received the variance and would not have had to pay the extra fees.

Ms. King said a separate process is required.

Mr. McNish agreed.

Commissioner Bockenfeld asked if it would have been a separate process with a separate fee at that time.

Mr. McNish said yes.

Commissioner Weddig said the County is in the process of recognizing agritainment that would need larger signage. He said the variance is required and the variance requires a fee, but Mr. May is leading the way on the change to the zoning. He said future applicants wouldn't have to apply for a variance because the County could possibly adopt the allowance. He said it is appropriate to give the applicant a break. He said the variance procedure must be followed and there is a cost to do that.

Commissioner Bockenfeld asked if Mr. May would have come in under the special review and asked for the variance, would it have been proper for the County to charge him the \$450 at that time, or would have some of that been incorporated in the fee he paid for the special review?

Ms. King said a Variance and a Use by Special Review are two separate processes before two separate Boards. She said Mr. May would have been required to appear before both as the current code is written.

Commissioner Bockenfeld asked if Mr. May would have been charged \$450 and if that is the normal fee.

Ms. King said yes.

Commissioner Bockenfeld asked what the logic was behind the recommendation by staff to reduce the fee by 50%.

Ms. King explained that when drafting the agritainment uses and procedures, signage was not addressed. She said because the applicant is agriculturally zoned, the signage that is allowed is minimal: 40 square feet. She said for a use that's more retail, the 40 square feet doesn't give the applicant the needed exposure. She said staff understands Mr. May's position, but the code cannot be changed in a timely manner to address this. She said at this time the Variance procedure is the only tool.

Commissioner Bockenfeld said it is the intent of the County to change that process; a variance would not be necessary and the applicant would not have had to pay this fee if that element was in the policy today.

Ms. King said even for agritainment, the County would not allow a 150 square foot sign that was requested by the applicant. She said Mr. May's exposure to Interstate 70 is different and the sign may have required a variance anyway because of the extreme size.

The motion was made by Commissioner Bockenfeld, base on testimony received, to reduce the Board of Adjustment fee by 50% from \$459.00 to \$225.

Seconded by Commissioner Weddig.

The motion passed 5-0.

Item C – Resolution No. 050572 – Public Hearing: Families first Center, Use by Special Review (U05-001)

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

Sherman Feher said the applicant, Families First, is seeking Board approval for a Use by Special Review for an educational and counseling center located near the intersection of Yosemite and Warren Avenue.

Ray Koernig, representing the applicant, said the proposal is on the northwest corner of Warren and Yosemite is for a family education center. He explained that this would not be an intake center and there would be no youngsters there as part of the activity. He said the goal is to educate the public at large. He said any one could go there to learn about ways to prevent violence and family abuse. He said there would be a maximum of 10 people in the building at one time. He said it isn't really an office building and it is not designed to accommodate overnight stays. He said the regular activities would continue across the street. He said this would not be a facility that houses anyone. He said any Arapahoe County family that needs help or understanding about how families function can come here. He said that is why he also requested a reduction in parking spaces from 32 to 28, which is more than enough to handle up to 10 people at a given time. He said the applicant agrees with all the stipulations in the staff report, and most have already been taken care of. He presented a rendering of the proposed building; the site would be well landscaped. He said the building is residential-looking and fits well with the neighborhood. He presented a material board.

Commissioner Weddig asked, regarding the waiver of parking spaces, what if the use changes? Certain uses would be restricted in the future unless the parking lot is reconfigured. He said Family First must recognize that there cannot be a high volume of use.

Mr. Koernig said the building is not designed for high usage. He said the Use by Special Review is for this particular purpose and this particular building.

Commissioner Weddig said the building is attractive and he supports the project.

Mr. Koernig said he has problems with the parking standards because not everything fits. He said this is not an office building, but the County has no other similar building uses for comparison.

Joanne Bloom, executive director of Families First, clarified exactly what would be happening in the family center. She explained that the family support line is an information referral line that provides services statewide and is housed at Kaiser Permanente. She said that service answers about 3,000 calls per year by 2-3 people. She said that primary service would be in the new building. She said the second service is parent education classes. She said these classes are designed for any parent that is having ups and downs that come with parenting. She expects 10-12 parents at a time. She said a national parent support group is also offered and would have 8-10 parents at once and would meet weekly. She said across the street is the residential treatment center for children who have been severely abused or neglected and has a high level of clinical care. She said the new family center would provide the first response and responders to questions and concerns

Mr. Feher said staff recommends approval with conditions based on the findings contained in the staff report.

Andrew Bossman, 8885 E. Warren Avenue, resident, said this is a very nice building but it is a crisis center. He said he is trying to raise a three-year-old and he is not comfortable with this. He said there are abused and molested children now there will be a counseling service for parents. He said it will be a sad day when he has to keep an eye on his child every single second and not feel comfortable. He said the proposal could have a negative impact on property values. He said there is a new subdivision that would have 29 homes off of Iliff, and this project could possibly hurt all the landowners there. He said the center would also increase traffic, how ever minimal. He further stated that extra services from the County would be necessary, such as police and fire, which are often at the other center. He also felt that there is a security issue.

Mr. Koernig said there is no evidence that this would decrease property values. He said this is not a crisis center and there would no be children running around scaring the neighbors. He said Mr. Bossman has a trailer that is partially on our property and he has been asked to move it before construction starts.

Commissioner Weddig asked about the need for security.

Mr. Koernig said these are not people who are being hauled in by the police. He said special security is not needed and no more police or fire service would be needed more than any other building.

The motion was made by Commissioner Zimmer in case No. U05-001, the Family First Center, Use by Special Review, that the Board of County Commissioners has read the staff report and received testimony at the public hearing. The Board of County Commissioners finds itself in agreement with staff findings including all plans and attachments as set forth in the staff report dated September 14, 2005, and approve this case with the following conditions of approval:

1. The applicant must make all minor modifications to the Use by Special Review exhibit as requested by the Public Works and Development Department.
2. The applicant must address the division of engineering's comments and concerns.
3. The applicant will do a Subdivision Improvement Agreement with Arapahoe County.
4. The applicant will pay drainage basin fees or include fees within SIA.
5. The applicant will dedicate easements and ROW by separate documents.
6. The applicant will reduce the lights' lumens rating to meet Arapahoe County Lighting Regulations.

Seconded by Commissioner Beckman.

The motion passed 5-0.

Item B – Resolution No. 050573- General Business Item: Request to Waive Planning and Engineering Fees for Use-by-Special Review (Continued from September 13, 2005)

Mr. Feher said this item was presented to the Board two weeks ago. He said staff met with Community Resources to discuss possible funding options. He said there is a potential resolution.

Jim Taylor, Community Resources, said the potential of grant funds was discussed. He said before he met with Mr. Feher, he called the director of Families First and became familiar with the project. He said there was discussion regarding how CDBG funds could help. She said the director said CDBG was too complicated and there are too many restrictions on building, and he agrees. He said in the past the County has been able to give CDBG in unique situations where all the regulations on construction are triggered, such as water tap fees. He said he recommended a meeting with the director, as the application period is still open for 2006 funding. Mr. Taylor said that is moving forward and he would appear before the Board in December for review.

Commissioner Beckman asked how much the water tap fees are.

Mr. Taylor said approximately \$50,000. He said there is already a ¾ inch line on the site, so the total \$80,000 is not necessary.

Mr. Koernig for the applicant said after the discussion two weeks ago, the applicant understands the Board's position regarding waiving the fees. He said he would react the same way if he were a city council member. He said he hopes the CDBG grant is approved.

The motion to deny the waiver of planning fees and engineering fees for the Use by Special Review was made by Commissioner Beckman; duly seconded by Commissioner Weddig.

The motion passed 5-0.

COMMISISONER COMMENTS

There being no other business before the Board, the Chair adjourned the hearing at 10:11 AM.

ARAPAHOE COUNTY BOARD OF COUNTY COMMISSIONERS

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