

**MINUTES OF THE ARAPAHOE COUNTY
BOARD OF COUNTY COMMISSIONERS
NOVEMBER 22, 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

Deputy County Attorney Jack Bush explained that on October 25th, the Board pulled an item from the Consent Agenda regarding the 2006 holiday schedule in order to receive additional information. He said it is now appropriate for the Board to reconsider the holiday schedule for 2006. He said today's agenda should list the minutes from the September 27th, 2005, Public Hearing for adoption, not October 27th. The employee holiday item should be consent item 6.

Commissioner Weddig asked to have Consent Agenda Item 4 pulled for separate discussion and a vote.

The motion was made by Commissioner Beckman and duly seconded by Commissioner Zimmer to adopt the Agenda as amended with the addition of Consent Agenda Item 6 as the consideration of the 2006 Holiday Schedule, the correction to the Adoption of the Minutes to reflect September 27, 2005 instead of October 27, 2005 and removing Consent Agenda Item 4 for a separate discussion and vote.

The motion passed unanimously.

ADOPTION OF THE MINUTES

The motion was made by Commissioner Zimmer and duly seconded by Commissioner Weddig to adopt the minutes of the October 18, 2005 and September 27, 2005 Public Hearings.

The motion passed unanimously.

CEREMONIES

There were no ceremonies.

CITIZEN COMMENTS

There were no citizen comments.

CONSENT AGENDA

The motion was made by Commissioner Weddig and duly seconded by Commissioner Beckman to approve the Consent Agenda as amended with the addition of Consent Agenda Item 6 as the 2006 Holiday Schedule; Item 4 pulled for discussion and a separate vote.

The motion passed unanimously.

Consent Agenda Item 4 – Case No. C02-014, Arapahoe/Elbert County Road 50/194 Modify HUTF Annual Report to Remove Portion of County Road 50/194 within Elbert County

Commissioner Weddig asked Jim Pankonin of the Engineering Division Manager to address Item 4.

Mr. Pankonin said staff has met with Elbert County staff on several occasions. He said Arapahoe County and Elbert County have not reached an agreement regarding long-term maintenance for County Road 50 a.k.a. Elbert County Road 194. He said today, the Public Works Department is recommending that the State be notified that Arapahoe County would no longer be responsible for maintaining Elbert County's half of the road. He suggested that Arapahoe County notify Elbert County that Arapahoe County would no longer be responsible for Elbert's half of the road. He said Elbert would get revenue for that half of the road. He said this would be effective July 1, 2006. He said an inventory map is required by the State Department of Transportation, and Elbert County needs to add that half of the road to their inventory in 2006.

Commissioner Weddig wondered, regarding Arapahoe County's past obligation to maintain the entire road, if that obligation ceases or if there would be negotiations.

Mr. Pankonin said it does not make sense to maintain ½ of a road. He said the County has a similar agreement with Adams County where Arapahoe County maintains 5 miles of a road and Adams maintains 2 miles of a road. He said the problem is that Elbert County suggested that Arapahoe County cover the first 4 miles; that is where most of the traffic and problems are. He said there are also major drainage crossings that must be built and Elbert County was told that the Arapahoe County BOCC would not approve of that.

Commissioner Weddig said that is accurate, and he encouraged Mr. Pankonin to keep working with Elbert County staff. He said an equitable solution should be agreed upon.

The motion was made by Commissioner Bockenfeld and duly seconded by Commissioner Weddig to notify the State of Colorado and Elbert County that Arapahoe County will transfer the HUTF Funds for the Elbert County portion of County Road 50/194 effective July 1, 2006; and that Arapahoe County's inventory map would be changed.

GENERAL BUSINESS AGENDA

Item A – Resolution No. 050681 – Public Hearing, Case No. P05-011, Scanworks /SMI Properties Final Development Plan

County Attorney Kathryn Schroeder established jurisdiction for the Board to consider this Item.

Bill Skinner of the Planning Division presented the staff report, a copy of which has been retained for the file. He said this is a Final Development Plan for an office/warehouse building in Centennial East Corporate Center. He said this is a 2.15-acre lot; the building would be 16,000 square feet. He displayed the architectural elevation. He said the applicant has given the building nice elements. He said there are truck doors on the back, but the applicant did bring color details and banding around the building. He said there are details in the surface as well. He said there is a Parker Jordan/Dove Valley Metro District note regarding improvements on this plan, which was added to the plan some time ago. He said the improvements are included, so the applicant questioned why the note is necessary.

Ashley Byerley, Engineering staff, said a study was done in 1998 to analyze impact fees in this area. She said the District objected to the fee. She said as a result the Board adopted a standard note (see sheet 1 of the plans) relating to the construction of Broncos Parkway and Jordan. She said the original improvements have been completed, and because of that Engineering staff is asking that the note be deleted from this plan; this action would come back to the Board at a later date.

Commissioner Weddig clarified that off-site improvements have been completed and there is no need for the note.

Ms. Byerley said yes, the regional infrastructure improvements have been completed.

Commissioner Beckman wondered about the long-term impacts and maintenance.

Ms. Schroeder said it is the County's road and the County just maintains it.

Commissioner Beckman said with revenues as tight as they are, the CDOT is actually looking for ways for local governments to continue to pay for ongoing maintenance.

Commissioner Weddig said the improvements are done, but he wondered if they have been paid for?

Ms. Byerley said yes. She said staff recommends that the applicant quit claim the drainage easement prior to mylar signatures and rededicate a drainage easement adjacent to the property. She said this is a small task but it should be noted. She confirmed it is a condition of approval included in the staff report.

Mr. Skinner said the building and property are typical of what has been approved in the area. He said it is very compatible with the area. He said the only other active standing tenant in this area is FedEx, which isn't as nice as this proposal. He said staff is recommending approval.

Commissioner Beckman asked about the tree on the western side of the property.

Mr. Skinner said he isn't aware of a resolution yet. He introduced the applicant.

Kris Belter, Inner Group Architects, said there is an Xcel easement and Arapahoe County easement. Because of the utility easement, the ARC had a problem with that. He referred to FDP drawing #4, and said the landscape plan is to buffer the building from the adjacent lot. He said if the architectural control committee has any bearing on the landscaping on that side, the owner has no problem putting in the trees.

Commissioner Weddig said there are underground utilities buried 4 feet deep. He wondered what the problem is.

Mr. Belter said major trees cannot go into a utility easement. He said shrubs and flowerbeds are allowed. He said there is landscaping near the entry, but no trees. He said the root balls on shrubs only go down a couple of feet.

Mr. Skinner said staff is hesitant about allowing even ornamental trees in utility easements because there is a risk that the roots could go deep for water and interfering with utilities.

Commissioner Weddig disagreed. He said the utilities are buried 4 feet deep and the trees would not interfere.

Mr. Belter agreed, but said Xcel has a blanket statement that does not allow trees in easements. He said it is the same for water districts. He said he doesn't know if the concern is about the root depth or about having a clear working area. He described a case where the applicant wants trees every 30 feet and the utility company is not allowing it. He said to his knowledge he doesn't even know if there are utilities in the easement.

Commissioner Weddig said he would like a survey of other municipalities regarding their responses regarding this kind of issue.

Mr. Belter said he would not want a condition that would impede the process. He said there could be a request to the ARC to negotiate with Xcel to allow the trees.

Commissioner Weddig said this is a long area and it would be barren with just rock and gravel. He said the trees would not interfere with that.

Mr. Belter said the idea is to screen the building and there is a desire for taller plants. He described the elevation and said the trees adjacent to the building would be towards the middle. He said that would help screening and make the building look more like a regular office building.

Commissioner Weddig asked about the response from CenCON. He acknowledged that applicant is doing better than the neighbors.

Mr. Belter said when the drawings are submitted the color is not demonstrated. He said this building is a site-cast, tilt up concrete building and the desire is to break up the building with different colors and elements. He said there would be sand stone tile at the entrances that would be inlaid. He said a dark green canopy would compliment the rust color. He said the entrances and corners would be dressed up. He said the green tinted glass would also look nice with the green canopy.

Commissioner Weddig said some buildings in the area are not up to this standard.

Mr. Belter said this would be a nice addition to the area.

Commissioner Bockenfeld wondered if the applicant met with CenCON.

Mr. Belter said the owner met with CenCON several times when the property was purchased, and CenCON was informed about what was planned; there have been no meetings since the submittal, but there was a referral.

Mr. Skinner said when CenCON referred to the trees along the western edge of the property two other issues were brought up. The Planning Commission asked for more direction. The issue regarding the location of the trash enclosure and the issue regarding double doors at the entrances has been resolved. He said all indications are that CenCON is satisfied.

Commissioner Beckman said since the County is working with a joint planning agreement with Centennial, she stated she was surprised that there was no comment from Centennial. She asked, when the County doesn't get a response from Centennial, does County staff contact them?

Mr. Skinner said he personally calls Centennial if he believes there could be a contentious issue.

The motion was made by Commissioner Zimmer in the case of P05-011, Centennial East Corporate Center, Scanworks / SMI Properties LLC Final Development Plan, that the Arapahoe County Board of County Commissioners has read the staff report and received testimony at the public hearing. The Arapahoe County Board of County Commissioners finds itself in agreement with staff findings 1 through 3 including all plans and attachments as set forth in the staff report dated November 8, 2005 and approves this case subject to the following (4) conditions:

1. Prior to signature of the final plans, all minor modifications shall be made as required by the Arapahoe County Public Works & Development Department.
2. Prior to signature of the final plans, the applicant agrees to address the Division of Engineering's comments and concerns as identified within the engineering Staff report.
3. Prior to signature of the final plans, the applicant must dedicate all required drainage easements by separate document prior to the Board of County Commissioners hearing. The applicant must quitclaim the temporary drainage easement on the property prior to the Board of County Commissioners' hearing.
4. Prior to signature of the final plans the applicant will resolve design issues with the Centennial East Corporate Center Architectural Review Committee, and will provide written proof of this resolution to staff.
5. The note on page one of the plans regarding the off-site improvements should be removed.

Seconded by Commissioner Weddig.

The motion passed unanimously.

COMMISISONER COMMENTS

Commissioner Zimmer said this development looks like a quality development and he appreciates the applicant coming forward and doing what they have done. He said he would like to address the issue of Centennial's lack of comment as a referral agency. He asked if it is possible for the County to put forth some kind of process that when no comment is received from Centennial, where there may be issues with the joint planning agreement, that that is stated in a more forceful manner or that the County verify with Centennial that they have in fact reviewed the proposal and have no comment. He said he is not sure what the County could do but he is looking for some sort of process that says the County knows that Centennial received the referral and looked at it. If Centennial prefers to not comment at that point, that's fine, but the County should formalize the process because there have been past

problems. He said that is not something that should continue and the County should make sure Centennial knows and that Arapahoe County has some sort of acknowledgement that they did receive the referral. He said he doesn't care if Centennial comments, but there should be some sort of notification that it was received.

It was suggested that the referral document included a box that says "Received-no comment".

Mr. Skinner said that system in place now and occasionally the effort is not made to return the form when there is no comment. He respects the need to error on the side of safety and if necessary, he would put more emphasis on a response or an acknowledgement of receipt.

Commissioner Myers wished everyone a safe and relaxing Thanksgiving holiday. The County offices will be closed Thursday and Friday. There is no public hearing or study session next week.

There being no other business before the Board, the Chair adjourned the hearing at 10:05 AM.

ARAPAHOE COUNTY BOARD OF COUNTY COMMISSIONERS

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